



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756
Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/187/20

Date: 10th December 2020

Dear Sir/Madam

Re:- Lokma Restaurant 11 Bermondsey Square, London SE1 3UN

Police are in possession of an application from the above for a variation to their current premises licence.

The application is to remove conditions 312 and 843 of the premises licence, which restricts the operation of the premises in the outside area.

The premises are situated on the ground floor of a large residential block and has a number of residential premises in the immediate vicinity including directly above the outside area. The premises was subject to a review of the licence in 2018 submitted by a local resident where a number of control measures were added to the licence. Condition 843 was placed on the licence as a result of the hearing.

This application seeks to remove the conditions in their entirety, no replacement or additional control measures have been offered by the applicant. Any use of the outside area after 22.00hrs will cause noise and disturbance if young children are resident within the flats above the premises it will cause disturbance to sleep and this is proven to effect school work and concentration.

I object to this application in full under the protection of children from harm, the prevention of public nuisance, crime and disorder licensing objective. Removal of the conditions is likely to have a negative impact on the licensing objectives and the local residents living above the premises.

Submitted for your consideration.
Yours Sincerely

PC Graham White 2288AS
Southwark Police Licensing Unit
(m) 07880 053191

Working for a safer Southwark

MEMO: Environmental Protection Team

To Regen.Lic **Date** 11 December 2020
Copies Andrew Heron
From Ken Andrews **Telephone** 020 7525 4258 **Fax** 020 7525 5705
Email ken.andrews@southwark.gov.uk

Subject Major Variation Licence –Lokma Restaurant, 11 Bermondsey Square

EPRA has considered an application to vary the licensing conditions applied to the premises of 11 Bermondsey Square SE1 3UN. The applicants wants the following conditions to be removed:::

- 312 - That the external seating area is to be curfew at 22.00hrs. and
- 843 - The external area will be out of use by patrons between 22:00 and 07:00, with all outdoor furniture rendered unusable by 22:15 each day.

EPRA has considered the application and wish to object on the Prevention of Public Nuisance licensing objectives.

The premises known as Lokma restaurant is in proximity to several residential properties. Our record show that premises has a long history of causing noise from music and patrons using the venue.

The premises conditions were reviewed following the extent of the complaint received and the above conditions were applied to prevent the occurrences of public nuisance.

A removal of these conditions can return to the problems encountered before the review and can affect the quality of life of the nearby residential occupants.

EPRA does not have confidence in the management ability to prevent causing a public nuisance primarily because of the location of the premises in relationship to the residents. The applicant also did not give any mitigating measures that they intend to apply in order to prevent causing a nuisance

As a result, EPRA is asking the Committee not to remove the above conditions

Alternatively, based on the current issues with COVID-19, the committee may consider extending the hours and limiting the number of Patrons that can use the outside area beyond 22:00 hours.

MEMO: Licensing Unit

To Licensing Unit Date 11 December 2020
From Jayne Tear
Email jayne.tear@southwark.gov.uk

Subject Lokma Restaurant, 11 Bermondsey Street, London, SE1 3UN
– Application to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by Lokma Limited under the Licensing Act 2003, which seeks to remove the following conditions from the premises licence:

- 312 - That the external seating area is to be curfew at 22.00hrs.
- 843 - The external area will be out of use by patrons between 22:00 and 07:00, with all outdoor furniture rendered unusable by 22:15 each day.

My representation is based on the Southwark Statement of Licensing policy 2019 – 2021 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The premises is situated in a residential area and the current premises licensed hours granted already exceed that which is recommended within the licensing policy (closing times 23:00 daily).

Condition 843 which the applicant seeks to remove was added to the premises licence by the licensing sub-committee on 23 April 2018 in order to promote the licensing objectives, following a review submitted by a local resident. I attach a copy of the notice of decision from the hearing to this representation.

Following the review hearing on 29 June 2018 breaches of licensed conditions were observed by the police and a section 19 notice was served on the premises. I attach a copy of the notice to this representation.

More recently following a complaint received from a local resident, a licensing officer visited on 25 July 2020 and witnessed breaches of conditions 312 an 843 on the premises (the same conditions being sought to be removed). I attach a copy of the warning letter sent to the premises to this representation.

The statement of licensing policy recommends in section 10, (para 243 second bullet point):
'The hours of operation of any licensed external area, requiring customers to return back into the premises at a specific time. In residential areas it is suggested that a closing time no later than 22:00 is appropriate'.

This application offers no further control measures to replace the conditions being sought to be removed in order to promote the licensing objectives, or to convince the Licensing sub-committee to divert from the licensing policy.

I therefore recommend that this application is refused.

I may submit further supporting information before the hearing

Southwark's Statement of Licensing Policy 2019 – 2021 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

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

Attachments included:

Copy of notice of decision
Copy of section 19 notice
Copy of warning letter

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 23 APRIL 2018

SECTION 51 LICENSING ACT 2003: LOKMA RESTAURANT, 11 BERMONDSEY SQUARE, LONDON SE1 3UN

1. That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by a local resident for the review of the premises licence issued in respect of the premises known as Lokma Limited, 11 Bermondsey Square, London SE1 3UN, having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:
 - Remove all late night entertainment provisions from the licence for a period of three months; that is: live music, recorded music, performance of dance and facilities for making music.
 - The following further conditions have also been added to the licence:
 1. That a sound limiting device shall be installed, set and maintained by a sound engineer so that the maximum level of volume and bass of music, song or speech from licensed entertainment does not cause a public nuisance in the vicinity of the premises or within the nearest or most exposed noise sensitive premises.
 2. That all audio and musical equipment used in the premises, permitted under the Licensing Act 2003 or the Live Music Act 2012, shall be played through the installed sound limiting device.
 3. The external area will be out of use by patrons between 22:00 and 07:00, with all outdoor furniture rendered unusable by 22:15 each day.
 4. That all doors and windows will be closed after 22:00, except for the immediate access and egress of persons.
 5. That all patrons be directed to exit the premises via the doors leading onto Long Lane after 22:00.

Reasons for the decision

The reasons for this decision are as follows:

The sub-committee heard from the applicant who explained that the premises had allowed their business to be conducted in a manner, over a period of months, that had lead him to suffer to such an extent that his health had been compromised. The applicant stated that since the grant of the new licence at the premises in December 2017, he had observed excessively loud music, late night belly dancing and the premises remaining open outside of the hours set out in the licence. He further explained that any attempt to engage with the management team had not been dealt with satisfactorily.

The applicant was supported by another resident, who corroborated the observations and reiterated that bringing the matter to the sub-committee was very much a last resort, but that she found her flat to be inhabitable whilst this conduct continued. She further stated that on the occasion that she had been downstairs to speak with the management she had found them to be unhelpful at best and that the initial reduction in noise levels was reversed within approximately twenty minutes of her returning to her flat. Both the appellant and the witness had consulted with the council thereafter, to seek a resolution to the issue, but the licence holder failed to engage resulting in a number of warnings being issued.

Both the applicant and the witness were asked about the change of management and whether they felt that the change that had taken place in February 2018 had affected the noise levels. Both individuals stated that the levels had dropped, but that music could still be heard in their flats.

The sub-committee heard from the environmental protection team (EPT) who stated that two warning letters had been sent to the premises, owing to noise nuisance being observed outside of the opening hours permitted in the premises license. They were able to confirm that a further breach was witnessed by an officer resulting in an Abatement Notice of Noise Nuisance being issued on 19 February 2018. The representative acknowledged that there had been a change of management and that there had been a further complaint on 13 March 2018, but that the details had not been provided. Finally the representative confirmed that no contact had been made to request support or guidance by the premises in respect of a noise limiter or measure that could be taken to contain noise.

The sub-committee then heard from a representative for the licensed premises, who stated that there had been consistent ownership at the premises over a period of years, but went on to accept the period of noise nuisance as set out by the applicant. In response to this, the respondent had immediately served notice on the manager who had permitted the nuisances to occur.

The licence holder had then installed a sound limiter and indicated a willingness to engage with EPT to ensure that it was set at an appropriate level. In addressing concerns regarding the bass reverberation into the premises above, the representative confirmed that an expert had attended the premises and identified that a speaker on the raised glass floor may have been responsible. It was explained that this speaker has now been moved and no longer used. The sub-committee heard that a 'complete diagnostic of the sound system' had been completed, but that no report had been provided. When asked whether they had fitted extra insulation to further reduce noise travelling, they confirmed that this hadn't been done.

The representative did draw the sub-committee's attention to the fact that there was another neighbouring premises that had also allegedly caused noise nuisance. Finally the representative did set out that there had not been any complaints since the owner had taken immediate steps to remedy the issues.

In considering the submissions from all parties the sub-committee were concerned that not only had there been noise nuisance to such an extent as to warrant two warning letters and then a noise abatement notice, but also the fact that the noise nuisance was being conducted past the operating hours as set out in the licence.

The sub-committee acknowledged that the respondent had taken steps to prevent further noise nuisance, but also recognised the submissions from the applicant that the residents were still able to hear noise from the premises in their flats. The sub-committee were therefore satisfied that the measures taken thus far had not gone far enough to completely remedy the problem.

The sub-committee felt that circumstances of the noise nuisance were such, that a 3 month suspension of the late night entertainment element of the licence was a proportionate response. They wanted to ensure that the premises understood how seriously they regarded the breaches and the way the premises dealt with the residents in making their complaints.

In adding further conditions to the licence, the sub-committee felt that these would assist the premises in ensuring that no further issues should arise. The sub-committee wanted to ensure that the licence holder was clear that the responsibility to ensure compliance with these conditions lay with him and not EPT. The sub-committee finally recommended that if the conditions 1 and 2 detailed in this notice of decision were not complied with within three months, EPT should submit a review application so that the matter can be further considered by the licensing sub-committee.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3 **Appeal rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 23 April 2018

Lokma Limited
11 Bermondsey Square
London
SE1 3UN

Licensing Unit
Direct Line: 0207 525 7529

09 August 2020

Dear Lokma Limited

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(Lokma Restaurant, 11 Bermondsey Square, London, SE1 3UN)**

On 25 July 2020 at 22:20 a Licensing Enforcement Officer visited the premises.

During the visit the officer witnessed the following:

- 1. During the visit, it was witnessed that the front seating area was being occupied by 8 customers, smoking shisha at 22:20. Contrary to condition 312, that reads; “That the external seating area is to be curfew at 22.00hrs”**

- 2. During the visit, it was witnessed customers using the front seating area at 22:20 to smoke shisha. Contrary to condition 843, that reads; “The external area will be out of use by patrons between 22:00 and 07:00, with all outdoor furniture rendered unusable by 22:15 each day”**

The matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Southwark Council - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director of Environment and Leisure- Caroline Bruce

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 0207 525 7529 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Charlie Jerrom
Licensing Enforcement Officer
Charlie.jerrom@southwark.gov.uk

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 1-9-10018 Time Served: 2:22E

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice:

Signature:

Name (if applicable) and address of the affected premises:

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details).

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name _____

Signature:

Date