

# Appendix C

New Kent Road  
LONDON  
SE7

Tel: 020

Mobile:

email: [info@wabi.co.uk](mailto:info@wabi.co.uk)

The Licensing Service  
C/O Southwark Environmental Health and Trading Standards  
The Chaplin Centre  
Thurlow Street  
London  
SE17 2DG

20 January 2010

Dear Sir or Madam,

RECEIVED  
25 JAN 2010

## Proposed Extension of Licence of the WABI SHEBELE Restaurant SE1

We are Freeholders of Number 1 New Kent Road, virtually directly opposite the Wabi Shebele restaurant. Having let our property for six years we moved in July 2006.

Our bedrooms tend to be at the back of our house but my study faces the restaurant's front door.

Since 2006, our experience is that several, <5 of our nights' sleep has been interrupted by noise from the restaurant or more usually by the noise emanating from the pavement outside.

What certainly is a nuisance is the detritus of their revelry left on the pavement in the mornings. This amounts to several tens or hundreds of cigarette ends and not infrequently vomitus on the pavement. I have watched the assiduous road cleaner spending much time picking up these cigarette ends and the pigeons cleaning up the vomitus.

The prospect of further extension of the licence in the morning and into the next morning fills me with great concern. Extra hours of drinking will produce even more disinhibited drunken people all more likely to transgress normal behaviour patterns and increase the likelihood of

fight, punch-ups or worse. This could occur within the confines of the restaurant or more likely on the pavement outside.

From our personal perspective, it is unlikely that our disturbance will be other than noise in the early or even later hours but there always remains the threat that trouble on the pavement outside the restaurant could spill over into our houses.

Southwark Council is committed to improve the Elephant and Castle of which we are an easterly extension with a few of the original Georgian buildings left intact. We should hope that the Wabi Shebele should look to the future and adjust their profile rather than attempt to offer alcohol for 20 hours per day at the same time that much of government and the Royal College of Physicians are hell bent on reducing alcohol abuse because of its detrimental effects.

I strongly support the pleas by the immediate neighbours of the restaurant in their reasons for the extension to be resisted as far as is possible within the law.

Yours sincerely,

**Objection to Mustafa Arif's Application to extend licensing hours for the Wabi Shebele Resataurant at 189 New Kent Rd – Licence Number 831231**

### **Reasons for my objection**

#### **Prevention of crime and disorder & Ensuring public safety (reasons 1 & 2)**

There have been repeated breaches of this licence in terms of the hours of closing. Routinely I have heard, from my bedroom, music and singing going on past 3 am at weekends. If the licensing hours were imposed by the Council in the interests of good order and public safety then a breach of these hours can be seen as a threat to good order and public safety.

#### **Prevention of nuisance (reason 3)**

This restaurant, even with its current licensing hours, has caused a lot of nuisance because Ethiopian entertainment evidently requires very loud music. The enclosed petition, signed last year by ourselves at 185 New Kent Road and nearby neighbours, lists the nuisance we have suffered. To extend the hours, as requested, could be expected to extend the nuisance.

#### **Protection of children from harm (reason 4)**

Pupils from the local school gather in considerable numbers in the afternoon on the segment of the pavement that includes the shop at 179, our frontage and the entrance to the restaurant at 189. Present concerns with alcohol use might support the view that a drinking shop licensed by the Council for most of the day and night will be giving an awkward and inappropriate message to young people.

**Signature:**

**Date:**

*[Handwritten Signature]*  
21st January 2010

COPY sent with Objector 21/1/10

Southwark Council  
Town Hall, Peckham Road, London SE5 8UB

October 2009

Dear Sirs

Re: Nuisance caused by Noise Pollution from Wabi Shebele Restaurant at 189-191 New Kent Road  
("the Restaurant")

There has been earlier correspondence and complaints about the noise, in particular loud music, which emanates from the Restaurant at unsociable hours. Unfortunately, it is necessary to write again as despite various complaints, the nuisance continues. This time this takes the form of a letter signed by local residents who are affected.

We, the undersigned, all live near to the Restaurant. We believe that the owner of the Restaurant has wrongfully caused or permitted excessive noise to emanate from the Restaurant interfering with neighbouring residents' enjoyment of their properties. In particular:

1. Music from the Restaurant is loud and continuous. It persists on most Fridays, Saturdays, Sundays and until Monday mornings (usually 3 or 4 times per week) and regularly continues until 4 am but occasionally even later. It usually commences at about 11.00 p.m. This has been the case for the last few years as has been reported to the Council and the Licensing authority since September 2005 or earlier

2. The music is loud and causes a nuisance to nearby residents as it affects the peaceable and quiet enjoyment of residents' properties. It regularly wakes the nearby residents up at various hours in the early morning and may prohibit the possibility of a proper night's sleep. This is most unsatisfactory, particularly bearing in mind the nuisance is not always confined to weekends

3. The Restaurant's patrons are routinely noisy on the pavement outside the Restaurant near to where their cars are parked on the New Kent Road. There have been bouts of fighting, which is disturbing in the middle of the night, again constituting a nuisance

4. There have been repeated complaints to the Southwark Council 24-hour Noise Control Team - which involves having to wait up for an hour or more in the middle of the night for a representative to attend to "witness" the noise. The team now seems to have concluded that the noise is a nuisance and qualifies for action only if they can observe it after midnight and if it can be heard in the street outside the restaurant. We, the undersigned, do not understand this conclusion as the noise (i.e. the extremely loud music) that causes the nuisance is rarely heard on the pavement of the New Kent Road but is noise transmitted through the structure of the neighbouring buildings and also airborne noise behind the Restaurant - that is the space between the backs of the buildings in County Street and the New Kent Road. Please note that the owners of County Street (some way behind the Restaurant) have signed this letter and have regularly telephoned the Noise Team complaining about the nuisance.

5. When asked to control the nuisance, the Restaurant may often respond politely but in the negative, claiming that a wedding party is responsible for the noise nuisance rather than the Restaurant itself (although this music emanates from the Restaurant's sound system presumably controlled by the Restaurant rather than their patrons).

This letter is intended to bring to your attention the number of local residents affected by the nuisance caused by the Restaurant and provide particulars of some of their concerns. We urge you to take effective steps to address the problem. If, however, the Council fails to take any substantive action, we shall have to consider taking legal action.

Thank you for your attention

Copies to

Environmental Enforcement Team, The Chaplin Centre, Thurlow Street, London SE17 2DG  
Councillor Tim McNally, Councillor Mackie Sheik, Councillor Lorraine Zuleta

RECEIVED  
7 5 JAN 2010

Ground Floor + Mezzanine

Postal Address

Owner / Occupier

Contact Address

County Street, London SE1

Signature.

Date

05.10.09

Postal Address

Owner / Occupier

Contact Address

First Floor Flat, County Street, London SE1.

Signature.

Date

5<sup>th</sup> October 2009

Postal Address

Owner / Occupier

Contact Address

F.F.F., County Street, London SE1 4AD

Signature.

Date

05.10.09

Postal Address

Owner / Occupier

Contact Address

COUNTY ST. LONDON SE1

Signature.

Date

06.10.09.

Postal Address

Owner / Occupier

Contact Address

COUNTY ST LONDON SE1 4AD

Signature.

Date

16/10/09

Postal Address

Owner / Occupier

Contact Address

NEW KENT ROAD  
LONDON SE1 (GROUND FLOOR FLAT)

Signature.

Date

28/10/09

Postal Address

Owner / Occupier

Contact Address

Signature.

Date

Postal Address  
NEW KENT RD.  
LONDON SE1 4AQ

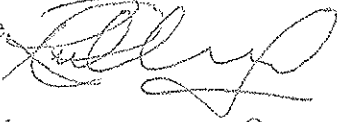
Owner / Occupier

(GROUND FLOOR FLAT)

Contact Address

@hotmail.com

Signature.



Date 3/10/09

Postal Address  
New Kent Rd

Owner / Occupier

Contact Address

@btinternet.com

Signature.

Date 14/10/09

Postal Address  
NEW KENT RD  
SE1

Owner / Occupier

Contact Address

Signature.

Date 05/10/09

Postal Address  
New Kent Rd  
SE1

Owner / Occupier

Contact Address

Signature.



Date

Postal Address  
New Kent Road

Owner / Occupier

Contact Address

Signature.



Date

06 10 09

Postal Address

Owner / Occupier

Contact Address

Signature.

Date

Postal Address

Owner / Occupier

Contact Address

Signature.

Date

County Street  
London  
SE1 4AD

26 January 2010

Southwark Licensing Team  
Chaplin Centre  
Thurlon Street  
London  
SE17 2DG

BY RECORDED DELIVERY AND BY E-MAIL: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

Dear Sir

**Licence Number 831231**

**Wabe Shebele Restaurant 189 New Kent Road ("the Restaurant")**

**Mustafa Arif ("the Applicant")**

We are writing, as interested parties, with reference to the above application for a variation to the Premises Licence at the Restaurant as lodged by the Applicant. We object to the proposed variation to the Licence.

We are the owners of the first floor flat at County Street, London, SE1 ("the Flat") is the freehold owner of County Street which includes some commercial space ("the Commercial Space"), currently rented to

is a director and shareholder of This letter opposing the application for an extension to the Premises Licence at the Restaurant is therefore made by each of the following interested parties, each of which have valid reasons for opposing the application:

- The leasehold owners of the Flat.
- The freehold owner of County Street
- The tenant of the Commercial Space at County Street:

We purchased County Street in October 2007 and have, since that date used the Flat as our only residence and the Commercial Space as the sole place of business from which operates. Since the date of purchase until approximately end of November 2009, we have, on average been awoken by music emanating from the Restaurant at least 3 or 4 times per week. The music was loud, constant and ordinarily persisted until at least 4.00 a.m. causing us a nuisance. We were regularly awoken and kept awake by the loud music such that, we often had to move out of our bedroom in the middle of the night (regularly on weekdays) and sleep in the living area to avoid the noise. The Premises Licence that was granted on 18 November 2005 was therefore regularly breached without enforcement. On occasion, we reported the noise to Southwark Council Environmental Team who we are sure

can verify this. We are therefore not confident that the harm caused by the Restaurant's activities can be appropriately controlled by the use of conditions.

Turning to the application, we believe that the application does not promote the licensing objectives set out under the Licensing Act 2003 for the following reasons:

1 **The Prevention of Crime and Disorder-** The Applicant seeks an extension to the Premises Licence to allow it to open between 9.00 a.m. and 5.30 a.m. (Monday to Saturday- 20.5 hours per day) and 9.00 a.m. and 5.00 a.m. on Sundays (some 20 hours per day). The Applicant wishes the Premises to be able to provide, inter alia, entertainment such as dance, facilities for dancing, live music and recorded music between 9.00 a.m. and 5.00 a.m. (Monday to Saturday- 20 hours per day) and 9.00 a.m. to 4.00 a.m. on Sundays (19 hours per day). The Applicant wishes the Premises to be allowed to provide late night refreshments during the same operating hours and serve alcohol from 11.00 a.m. to 5.00 a.m. (Monday to Saturday- 18 hours per day) and 11.00 a.m. to 4.00 a.m. on Sundays (17 hours per day). We believe that the proposed extension will only serve to lead to violence, so often exacerbated by excessive alcohol consumption, criminal damage and littering. We are aware that there have been previous incidents of violence, criminal damage and littering caused by patrons of the Restaurant and would only expect the frequency of such incidents to increase. We are also aware of incidents of patrons urinating and fouling in the doorways of nearby properties.

2 **Public Safety-** the Restaurant is situated on one of the main roads into London with heavy traffic at all hours of the day. People under the influence of alcohol may wander onto the road and cause an accident.

The Restaurant is situated in a built-up area, primarily residential area, adjoining a number of properties, and therefore, in the event of fire, would increase the risk to public safety as the risk cannot be confined to the Restaurant. It is worth noting, in this regard, that there is a petrol station nearby.

Similarly, people under the influence of alcohol may intimidate passers-by and neighbouring occupiers, as well as making people feel threatened. Indeed, this may make people less willing to complain about the disturbance.

We live in a dead-end street and there are already undesirable people who enter the street, so as not to be disturbed, in order to engage in criminal activities. If the licence was extended, so too would the number of undesirable people visiting our street increase, making us fear our own safety and the safety of our home and business both during the day and at night.

3 **The Prevention of Nuisance-** we have already been subjected to regular and constant noise nuisance emanating from the Restaurant. The nuisance to date has regularly interrupted our sleep (during the week as well as weekends). We do not feel comfortable going round to the Restaurant at the time of the noise (usually from approximately 12.00 a.m. to 4.30 a.m. on Fridays, Saturdays, Sundays and Mondays) (clearly in breach of the Restaurant's current licence) as we feel intimidated. We have not suffered noise nuisance since December 2009 which we presume, in part, was as a result of action taken by the Council and, in part an attempt by the Applicant to reduce the grounds for objecting to the Applicant's application. Going forward, if the licence was extended, further nuisance would be caused and would also affect Covent Garden Plants Limited's business deleteriously as the noise would be suffered by its employees



during normal working hours thereby inhibiting, their ability to work without disturbance.

- 4 **The Protection of Children from Harm-** there are a number of schools nearby and therefore, a large volume of children pass by the Premises on a daily basis. We would have thought that, if alcohol is served at the Premises for some 18 hours per day (and loud music and dance entertainment provided for some 20 hours per day), there would be an increased risk to children as it is well documented that excessive alcohol consumption can be a cause of violence. Children passing by the Restaurant on a daily basis may get caught in the cross-fire.

Additionally, children passing by the Restaurant may be tempted to enter the Premises to listen to the music, dance and buy alcohol instead of going to school.

We also believe there are children living near the Restaurant who would be disturbed by the noise emanating from the Restaurant and their sleep further compromised.

We hope that the application will be refused accordingly.

Yours sincerely



Ground Floor Flat  
New Kent Road, SE1 4AG

Signature:



Ground Floor Flat  
New Kent Road, SE1 4AG

Signature:



January 17<sup>th</sup> 2010

Applicant: Mr. M Arif  
Premises: Wabi Shebele Ltd, 189-191 New Kent Road, London SE1 4AG  
Licence Number: 831231

Objection to Mustafa Arif's proposed extension to the license for the Wabi Shebele

We object for the reasons of prevention of nuisance (reason 3), the prevention of crime and disorder (reason 1) and public safety (reason 2).

**Prevention of nuisance (reason 3)**

For several nights every week the Wabi Shebele plays loud music which renders us unable to sleep in our bedroom and we have been unable to resolve this issue through the council, despite repeated effort over the past 3 years. Our bedroom shares a party wall with the Wabi Shebele.

We have been complaining to the council regarding noise nuisance since we moved in to our ground floor flat during September 2007, and the situation for us is not much improved since then. Every weekend we have loud live and recorded music playing through our bedroom wall. Whilst we have frequently complained to the Southwark Council Noise Team, and they have issued several noise abatement orders on the Wabi Shebele, there is only so much one can do without causing hostility with one's neighbours.

There have been promises both from the Southwark Council Noise Team and the Wabi Shebele management that a music level device will be calibrated by a member of the Noise Team. This has been promised since September 2007 and as yet has not happened. On Friday, Saturday & Sunday night when the music is playing we generally have to sleep in our lounge and not in our bedroom, because the music is easily loud enough to penetrate ear plugs. Our peaceful enjoyment of a decent nights sleep is not severely compromised by this, but in fact ruined. Sleeping in our lounge is obviously not an ideal solution to our problem, both due to the constant traffic of vehicles and people on the New Kent Road, and also because during opening hours the customers of the Wabi Shebele often loiter outside our window to take a break from the club, and there is frequently lively conversation amongst them occurring outside. The only thing that makes this almost bearable is the knowledge that it is currently "only" during three nights of the week.

Lic 831 231

We have also had assurances in the past from Mr Arif, the proprietor and licence holder of the Wabi Shebele that a sound engineer will take a look at his premises to discover why our property is so affected by his establishment but as yet this has also not happened.

#### **Prevention of crime and disorder (reason 1)**

The Wabi Shebele is continually indifferent their current licence and remains open for trade on Friday nights until 3am and Saturday nights until 330am. On the evidence of these clear breaches of licence we are strongly concerned that an extension to their current opening hours will mean that they simply open and close for business whenever they please.

Up until Christmas 2009, the Wabi Shebele was open on a Friday night until 4am, Saturday night until 4am and Sunday was generally 3-4am (although we have been kept awake on a Sunday night until 5am in the past). Mr Arif has temporarily ensured that the loud music no longer happens on a Sunday night but the Friday and Saturday hours continue. These existing opening hours show blatant disregard for their current licence. We have frequently called the Noise Team out to witness and corroborate these timings.

#### **Public Safety (reason 2)**

When the Wabi Shebele is open for trade, there is frequent fighting amongst the customers on the public street, often amongst large groups, and semi constant use of our front door as a urinal. This makes our local area extremely unpleasant and intimidating throughout the weekend.

The consequences of the premises at 189 New Kent Road being open until 5am virtually every night of the week would be that we will not be able to sleep in our own bed unless something drastic is done about the sound problems. Given that this has not happened in over 3 years, we are extremely doubtful that it will in the future. We also fail to see how staying open until the early hours of the morning every night of the week is in the interest of the area, or that it will improve the environment for the local residents.

To: Richard Parkins/Head of licensing  
Southwark Council  
Fax: 7525 5705

From: The Balfour Street Community Group  
c/o [redacted] Jew Kent Road, London SE1  
Tel/Fax: 020 7 [redacted]

25.01.2010, 1 page

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Sir,

Re: Complaint against new licence/license renewal for restaurant  
Wabele Schebele, 191 New Kent Road, SE1

The Balfour Street Community Group encompasses 16 addresses (nos  
1-8 Balfour Mews, SE17 1PU and 156 to 170 New Kent Road, SE1 4YS).

We would like to object to new licence/renewal of old licence for the  
restaurant opposite us on New Kent Road called Wabele Schebele on the  
grounds of noise pollution. The new license should not be extended to  
the early morning hours such as 4.00 am... as demanded by the owner  
of the restaurant.

Yours faithfully

