

~~Objection, Alex~~

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**From:** ~~Sebastian Objection~~  
**Sent:** 22 November 2009 12:36  
**To:** Regen, Licensing  
**Subject:** Licencing objection

22/11/09

I am writing to object to the licence application number 830884 by Sebastians at 49-51 Norwood Road, SE24 9AA.

The objection relates to the prevention of crime and disorder, public safety and the prevention of nuisance.

This venue has been a constant source of nuisance and should have any late licence revoked rather than extended. I have on several occasions been disturbed from my sleep by patrons from this venue after its closing time through anti-social nuisance behaviour. This includes shouting and disturbances by its intoxicated patrons outside my property as well as loud music being played on car stereos, door slamming and car horns tooting from its associated large volume of vehicles which park outside my property and minicabs collecting the patrons. Sleeping over the summer months with the windows open in particular was an impossibility.

The venue has further been involved in a drive-by shooting and illegal street trading, it is anti-social nuisance and a late licence for this venue has no place in a residential area. I have in the past made complaints of this nature, including reporting of crimes, to both the police, licensing and noise control teams of Southwark and Lambeth councils. In light of all of this I am shocked that it is now in a position to seek an extension to its already ridiculously inappropriate trading hours.

Regards

~~Sebastian~~

~~49-51~~ Norwood Road  
London  
SE24 9AA

~~Blair Levey~~

**From:** Regen, Licensing  
**Sent:** 20 November 2009 16:08  
**To:** ~~Blair Levey~~  
**Subject:** FW: Licence Number: 830884 - planning objection

**From:** ~~Blair Levey~~ [mailto:~~Blair.Levey@haygroup.com~~]  
**Sent:** 20 November 2009 15:43  
**To:** Regen, Licensing  
**Cc:** ~~info@hernehillrestaurant.org.uk~~  
**Subject:** Licence Number: 830884 - planning objection

Dear Sir / Madam,

I wish to strongly object to the granting of a change of use licence for Sebastian's on Norwood Road. The owner has been operating in breach of their current licence for many months without informing the Council or applying for a new licence until they were reported by a member of the public. During this time period they have changed the frontage of the building to blacked out glass which is ugly and intimidating to look at from the outside, and played extremely loud music which is clearly audible from a distance outside the premises.

The building has no sound proofing and walking past while loud music is being played is an unpleasant experience. Herne Hill is a residential area and is already suffering a high amount of anti-social behaviour due to late licence drinking, including littering, vandalism, violence, vehicles parked illegally and noise from vehicles and people leaving venues late at night. I do not believe that Southwark would have granted the owner a licence if they had applied originally for the venue to be a club rather than a restaurant as it is a clear change of use and is out of keeping with the parade of shops on Norwood Road. I certainly feel that it would give the wrong message to future applicants and suggest that licences can be breached at will and reapplied for without any risk of being thrown out.

In particular I object the extremely late hours of opening every day of the week, and that security guards would only be in place after 10pm. I believe that having another club operating on Norwood road would have a negative impact on the ability of the other businesses on Norwood road to attract and serve the local population.

Regards

~~Blair Levey (Cherry Grove)~~

~~Blair Levey~~  
Senior Consultant

Hay Group

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m +44 (0) ~~7538 216~~

~~Blair Levey~~ ~~Blair Levey~~  
Herne Hill  
London  
SE24 9DE

~~32 Riverside Lane~~ | London | SW1X 7HG  
~~www.haygroup.com~~  
~~blair.levey@haygroup.com~~

RECEIVED

25 NOV 2009

Correspondence Address:

~~London SE24 9HA~~  
London SE24 9HA  
Tel: ~~020 7 471 1111~~  
Fax: ~~020 7 471 1111~~  
e-mail: ~~london@london.gov.uk~~

## STRADELLA AND SPRINGFIELD RESIDENTS' ASSOCIATION

COMMITTEE:

~~Chairman~~  
~~Secretary~~  
~~Treasurer~~  
~~Member~~  
~~Member~~  
~~Member~~  
~~Member~~  
~~Member~~  
~~Member~~  
~~Member~~

23 November 2009

Principal Licensing Officer  
Southwark Licensing Unit  
EH & TS  
Chaplin Centre  
Thurlow Street  
London SE17 2DG

Dear Sirs

### Ref. ABA05101 – Application for Variation of Premises Licence

This Association, which represents nearly 200 households in Stradella, Winterbrook and Burbage Roads and Half Moon Lane, SE24, wishes to make representations with regard to this application by Sebastians, 49-51 Norwood Road, SE24 9AA. These premises are within 100 metres radius of some of our members houses.

The application is for removal of the present licence condition that “intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption of such person as an ancillary to his meal.” The intention is therefore to change the premises from a restaurant to a drinks-led night club.

It is our understanding that the establishment has been operating in breach of this condition and was as a result temporarily closed by the authorities.

We note that under its licence licensable activities (sale of alcohol, music and dancing) are licensed until 4 am on each day of the week but that the opening hours are until 5.30 am on each day. We see no justification for the premises to remain open for 90 minutes after termination of these licensable activities and believe that, with this establishment's record of ignoring its licence conditions, it will continue to supply alcohol long after 4am. We urge the Licensing Sub-Committee to cut back the closing time for this night club to 4.30 am on each day of the week. Yet better, we would like to see the termination of licensable activities set well before the current 4 am, with closing time 30 minutes later,

There is little in the way of parking possibilities outside the premises and customers are therefore likely to park in local residential streets such as those where our members live. Maintaining the current closing time of 5.30 am puts our members at considerable risk of late night nuisance caused by rowdy customers leaving the premises at 5.30 to collect their cars in our streets, with attendant loud voices, slamming of car doors and the revving of engines.

There is also a risk of late night committing of crime and other anti-social behaviour. You will be aware that there was a shooting and injuring incident connected to the near-by Hypnotik Bar, a similar establishment, shortly after its opening hours were extended by a Magistrate following an appeal against a decision by the Southwark Licensing Sub-Committee.

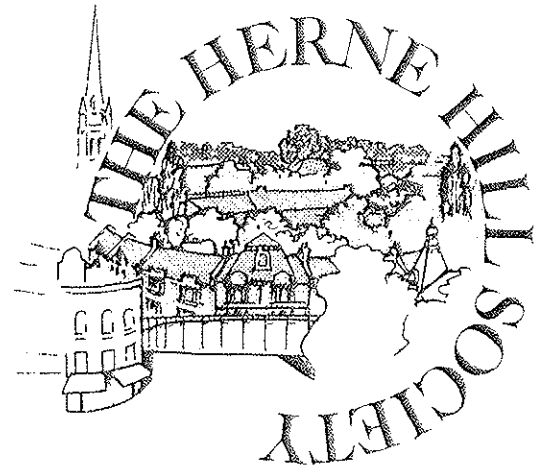
Our representations therefore have as their purpose the prevention of crime and disorder, the promotion of public safety and the prevention of nuisance.

Yours faithfully



~~Adrian Hill~~  
~~Chairman, SLD~~

RECEIVED  
24 NOV 2009



Registered with the Civic Trust

Southwark Licensing Team  
London Borough of Southwark  
Chaplin Centre  
Thurlon Street  
London  
SE17 2DG

23<sup>rd</sup> November 2009

Dear Sirs

**Sebastian's, 49-51 Norwood Road, London SE24 9AA  
Premises Variation of Conditions Licence Application No. 830884**

As the local amenity group for London SE24 and hence an interested party, i.e. "a body representing persons living in that vicinity" as defined under Section 13(3) of Licensing Act 2003, the Herne Hill Society wishes to object to this licence application on the grounds set out below.

**Background**

Herne Hill has, in recent years and on both the Lambeth and Southwark sides, increasingly become a venue for late night alcohol related activities. There are some 25 premises within a short distance of Sebastian's that are licenced for the sale of alcohol, many until late into the night. In the short stretch of Norwood Road where 'Sebastian's' is located, there are seven premises licenced for the sale of alcohol and other entertainments: Costcutters, at 31-39 Norwood Road, is licenced for the '24/7' retail sale of alcohol; Hypnotic, 75-79, Norwood Road, has a late night refreshment licence until 1.00am (Sunday to Wednesday) and 03.30am (Thursday to Saturday); Olley's Fish Experience, 65-69 Norwood Road, has a late night refreshment licence until 1.00am seven days a week; Bandidos, 21-23 Norwood Road, has a late night refreshment licence until 1.00am, seven days a week; Chicken Village, 25, Norwood Road, has a late night refreshment licence to 5.00am, seven days a week; and No. 2 Chinese Takeaway opens until 2.00am on Fridays and Saturdays.

All the above and other licenced premises in Herne Hill are located close to houses and flats. As a consequence, the quality of life and amenity of local residents has been increasingly affected.

There has been a marked rise in disturbance caused by increased parking by visitors to late-night venues. This includes greater traffic volumes, more street litter, shouting in the street, slamming car doors and revving car engines. Other activities, such as urinating in front gardens, vomiting onto the pavement and illegal trading, have also developed as a direct result of late night entertainment and the sale of alcohol.

Continued .....

The situation has reached such a state that a task force has been set up including representatives from local police, licensing officers, Councillors and local residents to try to find ways of dealing with the problem. But the fact remains that Herne Hill is an unsuitable location for the late night economy and any further expansion of that economy will merely result in an increase in the problems experienced by residents.

Unfortunately very few disturbances are reported to the relevant authorities. Reasons for this may include the possibility of identification and fear of possible consequences; and the frequently cited problems of identifying to whom complaints should be made and lack of clear information about contact details. The extent of local residents' concerns is shown in the Annex to this letter, giving extracts from recent postings on the Herne Hill Forum's website 'blog'.

### **Public Safety**

Sebastian's premises are relatively small. Observations suggest that it is only the left hand part, as viewed from Norwood Road, that will be available for music and dancing which will attract most customers. Most of them will therefore congregate in that part of the establishment. There is no emergency exit to the rear and the only exits are both in the right hand part of the premises that is used as a small bar area – it is unclear whether or not one of these exits is functioning. Even if the premises occupancy limit is set at a relatively low number, should a fire or other emergency occur in the bar area, it is difficult to see how adequate evacuation arrangements could be put in place, to ensure customer safety.

### **Crime, Disorder and Public Nuisance**

Enabling the establishment to operate as a night club rather than a restaurant will change its emphasis to one of loud music and alcohol consumption. This will have the inevitable effect of exacerbating the problems already experienced by local residents arising from noise and other disturbances created by customers having left similar premises in the area. Experience strongly suggests that, despite exhortations from club management and irrespective of how activities inside the premises are managed, rowdy customer behaviour once off the premises is beyond the manager's control. The inevitable results are the type of experiences documented in the Annex.

There is a bus stop and bus shelter immediately outside Sebastian's that is used by all night buses. People waiting at this stop will inevitably feel, whether justified or not, intimidated by noise from the premises; and possibly feel threatened by customers, some probably in a drunken or boisterous mood, entering or leaving.

The presence of the bus stop results in a significant narrowing of the pavement immediately outside Sebastian's. This means that there would be inadequate space for customers to spill out of the night club and disperse safely and without intimidating others, either other street users or people waiting for buses.

Continued .....

There have been a number of expressions of concern from local residents about noise coming from Sebastian's. A specific example is the 12<sup>th</sup> September posting in the Annex. It is surprising and disappointing that the licence conditions suggested in the application appear to include no reference to noise limitation. A similar nearby night club style establishment, Hypnotic, has a number of conditions designed to reduce noise emissions to an acceptable level. Should the Licensing Committee be minded to approve this application similar noise limiting conditions should also be applied. These conditions should include the installation of a double door entry lobby, to prevent noise egress affecting people at the bus stop and more generally.

In summary, granting this application will inevitably result in further breaches of the Licensing Act 2003 objectives. On behalf of local residents and businesses on Herne Hill, the Society strongly hopes that this application will not be granted.

Yours faithfully

The Herne Hill Society

## ANNEX

### Examples of Postings on Herne Hill Forum Web Blog

(see [hernehillforum.org.uk](http://hernehillforum.org.uk))

25 <sup>th</sup> October 2009	Woken at 4.30am by loud drunk voices, car doors slamming and loud car radios (Norwood Road resident).
20 <sup>th</sup> October 2009	Am I the only resident who is sick to death of people going to the clubs and leaving their cars parked half way over even blocking in their driveways or even worse somebody actually used our driveway in park in! (Croxted Road)
29 <sup>th</sup> September 2009	One club on Norwood Road closed following police intervention after licensing breaches were identified. Previously two warning letters sent to two clubs on Norwood Road.
20 <sup>th</sup> September 2009	I was woken at 5.23am this morning by people (shouting, banging car doors) leaving the clubs on Norwood Road.
12 <sup>th</sup> September 2009	Woken this morning at 5am by a drunken argument - people screaming on Norwood Road.
12 <sup>th</sup> September 2009	I am being kept awake by loud music coming from Sebastian's particularly on a Sunday and Tuesday night.
11 <sup>th</sup> September 2009	We can no longer stand the noise of the clubs, the drunk gangs of (mostly) girls who shriek and wind their way up past our flat at 3/4am throughout the week. (Posted by occupant of a flat on the corner of Croxted Road and Norwood Road).
11 <sup>th</sup> September 2009	As a local resident ..... the council should put a stop to these late openings in a residential area.
5 <sup>th</sup> September 2009	Its 01.30 in the morning I have rang Southwark council to complain about the noise (Norwood Road resident),
22 <sup>nd</sup> August 2009	I'm a resident of Norwood Road and over the last 2 weeks I've been woken around 4am several times by loud music, shouting, banging of car doors.



21 <sup>st</sup> August 2009	We moved into the new flats on the corner of Norwood Road/Croxted Road 18 months We are now planning to move because of the unbelievable noise on Norwood Road and the nightly madness on the section of Norwood Road between the main junction and Croxted Road.
21 <sup>st</sup> August 2009	The problem of noise and drunken behaviour seems to be growing in Herne Hill
20 <sup>th</sup> August 2009	I am a resident of Norwood Road. At 3:45am, myself and my husband heard shouting and arguing ... outside Sebastian's nightclub there were lots of people shouting and arguing. vehicles parked outside Norwood Road (particularly between Croxted and Rosendale Roads) in the early hours of the morning, which leave when the clubs close, creating a lot of noise

~~Dear Mr. [redacted] AKA,~~

From: Regen, Licensing  
 Sent: 23 November 2009 16:15  
 To: ~~[redacted]~~  
 Subject: FW: Objection to Licence extension 830884/Sebastians  
 Attachments: Minutes of 89 - 91 Norwood Road Management Co. Ltd - October 2009.docx

Objection please log

From: ~~[redacted]~~ [mailto:~~[redacted]~~] [mailto:~~[redacted]~~]  
 Sent: 23 November 2009 16:01  
 To: Regen, Licensing  
 Cc: ~~[redacted]~~  
 Subject: Objection to Licence extension 830884/Sebastians

Dear Officer,

~~[redacted]~~ and I are Directors of the Management Co Ltd of 89-91 Norwood Road, but we are also residents/leaseholders and witnesses to the disturbances described below. We have noticed a large decrease since Sebastians lost its late night license and don't want to return to the blighted summer and therefore object to the license extension.

#### Noise

A thumping bass sound, Sebastians does not have sound proofing just a plain glass front. It does not have double doors therefore the noise is 'let out' everytime someone goes in or out. The doors open straight onto the pavement, if customers want to smoke not only do they block the pavement they cause further disturbance by loud talking.

They are no parking facilities at the club, cars park both sides (single yellow lines) of the road. When customers return to their vehicles (between 4.00 - 5.00am) we were woken by doors slamming, arguing, drunken voices, beeping horns and on one occasion a gun shot.

#### Litter

We had empty bottles and chicken bones dumped in our garden as well as on the pavement outside our building.

#### Anti Social Behaviour

We had people urinate in our garden & bin area. When the club had closed people would sit in their cars and continue to drink & smoke dope with their car radios on full blast, on the road outside the building.

There was a lot of confusion on how to report these problems at the time, as the building is just in Lambeth but the club is in Southwark. So we'd call Lambeth to report the noise and they'd tell us to call Southwark and vice versa, this personally happened to me. Tenants in 2 flats moved out because of the noise as they felt no one would do anything about it. I attach the ref numbers 8004219981/8004341159 and CAD25131160809 that I had reported.

This problem was discussed at our recent AGM 29/10/2009 and as many residents don't wish to object individually it was decided to object as the Management Co Ltd of all 33 flats, please find copy of the minutes attached.

Kind regards

26/11/2009

~~XXXXXXXXXX & FXXXXXXXXXX~~

Directors

~~89-91 Norwood Road Management Company~~

Company Number: ~~02970533~~

Address: Flat ~~10~~ Norwood Road, London, SE24 9AA

Residents property management of ~~89-91~~ Norwood Road London SE24 for the sole benefit of the Lessees/Shareholders of ~~XXXXXX~~

~~89-91 Norwood Road~~ Management Company Ltd

Company No: ~~15070011~~

~~Flat 10, 89~~ Norwood Road, Herne Hill, SE24 9AA

29<sup>th</sup> October 2009

**Attending:**

~~Christina Bell & Frances Pierce - Directors~~

~~Shareholders/Leaseholders~~  
~~Shareholders/Leaseholders~~

**Apologies:**

Paddington Church Housing Association, ~~John Papp & [unclear]~~

**Minutes:**

**1. Accounts**

The Company's accounts for the year ended 31 July 2009 have been completed and will be submitted to Company House by ~~Christina Bell~~ (copies of accounts were distributed to all shareholders at the meeting)

~~Wablas Ltd~~ has refunded £2000 for electricity taken from the communal area while they finished the development.

**Expenditure:**

- EDF – £1500 pa
- Pest Control - £300 pa
- SE Controls - £400 pa (plus £800 repairs due to vandalism)
- Cleaner – attends once a week - £150 pm
- Gardener – 10 hours a month - £200 pm
- Carpet Cleaning – £800 pa (every six months)
- Insurance £5000 pa
- Accountant £1000 pa
- Sink fund £6000 pa

~~Wablas Ltd~~'s 2-year guarantee runs out Feb 2010.

Christina to get quotes for maintenance team after February.

It was agreed from 1<sup>st</sup> July 2010 there would be a 10% increase in the service charge to cover maintenance costs.

## 2. Bin Area

Issues:

- Fly Tipping
- Incorrect Recycling – the council could implement fines

Action:

- Landlords must ensure tenants know recycling rules, orange recycling bags must not be used
- Recycling bins, it was suggested to fit a lock, which automatically locks after council collection & resident use, and place a mesh over the top of the fencing, this would stop non-residents dumping rubbish.  
~~Christina~~ to get quotes.
- It was suggested that we ask the council for separate recycling bins or compartments for paper, glass etc.  
~~Christina~~ to investigate.

## 3. Vandalism

The bike sheds have been broken into on numerous occasions, some bikes have been stolen.

Originally we had a combination lock, when this became faulty it was replaced with a padlock by N.K, which was vandalised, we replaced this with a stronger combination padlock, which was again vandalised. We have now gone back to a combination lock (since end of September), which is still holding.

Solutions:

- N.K. put grating over the top of the gate, to stop people climbing over the top
- The police have suggested anti-climb paint; this will be applied in the next couple of months.  
Frances investigating.

## 4. Anti-Social Behaviour on Norwood Road

This summer there had been a lot of disturbance from the clubs in Norwood Road. It was noted that there has been a massive decrease in noise and problems since Sabastians lost its late license in October:

- Cars parked outside the building, slamming doors, loud car radio.
- Tooting horns late at night
- Parties and barbeques on the street
- Loud drunken voices & arguing in the street
- Litter, including bottles & chicken bones

As a result many residents were woken up between 4.00 am & 5.00am, a sale in the building fell through and residents moved out.

Action:

- Residents asked to report any instances on the Herne Hill Forum website and obtain a reference number from Southwark Council.
- Details of how to report disturbances put on the building notice board & facebook page
- Christina & Frances joined the Herne Hill Working Group
- Shareholders agreed to dispute any future applications for a late night license.

## **5. Gardening**

The majority of the gardener's time is spent cleaning the bin area and picking up leaves.

Solution:

- Wire mesh on the fence and plant a hedge to keep out rubbish & leaves out
- Remove birch trees which are dead and plant hedge
- Bin area as discussed.

These actions will be implicated in the next couple of months.

Estate Agent Signs, residents have complained that these are unattractive, will discuss with estate agents or have them removed completely.

Frances to action.

## **6. Car Parking**

Loading and unloading

- Is it possible to give residents tickets to allow short term parking
- Clamping Company accused of being over zealous

Frances and Christina to investigate

## **7. Roof and Structure**

Since the residents have taken over the Management Company, we have reported to Nicholas King:

- Leaking roof, each time we have heavy rain, there is a leak in the communal area. This has been reported to Nicholas King several times. They come to the building and do ineffective repairs or temporary repairs
- Peeling paint on the facade – N.K. said they are not going to deal with this.
- Snags – patchwork roof
- Boiler flues – nowhere for the acid to go, this may erode the foundations over time – N.K have ignored this.

Solution:

Organise an in depth survey of the building asap and instruct a solicitor if necessary.  
Christina and Frances to organise.

### **8. Management Company**

Christina & Frances agreed to continue to run the Management Co (unpaid) but requested help from the other shareholders especially when it was necessary to give up personal time e.g. to let in contractors to the building for maintenance ect.

Shareholders agreed

### **9. Meeting Closed**

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 25 November 2009 22:00  
**To:** Regen, Licensing  
**Subject:** Objection to application for licence for Sebastians - 830884

25th November 2009

To Whom It May Concern,

I am writing to object to the proposed application for a licence for Sebastians on Norwood Road, SE24, licence number 830884.

My reasons are as follows:

**Noise**

I have been kept awake at night on numerous occasions due to the bass sound that is coming from the club, it is quite clearly not sound- proofed. When i have finally managed to get to sleep, I have been woken by the people coming out from the club in the early hours of the morning, who think nothing of screaming and shouting outside my home.

**Anti- Social Behaviour**

People from the club have urinated outside our building, when they come out, they throw food remains (eg chicken bones) around the ground which can be dangerous, as extremely slippery plus dirty.

**Parking**

The people who frequent Sebastians park outside our building on Norwood Road, they park both sides of the road, which causes a problem for the buses who often can't pass if there are two, this had caused a traffic build up, and lots of beeping from angry drivers.  
The people who attend Sebastians think nothing of getting into their cars in the early hours of the morning and beeping to each other, which has woken me up.

August and September 2009 were particularly bad due to this noise and anti-social behaviour. People come out drunk and have little regard for residents. I suffered in particular on week nights, when I had a lot of broken sleep but still had to get up early for work.  
People in the building have moved out as a result of this.

There is also lack of space on the pavement outside Sebastians for people like myself to walk past at night, as the people attending tend to take up the pavement smoking etc.

I really hope Sebastians are not granted this licence, as it has been unbearable

Yours Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED] Norwood Road  
Herne Hill  
Se24 9AA