

Your reference:

RECEIVED

23 NOV 2009



Our reference: MD/21/1897/09

Date: 17th November 2009

The Licensing Unit  
The Chaplin Centre  
Thurlow Street  
London SE17 2DG

**Metropolitan Police Service**  
**Licensing Office**  
Walworth Police Station,  
12-28 Manor Place,  
LONDON,  
SE17 3RL

Tel: 020 -7232 - 6210 Fax6282

Dear Sir/Madam

**Sebastians 49/51 Norwood Road SE24 9AA**

I write in respect of the above premises for which I wish to make the following representations to the granting of a variation to the Premises Licence under the Licensing Act 2003.

The premises are situated on a busy thoroughfare but within close proximity of many dwellings and is wholly unsuitable to be operated as a late night venue and nightclub. Police and Local Authority Licensing have received a significant number of complaints concerning the current operation of the premises, along with other premises, which has resulted in a working party being established to address the more pressing issues and to identify solutions to the problems. The issues raised, concern an increased level of Crime & Disorder associated with all premises that operate in the night time economy, whether an actual increase or the potential for such an increase. The Licensing Act 2003 stipulates Police are charged with addressing issues in Preventing Crime & Disorder, therefore the potential for an increase in Crime & Disorder should be given the same consideration as an actual increase. Police have also received complaints re excessive noise emanating from late night venues, including Sebastian's, inconsiderate vehicle parking with noisy occupants in the early hours when the clubs close, usually around 04.00am.

I think at this stage it would be prudent to explain the operating history of the premises:

At the time of the introduction of the current 2003 Licensing Act, the premises was called "Spicy Joe's" and had a restaurant licence as issued by the Licensing Justices under the 1964 Licensing Act with all the incumbent restaurant conditions. The then owner "Grandfathered" over the existing licence to a new premises licence under the 2003 Licensing Act in an application on 28.07.05, but no application was submitted to vary the conditions on the premises licence and therefore all restaurant conditions remained in force.

A further application was submitted on 28.03.07 to transfer the existing licence to a Mr Thompson Okuku and re-name the premises Tsolo Restaurant.

An application to vary the existing premises licence was submitted on 09.07.07 by Mr Thompson Okuku. The application concerned additional hours and extra licensable activities. No application was made to change the existing restaurant licence conditions. Police submitted a representation to this application in a letter dated 12th July 2007 ( I have enclosed a copy of that letter) A number of meetings were held with Mr Thompson Okuku in order to see if a conciliated resolution could be reached, in particular Police were seeking a number of stringent licence conditions. Police wrote a further letter to the London Borough of Southwark Licensing on 05.10.07 which outlined that the applicant had agreed to that conditions sought by Police and that these were to be placed on the varied premises licence. The letter also made mention of a conciliation meeting arranged by the licensing authority with the club management and local residents, which regrettably Police were not extended an invitation to. (Copy of letter enclosed)

Sometime over the next year the premises metamorphosed from being a restaurant & Bar to a premises that is recognisable as a "Nightclub". The premises are a ground floor square open room made up of a bar, DJ booth and the rest being utilised as the dance floor. There is no provision to permit a table meal. I.E There are no tables & chairs. There is a rear kitchen, but this is non-operational and is currently being used as a furniture store room. I have visited the premises on many occasions and have never found the premises arranged as a restaurant and never found food being served, but I have found the premises to be constantly in breach of the current premises licence by supplying alcohol to customers who have not taken a full table meal, or indeed any form of food.

On 10.10.09 I met with the Mr Courtney Millanise and the club management, where I identified that the premises was operating other than in accordance with the current premises licence, in that customers were being supplied with alcohol other than as ancillary to a full table meal and I supplied him with a copy of the premises licence and a letter detailing what actions would need to be taken. (Letter attached) I also

wrote to the London Borough of Southwark Planning Department enquiring what planning permission was in force for the premises and I received a reply that the premises had A3 permission, which permitted restaurant use, but not to operate as a nightclub or late night bar. I understand that the London Borough of Southwark Planning Department is taking relevant enforcement action.

The local area is already very well served with premises that operate in the Night Time Economy and which in very recent times have experienced incidents of Crime and Disorder, including violent gun related crime. The addition of these premises operating similar hours to other premises in the close proximity would have serious implications upon the resources of Police and Public Transport as customers leave the premises and vacate the general area.

The Herne Hill area is a challenging area in terms of Crime & Disorder and Anti-Social Behaviour on both sides of the border I.E Southwark & Lambeth, which has resulted in a joint approach being adopted by all partners including Police, Local Authority and residents from both boroughs. A joint working party has been established to address the concerns of local residents and businesses and this has resulted in enhanced Police and local authority presence. However this is very resource intensive and the current level of Policing cannot be sustained indefinitely, as the augmented policing in Herne Hill obviously takes away resources from other areas.

The location and design of Sebastian's is wholly unsuitable for premises that operate as a "nightclub". The entrance for customers is restricted and opens directly onto the pavement of Norwood Road which is further restricted by a large bus stop and shelter directly outside the main entrance. The footway is too narrow at this point to permit customers to queue whilst awaiting entry on the public highway, customers waiting at the bus stop and the constant footfall of persons walking along the pavement. Such numbers of persons all wishing to use a small area for different purposes has the potential for conflict.

The premises are a very small ground floor space which accommodates around 100 customers. Police have received a significant number of complaints re noise pollution as the amplified music can easily escape from the front of the premises as the front elevation is not of the required standard that would normally be expected of a night club. I have spoken to the owner on a number of occasions re noise escape and he has addressed some of the issues by replacing small 5" Louvre windows which were located at the top of the main front window. However much more work would be required to bring the premises up to a minimal required standard. The front door of the premises would need to be re-designed to incorporate the provision for an

entrance lobby and due to very restricted internal space I cannot see how this could be achieved.

The applicant has applied for the premises licence to be varied which would permit the change of permitted use from a restaurant to a nightclub, however it is worthy of note that the required planning permission has not been applied for that would permit such a change of use. I notice that the applicant has failed to offer any additional control measures as part of the Operating Schedule and merely states in section A to E of the application form, "In accordance with the premises licence".

The current operators of Sebastian's had operated another club called "Sebastian's", located at 160 Clapham Park Road SW4. These premises had been the subject of a premises review submitted by local residents after persistent noise complaints and breaches in the way the premises were being operated.

In summary, the location and operation of a nightclub is not suited to the current building. Police and Local Authority departments have received a significant number of complaints from local residents and businesses whose quality of life is being detrimentally affected by the number of premises that operate in the night time economy in the Herne Hill area, both in Southwark and Lambeth. Police fear that the granting of this application would seriously undermine the Crime & Disorder Licensing Objectives, particularly given the fact that the current management of Sebastian's had been the subject of a previous licensing review application on the grounds of persistent noise issues and breaches in the premises licence

I respectfully submit this representation in order that it is given consideration by your Licensing Committee and would be obliged if you could acknowledge receipt.

Paul Compton PC294MD  
Licensing Officer (Southwark North)

Phone: 0207 232 6210

Mobile: 07990901483

Fax: 0207 232 6282

E-mail: [paul.compton@met.police.uk](mailto:paul.compton@met.police.uk)

Mail: Licensing Office, Walworth Police Station,  
12/28 Manor Place Walworth London  
SE17 3RL

# MEMO: Environmental Protection Team

---

<b>To</b>	Licensing	<b>Date</b>	04 November 2009	
<b>Copies</b>	David Franklin			
<b>From</b>	Alan P. Blissett	<b>Telephone</b>	020 7525 5766	<b>Fax</b> 020 7525 5768
<b>Email</b>	Alan.Blissett@southwark.gov.uk			

---

**Subject** Sebastian's 49-51 Norwood Road SE24 9AA Our ref XXXXXX

Thank you for consulting Environmental Protection on the above variation application

The application premises has operated principally as a restaurant for several years with a premises license since July 2005 facilitating live and recorded music, dancing and sale of alcohol until 0400 7 days a week, and late night refreshment until 0500 7 days a week.

Specific conditions were attached to the license to secure compliance with the licensing objectives in particular condition 135 requiring alcohol only to be supplied with table meals thereby ensuring a seated venue and restaurant style atmosphere, where live and recorded music would be generally be ancillary entertainment or a joint attraction with the consumption of substantial meal.

The premises operated in the guise without giving rise to public nuisance for the past 4 years.

Removal of condition 135 would facilitate a fundamental change to the mode of operation permitting a 'vertical drinking establishment' with recorded music - similar in style to what could be described as a nightclub. This would allow for considerably more patrons to be accommodated on the premises, potential changes in arrival and departure times, greater frequency in the opening of the entrance door giving rise to sound escape and greater likelihood for public nuisance in the wider community from people and vehicles leaving in the early hours.

The premises have been operating in this mode for a few months and given rise to disturbance to residents in Norwood Road and complaints to the Council, which have been witnessed by Environmental Enforcement officers. The applicant has responded by immediate reduction in music sounds and has subsequently undertaken works to the front windows to prevent sound escape. Although further works to contain music sounds could be required by a condition to introduce an effective entrance lobby, this would principally address music nuisance and not the overall concern of public nuisance impacts to the wider community.

The applicants have not addressed prevention of public nuisance measures in their application, which I believe is pertinent to the variation to remove condition 135.

**I therefore object to this variation**

**Alan Blissett – Principal Environmental Protection Officer**



Regeneration and neighbourhoods  
Planning & transport  
Development management  
PO Box 64529  
LONDON SE1P 5LX

Licensing Unit  
Chaplin Centre  
Thurlow Street  
London  
SE17 2DG

**Your Ref:**  
**Our Ref:** 09-CE- 02327  
**Contact:** Dennis Sangweme  
**Telephone:** 020 7525 5419  
**Fax:** 020 7084 0347  
**E-Mail:** [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)  
**Web Site:** <http://www.southwark.gov.uk>

**Date:** 12/11/2009

Dear Sir/Madam

**Premises Licensing re:**  
49-51 NORWOOD ROAD, LONDON, SE24 9AA

**Summary description:** licensing

**Date Received:** 03/11/2009

The lawful use of the premises in question is as an A3 restaurant. Development management's planning enforcement unit are currently investigating the alleged unauthorised use of the premises as a night club and consequently pursuing formal enforcement action to stop this unauthorised use as alleged.

Development management understand that an analysis for a possible saturation zone for the Herne Hill area, the location of the application site, has been mooted. Given the noise and disturbance associated with current operations at the application site, development management strongly object to a the removal of the condition on the premises licence restricting the sale of intoxicating liquor to persons taking meals at the premises as this will likely result in further disturbance and nuisance contrary to the licensing objectives.

Yours faithfully

A handwritten signature in black ink, appearing to read "Dennis Sangweme". The signature is written in a cursive, flowing style.

Dennis Sangweme

Team Manager - Planning Enforcement

RECEIVED

23 NOV 2009

Streeter Marshall  
Solicitors  
74 High Street  
Croydon CR9 2UU

London Fire and Emergency Planning  
Authority runs the London Fire Brigade

Date 20 November 2009  
Our Ref 91/11637  
Your Ref TCM/SEB/Millanaise

Dear Sir/Madam

### LICENSING ACT 2003

**Premises: Sebastians 49-51 Norwood Road London SE24 9AA**

With reference to the application dated 30 October 2009 the Fire Authority, **does not propose to make any representation** to the Licensing Authority, provided that the premises are constructed and managed in accordance with the information supplied with your application.

This letter is without prejudice to the powers of the licensing authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation. It is also without prejudice to any requirements or recommendations that may be made by this Authority under the Regulatory Reform (Fire Safety) Order 2005 or the Petroleum (Consolidation) Act 1928.. All alterations should comply with the appropriate provisions of the current Building Regulations.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,



**for Assistant Commissioner (Fire Safety Regulation)**

Fire and Community Safety Directorate  
firesafetyregulationSE@london-fire.gov.uk

cc.: Licensing Authority

Reply to Cliff Poke  
Direct T 020 8555 1200 x67994  
Direct F 020 8536 5924