



AGENDA

LICENSING COMMITTEE

Date: THURSDAY, 28 OCTOBER 2021 at 7.30 pm

Via Microsoft Teams - the public are welcome to observe via the Council's website at <https://lewisham.public-i.tv/core/portal/home>

Enquiries to: Clare Weaser
Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk

MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

Councillors:

Councillor Eva Stamirowski (Chair)
Councillor Bill Brown (Vice-Chair)
Councillor Juliet Campbell
Councillor Colin Elliott
Councillor Alan Hall
Councillor Coral Howard
Councillor Caroline Kalu
Councillor Samantha Latouche
Councillor Susan Wise

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 20 October 2021



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

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Licensing Committee

Minutes

Date: 28 October 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to consider the Minutes of the meetings of the Licensing Committee, held on 14 September 2021.

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 14 September 2021 be confirmed and signed.

Agenda Item 2



Licensing Committee

Declarations of Interest

Date: 28 October 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to declare any personal interest they have in any item on the agenda.

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

2.1. Members are asked to declare any personal interest they have in any item on the agenda.

3. Disclosable pecuniary interests

3.1 These are defined by regulation as:

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
 - (a) that body to the member’s knowledge has a place of business or land in the borough; and
 - (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

4. Other registerable interests

4.1 The Lewisham Member Code of Conduct requires members also to register the following interests:

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

5. Non registerable interests

- 5.1. Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph 6.3 below applies.
- 6.3. Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 6.4. If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- 6.5. Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

7. Sensitive information

- 7.1. There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

8. Exempt categories

- 8.1. There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-
- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
 - (b) School meals, school transport and travelling expenses; if you are a parent or

guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor

- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception).

Agenda Item 3

LICENSING COMMITTEE		
Report Title	Suya and Lobster, 4 Deptford Broadway, SE8 4PA	
Key Decision	No	Item No. 3
Ward	New Cross	
Contributors	Community Services – Licensing Authority Head of Law	
Class	Part 1	Date: 28.October 2021

Proposal: **New application for a Premises Licence**

Legislation: **Licensing Act 2003**

Premises: **Suya and Lobster, 4 Deptford Broadway SE8 4PA**

Applicants: **Suya and Lobster Ltd**

This is an application for a new premises licence

1. Current Licence Status

The premises are currently not licensed.

2. Application

2.1 The application is for the following activities and times:

Alcohol for consumption ON the premises

08:00 – 00:00 Monday – Wednesday

08:00 – 01:00 Thursday

08.00 – 03.00 Friday – Sunday

Recorded & live Music, Late Night Refreshment

23:00 – 00:00 Monday – Wednesday

23:00 – 01.00 Thursday

23.00 – 03.00 Friday – Sunday

2.2 The application for a new premises licence was sent to all the Responsible Authorities and one representation was received from the Crime Enforcement and Regulation Service on the grounds of Prevention of Public Nuisance

2.3 Representations were received from two residents within close proximity to the premises primarily on the grounds of prevention of Public Nuisance.

2.4 The representations received have been examined by officers and are not considered to be vexatious or frivolous. These representation was received within the specified time.

2.5 The application for the new premises licence has been advertised in accordance with regulation 25, an advert in a local newspaper and a notice prominently displayed at the premises for a period of 28 consecutive days. The last date for receiving representations was the 5th October 2021

3. Outline of objections received

3.1 The residents have objected primarily on the grounds of Prevention of Public Nuisance. They are mainly concerned about potential noise from the venue.

4. Legal & Human Rights Implications

4.1 The licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.

4.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

5. Equalities Implications

5.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

5.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

- 5.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Committee, bearing in mind the issues of relevance and proportionality. The Committee must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 5.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 5.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
 - [Meeting the equality duty in policy and decision-making](#)
 - [Engagement and the equality duty: A guide for public authorities](#)
 - [Objectives and the equality duty. A guide for public authorities](#)
 - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 5.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

6. Application for the New Premises Licence

- 6.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. The licensing committee may:
- 1.) Grant the new premises licence as applied for,
 - 2.) Grant the licence subject to conditions modified to such extent as the authority considers appropriate for the promotion of the licensing objectives

- 3.) Exclude from the scope of the licence any of the licensable activities to which the application relates;
- 4.) Refuse to specify a person in the licence as the designated premises supervisor;
- 5.) Refuse to grant the application.

6.2 An appeal may be made against the decision to the Magistrates Court within 21 days.

Background Papers

Short Title of Document

Date

Application

8.9.21

Evidence / documents

As dated

Should you require any further information on this report please contact Lisa Spall Licensing Authority manager on 020 8314 8390.



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. Your right to work in the UK will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with the below guidance. (See page 14)

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Suya and Lobster Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Name and Postal address of premises or, if none, ordnance survey map reference or description Suya and Lobster, 4 deptford broadway,			
Post town	deptford	Postcode	se8 4pa

Telephone number at premises (if any)	02086926478
Non-domestic rateable value of premises	£ 14,250.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as:

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- g.1 a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (Required)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (Required)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Suya and Lobster Ltd
Address 4 deptford broadway, deptford, london, se8 4pa
Registered number (where applicable) 12044911
Description of applicant (for example, partnership, company, unincorporated association etc.) limited company
Telephone number (if any) [REDACTED]
E-mail address (Required) suyaandlobster@hotmail.com

PART 3 – OPERATING SCHEDULE

When do you want the premises licence to start?

DD	MM	YYYY
2	2	0 6 2 0 2 1

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 Seafood grill and restaurant/

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- | | |
|--|----------------------------|
| Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) <input checked="" type="checkbox"/> live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) <input checked="" type="checkbox"/> recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Provision of late night refreshment (if ticking yes, fill in box I) | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Supply of alcohol (if ticking yes, fill in box J) | <input type="checkbox"/> |

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	✓ <input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Occasionally we will be showcasing traditional plays which could be anytime during the standard days and timings noted here.			
Mon	0 08:0	0 00:0				
Tue	0 08:0	0 00:0	State any seasonal variations for performing plays (please read guidance note 5)			
Wed	0 08:0	0 00:0				
Thur	0 08:0	0 00:0	Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)			
Fri	0 08:0	0 00:0				
Sat	0 08:0	0 00:0				
Sun	0 08:0	0 00:0				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	✓ <input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) we will occasionally hold traditional film screenings which could be at anytime during the standard days and timings noted.			
Mon	0 08:0	0 00:00				
Tue	0 08:0	0 00:00	State any seasonal variations for the exhibition of films (please read guidance note 5)			
Wed	0 08:0	0 00:00				
Thur	0 08:0	0 00:00	Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)			
Fri	0 08:0	0 00:00				

Sat	08:00	00:00	
Sun	08:00	00:00	

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non- standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Fri				

			<u>Non- standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) we do not provide live music daily and we do not expect to, however it can happen during anytime while we are open so we have put the times that it may occur on any day.		
Mon	12:0 0	00:0 0			
Tue	12:0 0	00:0 0			
		v			
Wed	12:0 0	00:0 0			
Thur	12:0 0	01:0 0			
Fri	12:0 0	01:0 0			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
			<u>Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	12:0 0	01:0 0			
Sun	12:0 0	01:0 0			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) background music will be played during the day and night		
Mon	08:0 0	00:0 0			
Tue	08:0 0	00:0 0			
Wed	08:0 0	00:0 0			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		

Thur	08:00	00:00	Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)
	0	0	
Fri	08:00	03:00	
	0	0	
Sat	08:00	03:00	
	0	0	
Sun	12:00	03:00	
	0	0	

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input checked="" type="checkbox"/> <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Occasionally we will showcase performances of dance which could be anytime between the standard days and timings noted here.	
Mon	08:00	00:00		
	0	0		
Tue	08:00	00:00		
	0	0		
Wed	08:00	00:00		
Thur	08:00	00:00		
	0	0		
Fri	08:00	00:00	Non- standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)	
	0	0		
Sat	08:00	00:00		
	0	0		
Sun	08:00	00:00		
	0	0		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>

Tue			Please give further details here (please read guidance note 4)
Wed			
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)
Fri			
Sat			Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)
Sun			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>	
				Outdoors	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 4) Whilst we do not intend on providing late night refreshments everyday, we would need to on the weekends and there may be days that we would need to provide late night refreshments during the opening times mentioned on the week days.			
Mon	23:00	03:00				
Tue	23:00	03:00				
Wed	23:00	03:00				State any seasonal variations for the provision of late night refreshment (please read guidance note 5)
Thur	23:00	00:00				
Fri	23:00	03:00				Non- standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)
Sat	23:00	03:00				
Sun	23:00	03:00				

Supply of alcohol Standard days and timings (please read guidance note 7)		Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
			Off the premises	<input type="checkbox"/>

Day	Start	Finish		Both	<input type="checkbox"/>
Mon	11:00	00:00	<p>State any seasonal variations for the supply of alcohol (please read guidance note 5)</p> <p>Non- standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)</p>		
	0	0			
Tue	11:00	00:00			
	0	0			
Wed	11:00	00:00			
	0	0			
Thur	11:00	00:00			
	0	0			
Fri	11:00	03:00			
	0	0			
Sat	11:00	03:00			
	0	0			
Sun	11:00	03:00			
	0	0			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Gloria Iwelu	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) 864080	
Issuing licensing authority (if known) southwark	

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</p> <p>n/a</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	00:00	Non- standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	
Fri	08:00	03:00	
Sat	08:00	03:00	
Sun	08:00	03:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

To promote all four licencing objectives we will keep:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

A) no selling of alcohol to underage people
 B) no drunk and disorderly behaviour on the premises area
 C) vigilance in preventing the use and sale of illegal drugs at the retail area
 D) no violent and anti-social behaviour
 E) no harm to children

- Operating schedule providing the hours of operation and licensable activities during those hours
- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the licensing act (training record), to make or authorise each sale.
- Clear “Challenge 25” information to prevent the supply of alcohol to under-age drinkers.
- CCTV system installed with recording option available
- Roller metal exterior shutters fixed to the entrance and internal metal window shutters fixed on shop front to ensure that the shop front is safe and secure at all times

As a licenced premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

- The prevention of crime and disorder CCTV systems installed to monitor entrances, exits and other parts of the premises in order to address the prevention of crime objective.
- A clear and legible notice outside the premise indicating the normal hours under the terms of the premises licence during which licensable activities are permitted
- Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed
- Not selling alcohol to drunk or intoxicated customers
- Custom will not be sought by means of personal solicitation outside or within the vicinity of the premises
- Prevention and vigilance in illegal drug use at the retail unit area
- Staff will be well trained in asking customers to use premises in an orderly and respectful manner and we will have a robust glass collecting policy where staff continuously collect glassware to prevent glass being removed from the premises.²

c) Public safety

- Internal and external lighting fixed to promote the public safety objective
- Well trained staff adherence to environmental health requirements
- Training and implementation of underage ID checks
- A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made;

Those required to be made by statute, and information complied to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the licensing act 2003 or associated legislation

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

- Noise reduction measures to address the public nuisance objective.
- Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly
- Deliveries of goods necessary for the operation of the business will be carried out at such time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- The licensee will ensure that staff who arrive early morning or depart late at night (ex. For unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
- Customers will be asked not to stand around loudly talking in the street outside the premises
- Customers will not be admitted to the premises above opening hours
- The movement of bins and rubbish outside the premises will be kept to a minimum after 23:00pm. This will help to reduce the levels of noise produced by the premises. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
- Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

- "Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.
- Well trained staff about requirement for persons' identification, age establishment etc.
- All the details provided in the training record book available at the retail unit.
- Log book will be kept upon the premises all the time.
- We will carry out nothing below existing health and safety requirements. Section 22 of 22

Checklist:

Please tick to indicate agreement

- I have provided a daytime telephone number in order to make payment over the phone by debit or credit card.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature & Print Name	 Ganiyu Olaoye
Date	19/07/2021
Capacity	Company Director

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature & Print Name	
Date	
Capacity	

Signature & Print Name	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
Your e-mail address (Required)			

Notes for Guidance – New Premises Licence Applications

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
- **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Objection 1

Sent: 14 September 2021 09:33

To: Licensing

Subject: Licence application 4 Deptford Broadway - "Suya & Lobster" - Objection to application

Dear Lewisham Licensing,

New application made updating original made 4th August 2021.

I want to object on behalf of myself, my partner and newborn child to the recent license application made by "Suya and Lobster", 4 Deptford Broadway, London, SE8 4PA. In particular we want to strongly object to parts that are for loud music "live music", "recorded music" on the grounds of prevention of public nuisance with evidence that the venue has demonstrated a lack of soundproofing and also consideration of noise nuisance to the local neighbours in a recent event held at the venue.

On Sunday 29th August, the venue held a late night party until 5am. We are not sure if they had a licence for the event (maybe a "TEN"), or whether they used the "Afab Star Restaurant" license at the same address to host this party. However, they played very loud music until 5am and did not ensure that external doors were sealed and closed to avoid noise escaping from the venue. The attached photo shows that they had a side door permanently open as an entrance and exit. This allowed their music to be heard as noise nuisance along Deptford Broadway, Tanners Hill and in the dwellings behind the houses in Tanners Hill, causing considerable nuisance to all those neighbours trying to sleep peacefully.

This act of blatant disregard for the neighbours, was a breach of the Nightclub Noise Regulations, and even before the venue has its permanent license. Therefore until they install adequate noise insulation and install a double door system to prevent noise escaping from the venue, Lewisham should not grant their full license. If they do, they are agreeing and authorising a permanent noise nuisance and misery for the local residents. This granting of the license would also be negligent of Lewisham, and without a site visit and testing of the noise pollution to justify their decision by opening to themselves up to being sued for damages by local neighbourhood group.

The noise did stop promptly at 5am.

According to the Lewisham Council current applications document, their application ask for

"Alcohol for consumption ON the premises

08:00 – 00:00 Monday – Wednesday

08:00 – 01:00 Thursday

08.00 – 03.00 Friday – Sunday "

plus

"Recorded & live Music, Late Night Refreshment

23:00 – 00:00 Monday – Wednesday

23:00 – 01.00 Thursday

23.00 – 03.00 Friday – Sunday "

We are not objecting to their license to sell liquor, as long as they can control their clients when they leave the premises and maintain crime and disorder (I was told, and I have not tried to substantiate their viewing of Police being called to a fight that occurred on the night of the 29th August, so the premise may not be able to prevent disorder). However, we strongly object to the "Recorded & live Music" part of the application on the grounds of prevention of public nuisance. From their most recent late night opening, the premises is not adequately soundproofed, there is no policy for noise prevention to neighbouring properties and there is no doorway soundproofing (ie a double door system). The noise level on Sunday 29th August 2021 was serve and until they prevent the disturbance, the licence should be rejected to prevent misery for the residential neighbours.

Kind regards

Objection 2

Good afternoon,

I have found a leaflet from a neighbour about a noise nuisance from Suya & Lobster which says that they are applying for a 3 am licence.

I object to that. I live on a first floor [REDACTED] and I am glad when the music stops at midnight.

I have the windows to the street, I can hear everything, shouting, arguments, loud music.

All the noise and music has to stop at midnight.

Please consider my comment/complaint before you make your decision.

Thanks for understanding.

Kind regards,



LICENSING TEAM
9 Holbeach Road
London
SE6 4TW

Crime Enforcement and Regulation
Service
9 Holbeach Road
Catford
London SE6 4TW

Direct line: 0208 314 7237
Email: cer@lewisham.gov.uk

Date 5th October 2021
Our ref WK/202114475

Dear Licensing Team,

**RE: Objection to Premises Licence Application – Suya and Lobster –
4 Deptford Broadway, London, SE8 4PA.**

On behalf of the Crime, Enforcement and Regulation Service acting as the Licensing Authority, I am writing to object to the application for a Premises Licence made by Suya and Lobster Ltd for the aforementioned premises on the grounds of Public Nuisance.

Prior to the applicant submitting a valid application, they were advised on the 15th June 2021 of the Licensing Authority's latest policy on preferred opening hours and was provide with a copy with a view that the applicant would amend their application accordingly.

The applicant has applied for the following activities:

Alcohol for consumption ON the premises

08:00 – 00:00 Monday – Wednesday
08:00 – 01:00 Thursday
08.00 – 03.00 Friday – Sunday

Recorded & live Music, Late Night Refreshment

23:00 – 00:00 Monday – Wednesday
23:00 – 01.00 Thursday
23.00 – 03.00 Friday – Sunday

The premises is situated within an area classed as a district hub; as such it is the Licensing Authority's view that cessation of licensable activities within bars, pubs and restaurants in such a location should be midnight Sunday – Thursday and 01:00 Friday and Saturday.

For the purpose of clarity I refer to the Lewisham Council's Statement of Licensing Policy 2020 – 2025 points 15.4 – 15.7.

It is our concern that the proposed activity on Friday – Sunday would result in the following issues:

- Noise nuisance upon dispersal of patrons at closing time
- Noise nuisance from use of outside seating and smoking areas
- Some risk of drunkenness and related crime/anti-social behaviour

In addition to this, the CER Service are in receipt of a noise complaint from a local resident about the premises. The complainant reported loud music coming from the premises until 5am during a time they were operating under a Temporary Events Notice. It was also reported that the premises had kept a side door open while amplified music was being provided further exacerbating the reported nuisance.

It is the concern of this Service that should the application be granted in the current form, the premises would impact negatively on the local community and generate more noise reports.

The Crime, Enforcement & Regulation Service therefore makes the following recommendations to the application;

Alcohol for consumption ON the premises

08:00 – 00:00 Sunday – Thursday

08:00 – 01:00 Friday - Saturday

Recorded & live Music, Late Night Refreshment

23:00 – 00:00 Sunday – Thursday

23:00 – 01.00 Friday – Saturday

We would also like to see the addition of the following condition:

1. All sales or supply of alcohol at the premises between the hours of 8am and 12pm shall only be to a person(s) seated, taking a table meal there and for consumption by such a person as ancillary to their meal.

The CER Service is of the view that the above recommendations are proportionate and in line with our Statement of Licensing to mitigate any potential nuisance on the local community and to promote key licensing objectives.

The addition of the extra condition will assist the premises in preventing patrons quickly becoming intoxicated and alleviating any potential issues.

Should you require further information, please let me know.

Kind regards

Lisa Spall
Crime, Enforcement & Regulation Team Manager

LICENSING COMMITTEE

Report Title	Tropical Juice Unit 5 La Placita Mall 149 New Cross Road SE14 5DJ	
Key Decision	No	Item No. 4
Ward	New Cross	
Contributors	Community Services – Licensing Authority Head of Law	
Class	Part 1	Date: 28.10.21

Proposal: Premises Licence Full Variation Application

Legislation: Licensing Act 2003

Premises: Tropical Juice Unit 5 La Placita Mall 149 New Cross Road SE14 5DJ

Applicants: Juan Francisco Chicaiza Erazo

This is an application for a Variation of the Premises Licence

1. Current Licence Status

The premises are currently licensed for the following activities:

- Alcohol ON & OFF
- 11:00 – 22:00 Monday
- 11:00 – 22:00 Tuesday
- 11:00 – 22:00 Wednesday
- 11:00 – 22:00 Thursday
- 11:00 – 23:00 Friday
- 11:00 – 23:00 Saturday
- 11:00 – 22:00 Sunday

Non - Standard timings

Brazilian Carnival – Second Saturday & Sunday of every February – 11:00 to 00:00

2. Particulars of Application Applied for

To extend Alcohol sales ON & OFF as follows:

- 22:00 – 23:00 Monday
- 22:00 – 23:00 Tuesday
- 22:00 – 23:00 Wednesday
- 22:00 – 02:30 Thursday
- 23:00 – 02:30 Friday

23:00 – 02:30 Saturday
22:00 – 02:30 Sunday

To Add Regulated Entertainment: Recorded Music
23:00 – 00:00 Monday – Wednesday
23:00 – 02:30 Friday & Saturday

To extend Opening hours as follows:
22:30 – 23:30 Monday – Wednesday
22:30 – 03.00 Thursday – Sunday

3. Outline of representations received

- 3.1 The application for the variation of the premises licence was received on 8th September 2021 and was sent to all the Responsible Authorities.
- 3.2 There were 2 representations from responsible authorities.
- 3.3 The representations received from interested parties, have been examined by Officers and are considered not to be vexatious or frivolous. These representations were all received within the specified time.
- 3.4 The application for the variation of the premises licence has been advertised in accordance with Regulation 25; an advert in a local newspaper and notices prominently displayed at the premises or/ on the perimeter of the premises every 50 metres for a period of 28 consecutive days. The last date for receiving representations was the 5th October 2021.
- 3.5 The objections to the application are on grounds of Prevention of Crime and Disorder and Prevention of Public Nuisance and Public Safety due to concerns around Lack of control and management of the venue and the management of their existing licence.

4. Legal & Human Rights Implications

- 4.1 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 4.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

5. **Equalities Implications**

- 5.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 5.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 5.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Committee, bearing in mind the issues of relevance and proportionality. The Committee must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 5.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 5.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
 - [Meeting the equality duty in policy and decision-making](#)
 - [Engagement and the equality duty: A guide for public authorities](#)
 - [Objectives and the equality duty. A guide for public authorities](#)

- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

5.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

6. Application for the Variation of a Premises Licence

- 6.1 The steps available to the Licensing Authority:
 (a) to modify the conditions of the licence;
 (b) to reject the whole or part of the application.
- 6.2 An appeal may be made against the decision to the Magistrates Court within 21 days.

Background Papers

<u>Short Title of Document</u>	<u>Date</u>	<u>Appendix</u>
Application for Variation	08.09.21	
Representations	As dated in attached documents	
Agreed conditions	N/A	

Should you require any further information on this report please contact Lisa Spall, Licensing Authority Manager on 02083148390.

Premises licence number

PL 1247

Premises name

TROPICAL JUICE

Part 1- Premises details**Postal address of premises, or if none, ordnance survey map reference or description**Unit 5
La Placita Mall
149 New Cross Road**Post town** London**Post code** SE14 5DJ**Telephone number****Premises licence holder name**

Juan Chicaiza

Directorate for Community Services
Crime, Enforcement & Regulation Service
Licensing Authority
Holbeach Office
9 Holbeach Road
London
SE6 4TWProper Officer for Licensing
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of Alcohol

For consumption On & Off the premises

The times the licence authorises the carrying out of licensable activities

Alcohol

11:00 – 22:00 Monday

11:00 – 22:00 Tuesday

11:00 – 22:00 Wednesday

11:00 – 22:00 Thursday

11:00 – 23:00 Friday

11:00 – 23:00 Saturday

11:00 – 22:00 Sunday

Non - Standard timings

Brazillian Carnival – Second Saturday & Sunday of every February – 11:00 to 00:00

The opening hours of the premises

09:00 – 22:30 Monday

09:00 – 22:30 Tuesday

09:00 – 22:30 Wednesday

09:00 – 22:30 Thursday

09:00 – 23:30 Friday

09:00 – 23:30 Saturday

09:00 – 22:30 Sunday

Non –standard timings

Brazillian Carnival – Second Saturday & Sunday of every February – 11:00 to 00:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On & Off

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Juan Chicaiza
101 Joyce Green Lane
Dartford
DA1 5HU

j.c.e.juan@hotmail.com

Tel :07852506103

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Annex 1- Mandatory conditions

Mandatory conditions are in accordance as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014 or as may be amended from time to time.

No supply of alcohol may be made under the Premises Licence.

(a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

(b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

(a) a holographic mark or

(b) an ultraviolet feature.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

(a) "Duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "Permitted price" is the price found by applying the formula

$$P = D + (DXV)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "Relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “Value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph **(b)** of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph **(2)** applies where the permitted price given by Paragraph **(b)** of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) Drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The responsible person must ensure that-

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures.

(i) beer or cider: ½ pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

Patrons permitted to temporarily leave and then re-enter the premises (including the smoking area) e.g. to smoke, shall not be permitted to take open drinks or containers with them unless using tables and chairs outside under a valid forecourt license.

The outside area must be closed by 2200hrs.

A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving license or passport / Holographical marked PASS scheme identification cards) appropriate signage must be displayed.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) All crimes reported to the venue.
- (b) All ejections of patrons.
- (c) Any complaints received.
- (d) Any incidents of disorder.
- (e) Any faults in the CCTV system.
- (f) Any refusal of the sale of alcohol.
- (g) Any visit by a relevant authority or emergency service.

All staff to undergo Licensing training which will be documented and provided to police / licensing authority on request. This training is to be refreshed every

12 months. All new staff must undergo this training before being allowed to sell alcohol.

The premises license holder shall ensure all persons who work on the premises have provided satisfactory proof of identification and the right to work in the UK.

All documents of members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.

As soon as possible, and in any event within 1 month from the grant of this license, the premises shall join The Safer Business Network Ltd approved by the police, and local radio scheme if available. This condition may be shared with other businesses within La Placita Mall.

The DPS shall ensure that all employed delivery staff shall receive regular training, a minimum of once a year on the prevention of underage sales and on Challenge 25 scheme. The DPS shall also ensure that all delivery agents that are used have also been trained on an age verification process and seek assurance from the company's management.

Any delivery of alcohol must not be left with a person who is under 18.

The delivery of alcohol will not be made to a person in a public place such as a street corner, park or bus stop etc.

The delivery of alcohol to be made only to a residential or business address, where it is clearly evident that the customer is a resident or occupies the business.

Any Delivery of Alcohol must be paid prior to the delivery.

Annex 3- Condition attached after a hearing by the licensing authority

Annex 4- Plans

Full plans available at Licensing Services London Borough of Lewisham

Ground floor – Plan reference – Ref 0450



Licensing Team
 4th Floor Laurence House
 1 Catford Road
 London
 SE6 4RU
 020 8314 6400

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Juan Francisco Chicaiza Erazo

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL 1247

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Unit 5 La Placita Mall 149 New cross Road			
Post town	London	Postcode	SE14 5DJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£30,000

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Dear Sir /Madam

I am applying for and opening times extension because at the moment I have to close the bar too early with customers asking for more drinks, I have stop servicing due to the allowed hours, I would like to open until late it will help my business.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

30

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) We are planning to bring a single Latin singer from time to time (not professional singer), or mexican mariachis if the customers want to celebrate any birthdays <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) we put recorded music like MP3, Video music while the bar is open <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Mon	11:00	23:00			
	11:00	23:00			
Tue	11:00	23:00			
	11:00	23:00			
Wed	11:00	23:00			
	11:00	23:00			
Thur	11:00	02:30			
	11:00	02:30			
Fri	11:00	02:30			
	11:00	02:30			
Sat	11:00	02:30			
	11:00	02:30			
Sun	11:00	02:30			
	11:00	02:30			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur					
Fri			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11:00	23:00			
	11:00	23:00			
Tue	11:00	23:00			
	11:00	23:00			
Wed	11:00	23:00			
	11:00	23:00			
Thur	11:00	02:30			
	11:00	02:30			
Fri	11:00	02:30			
	11:00	02:30			
Sat	11:00	02:30			
	11:00	02:30			
Sun	11:00	02:30			
	11:00	02:30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Having security on site with cctv cameras will warrantee the public safety, health and safety measures will be strictly located in the premises when we are open until late.
Security will carry on a check with the people coming in; also the security will stay until last person leaves the premises checking out site as well making sure not people make noise and any people causing any disorder.

b) The prevention of crime and disorder

Security will be on site when we plan to open after 23:00 to 02:30

c) Public safety

Security will check in the people coming in making sure they do not bring any dangerous weapons

d) The prevention of public nuisance

After the closing times the security will carry out checking outside the premises making sure not people stay outside and they don't making any noise when they living. The security will be the last person to leave

e) The protection of children from harm

Proof of age will be requested after 23:00 making sure it will be only over 18 are on site consuming alcohol.
Any children under 16 will be allowed to stay if they are unaccompanied for someone over 18 years old
Health and safety measures will be in place,
not children's will be allowed after 23:00

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Juan Francisco Chicaiza Erazo</i>
Date	28/07/2021
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



LICENSING TEAM
9 Holbeach Road
London
SE6 4TW

Crime Enforcement and Regulation
Service
9 Holbeach Road
Catford
London SE6 4TW

Direct line: 0208 314 7237
Email: cer@lewisham.gov.uk

Date 4th October 2021

Dear Licensing Team,

**RE: Objection to Full Variation Application – Tropical Juice –
Unit 5, La Placita Mall, 149 New Cross Road, London, SE14 5DJ.**

I am writing to object the application for a Premises Licence made by Juan Chicaiza for the aforementioned premises on the grounds of Public Nuisance and Public Safety.

The Crime, Enforcement and Regulation (CER) Service has received complaints from local residents over the years with regards to noise nuisance emanating from the premises causing a disturbance in the area.

There are 3 premises permitted to sell alcohol within La Placita Mall. While the CER Service has been investigating the complaints we have been unable to witness the noise. We are aware that the premises provides karaoke and have provided guidance on how the premises can facilitate this without generating complaints.

Despite the warnings given, the CER Service has received reports of loud music, karaoke and fighting taking place in April this year.

Continuous conversations and monitoring of La Placita Mall have taken place with all licensed premises within the mall surrounding their obligations to promote licensing objectives. Unfortunately this has not had the desired effect.

On Monday 2nd August 21, the CER Service was made aware of an incident that took place Sunday 1st August 21. In the video footage provided, 3 male patrons for the premises were involved in a fight, where a female is assaulted. Within the footage you can see the applicant not taking the appropriate steps to resolve the matter. The footage then shows the applicant holding one of the males and tackling them to the floor.

It was also brought to our attention that the main instigator of the fight was seen entering the premises the following day with the applicant and allowed to consume alcohol.

With this objection, I exhibit the statement of CER Officer Richard Lockett as FO1 who attended the premises on 7th August 21 following the incident on 1st August 21. Within Richard's statement, it highlights the lack of due diligence from the premises and management to promote key licencing objectives.

The CER Service acting as the Licensing Authority therefore makes the following recommendations to the application to prevent any negative impact on the local community;

The application be refused in its entirety.

The Licensing Authority makes this recommendation to prevent further reports of noise nuisance at later times of the day. The Licensing Authority makes reference to the latest licensing policy with regards to district hubs.

The preferred trading hours are:

Opening times

Monday – Sunday 11am

Closing times

Friday and Saturday – 1am

Sunday to Thursday – midnight

However, due to the complaints received and the recent incident that has taken place, the Licensing Authority is of the view that no extension to times should be granted and again stresses its position on the application being refused.

In the event the Committee is of the view that this application should be granted, the Licensing Authority would like to see the following actions taken:

- Removal of the current Designated Premises Supervisor - Juan Chicaiza
- The sale of alcohol extended from 11pm to Midnight on Friday and Saturday only

The addition of the following conditions is seen as essential before the application to extend licensable activity is granted:

- No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.
- 2 SIA licensed Door Supervisors shall be on duty at the premises from 20:00 until all customers have left the premises and vicinity on Friday, Saturday and Sundays.
- At the commencement of work, security personnel must ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.
- A register of security personnel employed on the premises shall be maintained in a legible format and made available to Police or Local Authority Officers on request. The register should be completed by the DPS/Duty Manager at the commencement of work by each member of security staff and details recorded should include:
 - Full name
 - Badge number
 - Time of commencement of duties
 - Security Operative to sign their name against their details
- All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility jackets or vests.
- Patrons permitted to leave to smoke will be limited to no more than 4 people at a time.
- Patrons permitted to temporarily leave and then re-enter the premises (including the smoking area) e.g. to smoke, shall not be permitted to take drinks or containers with them.

The premises must install a noise limiter:

- If officers of the council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise-limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises License.
- The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer, as so not to cause a noise nuisance. The limiter must be sealed in such a way that no unauthorised person can tamper with it. All amplified music played at the premises must be passed through the noise limiter. An annual calibration of the noise limiter must take place by a qualified sound engineer and recorded in the incident book.

We believe that the addition to the above conditions with those already proposed during the consultation period will help further promote key licensing objectives.

Should you require further information, please let me know.

Kind regards

F. Olaniran

Frank Olaniran

Crime, Enforcement & Regulation Officer

Witness Statement

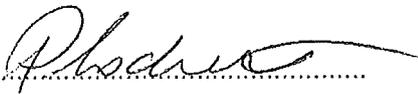
(Criminal Procedure Rules, r 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: Richard Lockett

Age of witness: Over 18.
(if over 18 enter "over 18")

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 19th day of August 2021.

Signature 

I am a Crime, Enforcement and Regulation Officer employed by the Crime, Enforcement and Regulation Service of the London Borough of Lewisham. I am responsible for investigating alleged breaches of, and enforcing the various statutory provisions delegated to me, including the Licensing Act (2003).

On Saturday 7th August 2021 my colleague Nadya Gencheva and I were carrying out a late night duty officer service between 9.30pm and 2.30am. One of our tasks for the night was to collect CCTV footage from a premises at La Placita Mall, 149 New Cross Road, SE14 5DJ, following a fight the previous weekend.

At around 2207 we arrived at La Placita Mall and made ourselves known to the proprietor of units 14 and 15 and he provided us with a memory stick containing the requested footage.

Whilst inside the mall, my colleague and I decided we would check with another licensed premises, Unit 5, Tropical Juice, to see what details they had noted down in their incident book regarding the previous weekend's incident.

On approach to the premises at approximately 2209, we were approached by a young lady who appeared to be working as a waitress for the premises. We introduced ourselves as licensing officers and showed her our identification. She then went inside the premises to alert the management that we were there and wanted to speak with them.

The people sitting at the bar very quickly stood up and left the premises. One of these people appeared to myself to resemble a gentleman I had met previously at the premises. He was a stocky, bald headed gentleman and I had a suspicion that he was the licensee, Mr Juan Chicaiza.

My colleague and I introduced ourselves to the lady working behind the bar, who identified herself as the licensee's wife, Mrs Maria Teodora Choqueuanca Pocohuanca. The young lady who appeared to be working as a waitress also remained inside the premises to assist with translation.

Firstly, I noticed that whilst there was a blue notice on the front window in relation to a current

Signature of witness: 

Statement continuation

Witness:

licence application, there was no summary licence on display. After a few minutes of searching, the summary was found and I explained that this needed to be displayed at all times.

I asked both Mrs Pocohuanca and her colleague if the premises licence holder (and DPS) Mr Chicaiza was around, but was told that he was sick at home. My colleague asked if he had been at the premises that night, even pointing to the seat which I believe he had been sat at, but was told that he was not well and had not been at the premises.

Annex 2, Condition 8 of this premises licence states:

An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) All crimes reported to the venue.*
- (b) All ejections of patrons.*
- (c) Any complaints received.*
- (d) Any incidents of disorder.*
- (e) Any faults in the CCTV system.*
- (f) Any refusal of the sale of alcohol.*
- (g) Any visit by a relevant authority or emergency service.*

I produce a copy of this premises licence as exhibit RL1.

With this in mind, my colleague and I asked to inspect the premises incident log. This was to see what detail had been noted down in regards to the fight that had occurred the previous weekend. We were informed by Mrs Pocohuanca that the incident log had been taken home the previous day and was not available.

I explained that it was a condition of the premises licence that this log should be kept on site and be made available on request. I was then provided with a note book. This book appeared to contain notes from incidents on the following dates:

22/02/2020
29/02/2020
01/03/2020
12/12/2020

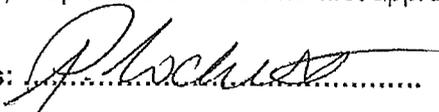
These notes were written in Spanish, so I was unable to ascertain exactly what had been recorded. It was clear that there had been no entry made in regards to the incident the weekend before. As well as the four incidents on the dates above, the book also included lots of names and contact details.

I took photographs of this notebook and produce them as exhibits RL2 – RL9.

I explained that as the incident log was at her home address, I would be unable to sign it as a record of our visit. I also suggested that the failure to display a summary licence and provide an incident log did not reflect well upon the management of the premises, especially considering they were applying for extended hours.

My colleague and I left the premises at approximately 2230.

From previous visits, I was aware that Unit 14/15 had recently improved their CCTV system. With this in mind, I decided to go and speak with the proprietor and we asked to see his CCTV coverage from our visit that night. I wanted to try and ascertain who the gentleman was who left the premises at Unit 5, Tropical Juice when we first approached.

Signature of witness: 

Statement continuation

Witness:

The CCTV footage showed a gentleman leaving the premises as my colleague and I approach. When I asked the proprietor of Unit 14/15 if he knew the gentleman, he confirmed that it was Juan, the premises licence holder.

Whilst checking the CCTV, the young lady who had been acting as a translator for Mrs Pochuanca entered the premises with a young man and asked us if we had produced our ID. I explained that we had shown our identification when we first introduced ourselves, but showed her again. She apologised and left.

I took two videos of the CCTV footage on my phone, showing Mr Juan Chicaiza leaving the premises at Tropical Juice and exiting La Placita Mall. I produce these videos as exhibits RL10 and RL11.

My colleague and I left La Placita Mall at approximately 2239.

Signature of witness:

P. Chicaiza
Page 71

Statement continuation

Witness:



PL - Lewisham Borough

9 Holbeach Road,
Catford. SE6 4TW

Telephone: 07795 801039

Email: Simon.Butler@met.police.uk

www.met.police.uk

Your ref:

Our ref:

4th October 2021

Dear Licensing Team,

Police have received an Application for a Full Variation of Licence at Tropical Juice Unit 5, La Placita, 149 New Cross Road SE14 5DJ..

Police wish to object to this New Application on ground of Prevention of Crime and Disorder and Prevention of Public Nuisance. The New Application was submitted to me, and I have been informed that Representations need to be in by 5th October 2021. The main Objection around this application is the Operating hours that it has applied to operate under.

Police have had extensive experience with regards to this Property and the various premises in and around its unique set up. This Premises is described as a small shopping Mall type premises and has various outlets inside. These have separate licences and a Communal seating area where all the units who sell Food and Alcohol allow the customers to be seated inside. There is a small outside area that also has businesses attached to it and this allows a small number of customers to gather outside the building.

Police have conducted considerable amount of visits with and without Local Authority to this Premises as they have had many Complaints and Reports to Local Authority regarding problems and disputes between the businesses, as well as hearing about a substantial amount of noise complaints.

Police are aware that the building is currently being managed by Personal Licence holder and DPS for a neighbouring business at Unit 14 where control of the building is being managed by Mr Sigifredo Ramirez.

This Location has been a very problematic location and has a history of being badly managed. Police would like to see that the premises can be run responsibly, and seeing a marked decrease in Police Cads being reported, would demonstrate an improvement

in the premises being better managed. Having this improvement would show that, in time, extra hours of operation being supported. Police reports listed are –

1/ Crime report 3217860/21 – This report is a GBH that is currently under investigation from a recent weekend on 01/08/2021.

Currently, what is known about this incident is 5-6 people found fighting on site and various others who disappeared prior to Police arrival on scene, It directly has involvement with the Applicant in this case and his customers. This started as a fight over use of a toilet. Cad 5820/01AUG21 states various injured parties and 3 with injuries from this incident. Possible up to 10 people fighting at one point, Cctv was viewed by Police and clearly shows the Applicant with the neighbouring premises where the situation got out of control requiring up to 6 Police Officers to be in attendance.

Police recommendations, advised to the Committee that Conditions have been accepted, prior to the Committee hearing, by the applicant, to supply Two SIA door staff to assist with keeping order and in the prevention of disputes taking place. This would hopefully prevent any further incidents of disorder and allowing the applicant to show he can rebuild trust that the Business can function without incidents taking place.

2/ Crime report 3217526/21 and Cad 246/29Jul21 Criminal Damage to property recorded.

Found to be a dispute between business owners regarding access to this building and Criminal Damage being recorded and ending in a Civil Dispute over access rights.

3/ Cad 8711/02JUL21 – Rowdy Inconsiderate behaviour recorded from Members of public regarding noise disturbance referred to Local Authority, No Police attended.

4/ Crime Report 3209387/21 and Cad 3482/29APR21 –

Report of Sexual Offences being committed by business owner on staff at the premises. Owners reported that this was staff that refused to give passport details of to the owners. Reported as a civil matter.

5/ Cad 7451/21APR21 – Rowdy and inconsiderate behaviour reported due to noise and music. No Police attended the scene put over to Local Authority to deal.

6/ Crime report for Harassment / Racial - 3201546/20

Report of Racial Harassment from business about a business. Resulting in No Further Action taken due to victim being unwilling.

7/ GBH - Crime report - 3228940/19 staff by another business, also resulting in no further action taken due to withdrawing.

The agreement of the Applicant in regards to Proposed Licensing Conditions is a step in the right direction with regards to showing that they are serious about managing this premises in the correct way. Time will show that responsibility has been fully taken on board.

In regards to this application Police would support the applicant matching the hours of operation for the Premises at unit 14 and matching the hours currently in place for the Building. This would create consistency and stability between businesses at this location and permit extra working hours for the applicant.

Police would recommend that the applicant should have a Noise limiter in place in order to monitor noise levels and protect the business from complaints and show that the business can reduce noise levels being reported.

Police have two Rowdy and inconsiderate Noise complaints reported on Cad and I am aware of others reported to the Local Enforcement Team.

I look towards the Committee to, therefore, consider Restricting hours of business to extend no later than Midnight in order to allow the business to prove that they can act responsibly and considerately towards the neighbouring communities.

Police wish to Object under Prevention of Crime and Disorder and Prevention of Public Nuisance due to the impact that more hours would bring to the community it is part of. This would lead to more Anti-social behaviour and disturbances for local residents.

Police ongoing investigation into the GBH is always a concern around the lack of Control, lack of serious management while on the existing conditions at Tropical Juice.

The Staff that work, generally, in La Placita see themselves as a Community and yet the latest report of various people fighting involved at least 6 people with 3 injured over the use of a toilet. Police fear that the increase in Crime and Disorder is already getting to unacceptable levels and permitting this business to extend even beyond midnight would cause serious disturbances for the local community and have a major impact on the local community it claims it serves.

A serious amount of Control and management is required before Police can support any Application to extend any business hours beyond midnight. Extra hours would be considered by Police as Damaging for the Local Community and local surrounding shops that are already getting effected by the goings on at La Placita Mall. Crime reports with fights, noise complaints, rowdy and inconsiderate behaviour have been massed even throughout the Pandemic when most Businesses have calmed down and reduced. If this business is permitted extra time during normal non pandemic times a certain increase in crime and disorder will inevitably take place.

Police look to support any Local Authority Objections around hours being extended and hope that the agreement in extra operating conditions can assist any expansion of the business to allow it to prove itself within its licence.

For your consideration

Regards

Simon Butler

Police Licensing Officer for Lewisham Borough

9 Holbeach Road, Catford SE6 4TW **Page 75**

