



**Streeter  
Marshall**  
SOLICITORS  
& NOTARIES

Our Ref: TCM/SEB/Millanaise  
Your Ref:

RECEIVED

26 NOV 2009

Mr Swaby  
Licensing Officer  
Licensing Unit  
Southwark Council  
The Chaplin Centre  
Thurlow Street  
London SE17 2DG

25 November, 2009

Also by Fax: 020 7525 5705

---

74 High Street,  
Croydon CR9 2UU

T: 020 8680 2638

F: 020 8688 4105

DX: 2623 Croydon

---

Dear Sir

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

We enclose a copy of our letter of today's date to the Metropolitan Police Service Licensing Office.

Yours faithfully

**STREETER MARSHALL**

**Partners:**

David G. Moore  
Timothy C. Moore  
Jonathan J. Moore  
Richard T. Fielding  
John S. Cooper  
Inderjit S. Dosanjh  
Andrew R. Pickering  
Gordon R. Hopkins  
Mark B. Smeed  
Tim Farrington

**Associate:**

Charlotte Howes

**Consultants:**

Lord Bowness CBE., DL.  
Notary Public  
Greg Pearce

**Assistant Solicitors:**

Darren Adams  
Siân Haxton  
Richard Curran  
Sophie Gilbert  
Peter Russell  
Tim Mendes da Costa  
Pieter Boodt  
Matthew Jenkins

**Partnership Secretary:**  
Freda E. Lamb

---

**Incorporating:**

E. L. Murphy & Co.  
Percy Holt  
Weightman Sadler

---

Enc

**Offices also at:**  
Purley  
Waringham

---

Regulated by the  
Solicitors Regulation  
Authority

---

[www.streetermarshall.com](http://www.streetermarshall.com)

Our Ref: TCM/SEB/Millanaise  
Your Ref: MD/21/1897/09

Metropolitan Police Service  
Licensing Office  
Walworth Police Station  
12-28 Manor Place  
London SE17 3RL

25 November, 2009

Also by Fax: 020 7232 6282

Dear Sirs

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

Thank you for letting us have a copy of your representation to the Licensing Unit in connection with the above premises. We have since had a conciliation meeting with you, Mr Swaby the Licensing Officer, Southwark Council and Mr Alan Blissett, the Council's Principal Environmental Protection Officer.

Before dealing with our client's further proposals our client would like to make some general comments on the content of your letter.

Our client's premises are small – they comprise a double fronted unit but one with little depth especially in the bar area. Accordingly the capacity of the premises is limited. We are not dealing with premises which could have any comparison with a large city centre operation. The premises themselves are opposite a park where there are no dwellings and a fair distance away from the residential units to the south and north of it. Indeed the nearest residential accommodation to the south of the premises were business premises until they were recently converted. Our client gets the impression that the alleged objections are part of a general groundswell of residential opposition to what is happening in the area generally (you refer in your penultimate paragraph to the number of premises that operate in the night time economy in the Herne Hill area both in Southwark and Lambeth) and your representations seem to be based on an increased level of crime and disorder and excessive noise. In your representation you also refer to violent gun related crime. Our client makes the following response. As you have commented in your representation the capacity of the premises is small. Our client does not seek to attract young customers and the majority of his customers are 30 years of age or older. As you have been informed, our client has three door staff and our client operates a search policy in accordance with the condition on the existing licence. Our client instructs us that on no occasion have weapons been found on any customer seeking entrance to the premises. These factors demonstrate that there is little likelihood of our client's customers contributing to the increase of crime and disorder in the area. Further, few of our client's customers are smokers and they do



**Streeter  
Marshall**  
SOLICITORS  
& NOTARIES

---

74 High Street,  
Croydon CR9 2UU

T: 020 8680 2638  
F: 020 8688 4105  
DX: 2623 Croydon

---

Partners:  
David G. Moore  
Timothy C. Moore  
Jonathan J. Moore  
Richard T. Fielding  
John S. Cooper  
Inderjit S. Dosanjh  
Andrew R. Pickering  
Gordon R. Hopkins  
Mark B. Smeed  
Tim Farrington

Associate:  
Charlotte Howes

Consultants:  
Lord Bowness CBE., DL  
Notary Public  
Greg Pearce

Assistant Solicitors:  
Darren Adams  
Sián Haxton  
Richard Curran  
Sophie Gilbert  
Peter Russell  
Tim Mendes da Costa  
Pieter Boodt  
Matthew Jenkins

Partnership Secretary:  
Freda E. Lamb

---

Incorporating:  
E. L. Murphy & Co.  
Percy Holt  
Weightman Sadler

---

Offices also at:  
Purley  
Worthington

---

Regulated by the  
Solicitors Regulation  
Authority

---

[www.streetermarshall.com](http://www.streetermarshall.com)

not take drinks outside when they leave the premises to smoke. Our client holds private functions at the premises on a regular basis such as birthday parties and receptions for funerals and christenings. These will involve an invited audience only. At many of these functions our client provides a meal which is cooked in the kitchen [and tables are often set up for these occasions]. Moreover, as our client feels he has already demonstrated he is more than happy to work with the authorities to address the specific concerns they have and these are dealt with below in our client's further proposals for the policy schedule to the licence. The only other late night venue in the vicinity of our client's premises is Hypnotic which is also a small venue and is nearer to the residential building to the south than the applicant's premises.

Our client does find the licensing history of the premises somewhat curious. We see from your representation that the restaurant condition on the initial premises licence arose by virtue of grandfather rights following the introduction of the Licensing Act 2003. We note that Mr Okuku applied to vary the premises licence in 2007 and we suspect that it was an oversight on his part that he did not apply to remove the restaurant condition. It does seem to our client that the general tenor of the current licence and its conditions are geared to a bar use rather than a restaurant and indeed the fact that the premises then "metamorphosed" to a bar/late night venue use may have been no accident but something that Mr Okuku thought he was entitled to do following the grant of his variation application. Our client inherited the premises in that same style and the restaurant condition is now being invoked to prevent the continued use of the premises in the way that Mr Okuku had operated them.

At our meeting our client made various proposals to address your concerns and that of the Principal Environmental Protection Officer. Our client sets these out below and is prepared to have them included in his policy schedule.

1. As you have already mentioned in your representation our client has replaced the small five inch louvre windows located at the top of the main front windows and these non-opening windows will be maintained and, if damaged, reinstated with the same.
2. Our client will construct an enclosed entrance lobby with an inner door adjacent to the entrance booth and one of our client's door staff will man this area so that the outer door and inner door will not be open at the same time. Our client will submit the design and specification for this lobby to the Principal Environmental Protection Officer and to you for approval prior to constructing the same.
3. During the night opening hours our client will rope off a length of pavement approximately 2ft wide and 4ft in length starting from the entrance door and running to the south of the premises so that all customers coming in can be searched thoroughly. Our client's door staff will ensure that customers waiting to enter the premises will behave quietly. The direction of access from the south of the premises in this way will minimise the use of the area immediately adjacent to the bus stop.
4. Our client has installed a sound limiter within the amplification system on the music system and will maintain this at all times.
5. The in-house DJ will adopt the following measures:

- (a) for the last forty minutes of opening time he will reduce the music volume and for the last half hour will play slow music also
  - (b) at regular intervals during the early hours of the morning he will request customers (i) to leave the premises quietly when they go (ii) to remind customers that they are not permitted to take drinks outside (iii) not to use their mobile telephones outside unless it is absolutely necessary and in the event of such use to use them as quietly as possible (iv) encourage customers not to leave all at once
6. Our client will turn the lights up twenty minutes before closing and ensure through his door staff that departure of customers from the premises is reasonably staggered.
  7. Our client will display notices on the premises that (a) the customers are requested to leave the premises quietly and travel away from the premises quietly (b) not to use their mobile telephones outside the premises after leaving or whilst smoking unless it is essential and then only to use them as quietly as possible (c) drinks shall not be taken outside the premises.
  8. Our client will ensure that through his door staff the number of smokers permitted to leave the premises at any one time is limited to five and will ensure that whilst smokers are outside the premises they behave quietly.

We understand from our meeting that the erection of the internal lobby in a form and specification approved by the Principal Environmental Protection Officer will satisfy any concerns regarding sound emanating from the premises which he has.

We are sending a copy of this letter to the Principal Environmental Protection Officer and to the Council's Licensing Officer. This letter can also be taken as our client's response to the Environmental Protection Officer's representation.

Yours faithfully



**STREETER MARSHALL**