

Licensing Sub-Committee

Wednesday 28 June 2017

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street,
London SE1 2QH

Supplemental Agenda No.1

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Contact

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Date: 26 June 2017

Item No. 7.	Classification: Open	Date: 28 June 2017	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Roxy Bar and Screen, 128-132 Borough High Street, London SE1 1LB (Temporary Event Notice: 859221)	
Ward(s) or groups affected:		Cathedrals	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue a counter notice in respect of a temporary event notice (TEN) 859221 served by Ms Lauren Barrett in regards to an event to be held at Roxy Bar and Screen, 128-132 Borough High Street, London SE1 1LB. The TEN is between 00:01 and 06:00 on Sunday 2 July 2017.

BACKGROUND INFORMATION

The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 established a licensing regime for the following licensable activities:
 - a) The retail sale of alcohol
 - b) The supply of alcohol to club members or on behalf of a club
 - c) The provision of regulated entertainment
 - d) The provision of late night refreshments.
3. The Act established a process for the giving of “temporary event notices” (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.

8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.
9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

KEY ISSUES FOR CONSIDERATION

The temporary event notices

13. On 16 June 2017 the TEN was served by Ms Lauren Barrett in respect of an event intended to be held at Roxy Bar and Screen, 128-132 Borough High Street, London SE1 1LB. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:
 - TEN 859221: To allow the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment between 00:01 on Sunday 2 July 2017 and 06:00. The maximum number of people expected at any one time at the premises is 220. The activities are to take place on the premises only.
15. TENs do not carry conditions, however members do have the power to impose conditions from an existing premises licence on the TEN at hearing should they be minded not to issue a counter notice. If the conditions available do not adequately address the promotion of the licensing objectives there is no power to impose other conditions.

The objection notice

16. On 21 June 2017 the councils environmental protection team (“EPT”) served an objection notice in respect of the TEN.
17. The objection notice state that this venue was recently the source of a noise complaint from a member of the public and upon investigation by the noise officer was found to be open beyond the hours permitted on the premises licence.
18. The environmental protection team make the following points in support of their objections:
 - EPT have concerns over the TENs applicant and Roxy management applying for TEN events, detailing the events as ‘film screenings’ which in reality, from the recent NTE visit, appear to be for the use of the premises as a vertical drinking bar/club.
 - As such EPT have concerns that public noise nuisance will occur to the residential flats above the premises if these late night events continue to take place at the premises.
 - The website content, as stated above, advises that the premises “Takes 100 for a screening”. The TEN application for the 2nd July is for 220 people, which suggests it will not be used for a film screening.
 - After a review of the Roxy website there is no mention of a film screening for the evening of Saturday 1st July (the TEN application is for an extension of Saturday night into the morning of Sunday 2nd July); <http://www.roxybarandscreen.co.uk/listings/?cat1=film>. To note there are screenings planned for the evenings of Friday 30th June and Sunday 2nd July.
 - EPT have concerns regarding public nuisance for this TEN application and therefore raise objection.
 - EPT would request the licensing sub committee, if the TEN is considered acceptable, to formally apply the premises licence conditions to cover the extra hours under this TEN event, as well as consider imposing a condition that live and recorded music is not permitted, i.e. only background music along with the film screening.
19. A copy of the EPT objection notice is attached to this report in Appendix B.

TENs History

20. Below is the recent history of TENs for the last year in respect of the premises:

No.	Premises user	Date of event	Time of event and activities
1	Lauren Barrett	28/10/2016 29/10/2016	20:00 – 06.00 following day Alcohol, LNR, and Regulated Entertainment On and off premises
2	Lauren Barrett	25/11/2016 26/11/2016	20:00 – 04.00 following day Alcohol, LNR, and Regulated Entertainment On and off premises
3	Lauren Barrett	09/12/2016 10/12/2016	19:00 – 04.00 following day Alcohol, LNR, and Regulated Entertainment On and off premises
4	Lauren Barrett	15/12/2016 16/12/2016	20:00 – 04.30 following day Alcohol, LNR, and Regulated Entertainment On and off premises
5	Lauren Barrett	21/12/2016 22/12/2016	20:00 – 06.00 following day Alcohol, LNR, and Regulated Entertainment On and off premises
6	Lauren Barrett	22/10/2016 22/10/2016	00:01 – 04.00 Alcohol, LNR, and Regulated Entertainment On premises
7	Lauren Barrett	17/11/2016 18/11/2016	19:00 – 03.00 following day Alcohol, LNR, and Regulated Entertainment On premises
8	Lauren Barrett	03/12/2016 04/12/2016	00:01 – 06.00 following day Alcohol, LNR, and Regulated Entertainment On and off premises
9	Lauren Barrett	09/12/2016 09/12/2016	00:01 – 06.00 Alcohol, LNR, and Regulated Entertainment On and off premises

No.	Premises user	Date of event	Time of event and activities
10	Jody Barton	01/01/2017 01/01/2017	00:01 – 06.00 Alcohol, LNR, and Regulated Entertainment On and off premises
11	Jody Barton	06/02/2017 06/02/2017	00:01 – 06.00 Alcohol, LNR, and Regulated Entertainment On and off premises
12	Jody Barton	27/02/2017 27/02/2017	00:01 – 06.00 Alcohol, LNR, and Regulated Entertainment On and off premises
13	Azad Hussain	26/03/2017 26/03/2017	00:01 – 04.00 Alcohol, LNR, and Regulated Entertainment On and off premises
14	Azad Hussain	30/04/2017 30/04/2017	00:01 – 04.00 Alcohol, LNR, and Regulated Entertainment On and off premises
15	Lauren Barrett	13/05/2017 13/05/2017	00:01 – 04.30 following day Alcohol, LNR, and Regulated Entertainment On and off premises
16	Lauren Barrett	27/05/2017 28/05/2017	00:01 – 05.00 following day Alcohol, LNR, and Regulated Entertainment On and off premises
17	Lauren Barrett	25/06/2017 25/06/2017	00:01 – 06:00 Alcohol, LNR, and Regulated Entertainment On and off premises

Premises history

21. The premises consists of a restaurant and bar at the front of the premises with a cinema screen at the rear. As stated on their website the venue has a capacity of 250 and seats around 100 for a screening.
22. The previous licence was revoked at a hearing on 27 April 2015 following an application by the police for a summary review. It was noted that at the hearing that

the police and the EPT evidence included a statement that the then premises licence holder had moved away from the original business plan for the premises and was using TENs to operate more as a nightclub.

23. A copy of the notice of decision for the review hearing is attached as Appendix C
24. The current premises licence was granted to Red Cinema Ltd on 7 August 2015, the new application was opposed by responsible authorities and residents.
25. The applicant stated at the hearing that the applicant, being aware of the recent events at the premises, indicated that his intention is to revert the premises back to its original use as a food based, coffee house cinema for pre-arranged events only.
26. The licensing sub-committee granted the premises and imposed 18 conditions to promote the licensing objectives.
27. A copy of the notice of decision for the new premises licence hearing is attached as Appendix D.

Premises Licence

28. Details of current premises licence:

- **Opening hours of the premises**
 Sunday to Thursday 08:30 - 23:30
 Friday and Saturday 08:30 - 01:00
- **Films - Indoors**
 Sunday to Thursday 12:00 - 23:00
 Friday and Saturday 12:00 - 00:30
- **Live Music - Indoors**
 Sunday to Thursday 23:00 - 01:00
 Friday and Saturday 23:00 - 00:30
- **Recorded Music - Indoors**
 Sunday to Thursday 23:00 - 01:00
 Friday 23:00 - 00:30
- **Late Night Refreshment - Indoors**
 Sunday to Thursday 23:00 - 02:30
 Friday and Saturday 23:00 - 00:30
- **Sale by retail of alcohol to be consumed on premises**
 Sunday to Thursday 08:30 - 23:00
 Friday and Saturday 08:30 - 00:30.

29. The current premises licence is attached as Appendix E.

Licensing visit history

30. On 19 November 2016 officers visited the premises to drop off Women's safety charter posters to display in the ladies WC's. The premises was very dirty, and there was broken equipment. The manager was not present.
31. On Arrival officers asked the SIA guard to fetch the person in charge. He said he would go and get the person in charge. Whilst officers were waiting officers walked to the back of the premises just past the bar (at ground floor level) where there were curtains pulled across but there was a gap and they could see people dancing. There were approximately 50 people dancing to music which was not at background level. There was a large screen set up and there was film footage of a pop variety being screened. The patrons were not watching a film per se but dancing to the music that was being played on the sound system. There were helium balloons in a corner of the room and it would seem that some kind of celebration was occurring. The person in charge told officers that his name was Paul Holden. Officers asked if the film screening was downstairs in the premises and was told that the downstairs was closed and not in use. Mr Holden said that the event was on this floor (ground floor). Officers enquired as to where the film screening was as all they could see was the party at the back of the premises behind the curtains and he said that was the film screening. Officers advised that it was a party and not a film screening. Although there was film footage on the screen, there was no sound to accompany the footage, just party music being played through the sound system. Mr Holden told officers that there was a film screening earlier and it had finished. When asked what time it finished he said the film had finished at 8/9pm. When asked why a TEN had been applied for as this would have been allowed within his normal licence, he shrugged in reply.

The local area.

32. A map showing the location of the premises is attached to this report as Appendix F. The premises are identified at the centre of the circle on the map.

Policy considerations

33. Section 4 of the Southwark statement of licensing policy on "administration, exercise and delegation of function" deals with the parameters under which TENs may be considered.

Consideration by the sub-committee

34. The sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

Community impact statement

35. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
36. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

37. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

Consultation

38. The Act provides for no consultations to take place other than the process outlined in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

39. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act.
40. The principles which sub-committee members must apply are set out below.

Principles for making the determination

41. The general principle is that temporary event notices must be accepted unless a relevant objection is received from a relevant person, i.e. the police or the Environmental Protection Team. This is subject to the proviso that the premises user has complied with regulations and submitted the notice within a prescribed time.
42. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of one or more of the licensing objectives
 - Is made by a relevant person
 - Has not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
43. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is appropriate for the promotion of a licensing objective of the Licensing Act to:
- Issue a counter notice
 - Allow the TEN and attach conditions from the premises licence
 - Allow the TEN with no conditions.

Conditions

44. The sub-committee may attach conditions from an existing premises licence on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued.
45. Members are also referred to the Home Office revised guidance on conditions, specifically section 10.

Reasons

46. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

Hearing procedures

47. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
 - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the objection.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their submission.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular submission before the committee
 - To the licensing objectives prevention of crime and disorder.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

48. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
49. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
50. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of the police objection.
51. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
52. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
53. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

Guidance

54. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

55. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

REASONS FOR URGENCY

56. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

REASONS FOR LATENESS

57. The TENs process is time limited and there was not sufficient time to prepare and clear the report in time for the main agenda dispatch.

BACKGROUND DOCUMENTS

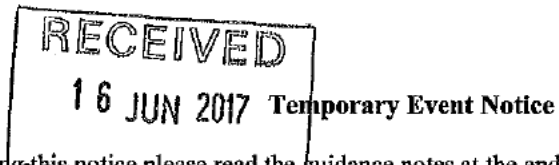
Background Papers	Held At	Contact
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

APPENDICES

No.	Title
Appendix A	The temporary event notice
Appendix B	Environmental protection team representation
Appendix C	Review notice of decision - 27 April 2015
Appendix D	Notice of decision - 7 August 2015
Appendix E	Premises Licence
Appendix F	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Mark Orton, Licensing Enforcement Officer	
Version	Final	
Dated	23 June 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	26 June 2017	



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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	BARRETT
Forenames	LAUREN
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	[REDACTED]
4. Your place of birth	[REDACTED]
5. National Insurance Number	[REDACTED]
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
128-132 BOROUGH HIGH STREET	
Post town	Post code SE11LB
7. Other contact details	
Telephone numbers	[REDACTED]
Daytime	[REDACTED]
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	bookings@roxybarandocreen.co.uk
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	

Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
128-132 BOROUGH HIGH STREET SE11 4B	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	558847
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
cinemabar, restaurant	
Please describe the nature of the event below. (Please read note 5)	
SUMMER FILM SCREENING FESTIVAL	

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment		<input checked="" type="checkbox"/>
The provision of late night refreshment		<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
2nd July 2017		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
00:01 - 06:00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		220
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given. (Please read note 13)
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Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>

If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.


9. Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	12 JULY 2017
Name of Person signing	LAUREN BARRETT

For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Orton, Mark

From: Prickett, Mark
Sent: 21 June 2017 12:04
To: Regen, Licensing
Cc: 'bookings@roxybarandscreen.co.uk'; Orton, Mark; Tear, Jayne; Franklin, David
Subject: Roxy TEN - EPT objection
Attachments: Roxy TEN 2nd July.pdf; Roxy TEN 13th May.pdf; Re: FW: TENs - Roxy, 128-132 Borough High Street

Dear Licensing,

The Environmental Protection Team have reviewed the TEN application at The Roxy Bar & Screen, 128-132 Borough High Street, SE1 1LB.

The event is for a "Summer film screening festival" for 220 people between 00:01 – 06:00 Sunday 2nd July 2017 (extension of Saturday 1st July activities). Licensable activities applied for; sale by retail of alcohol (both on and off the premises), provision of regulated entertainment & late night refreshment.

BACKGROUND

The premises is described within the application form as a "cinema bar, restraint (sic)" .

On their website (<http://www.roxybarandscreen.co.uk/contact/>), the premises is described as follows;

"is a truly unique venue in London that combines a state of art cinema and a relaxed bar & restaurant. Located on increasingly happening borough high street, just three minutes from the famous food market and London bridge. This sumptuous venue is divided in two with a restaurant and a bar at the front or seat back and relax on a curtained off 'cinema' area at the back, where you can enjoy table service while lounging in one of the leather sofas and enjoying the screenings. We have a regular programme of films ranging from Modern to cult classics. Serving traditional beers and unique tasting ales, accompanied by our modern European food with an emphasis on healthy ingredients from the nearby famous food market.

The screenings take place on a 4m state of the art digital cinema screen, making this the only place in London you can enjoy a 'proper' audio-visual cinema experience at the same time as being served fine food and drinks at your table.

Looking for a place to hire?

Yes that's right we also hire our venue for all kinds of events such as private screenings, functions, conferences and launch party. For further information and enquirers please contact us.

The venue has a capacity of 250 and seats around 100 for a screening. It is equipped with a Panasonic HD projector, a 4m wide cinema screen and a Yamaha 5.1 pro-theatre surround sound system."

PREVIOUS TEN AT PREMISES – 13th May 2017

A recent TEN application was submitted to Southwark Council, attached for reference, for licensable activities to take place until 04:30 on Saturday 13th May (an extension of Friday 12th May evening).

The TEN application is attached for reference. The event was for a "family screening event" with "background music". EPT checked at the time and there was no reference to this event on their website.

EPT emailed the applicant to informally request that the existing Roxy premises licence conditions be carried over to cover this event, which was acknowledged and agreed to by the applicant. This email chain is attached for reference.

This was due to concerns over late night use of the premises as a bar/club which has caused noise complaints and public nuisance in the past.

Southwark Council's Night Time Economy officers visited the premises at 01:38 on 13th May 2017 and noted the following;

*We ID ourselves to the SIA door supervisor who was standing inside the premises and asked to speak to the person in charge. He said he would go and get the person in charge. Whilst we were waiting we walked to the back of the premises just past the bar (at ground floor level) where there were curtains pulled across but there was a gap and I could see people dancing. When we entered through the curtains there were appx **50 people dancing to music which was not at background level**. There was a large screen set up and there was film footage of a pop variety being screened. **The patrons were not watching a film per se but dancing to the music that was being played on the sound system**. There were helium balloons in a corner of the room and it would seem that some kind of celebration was occurring. We walked back out to the entrance and waited and the person in charge came back with the SIA. The person in charge told me that his name was Paul Holden. I asked if the film screening was downstairs in the premises and was told that the downstairs was closed and not in use. Mr Holden said that the event was on this floor (ground floor). I asked where the film screening was as all I could see was the party at the back of the premises behind the curtains and he said that is the film screening. I said it was a party/not a film screening although there was film footage on the screen, there was no sound to accompany the footage just party music being played through the sound system. **Mr Holden told me that there was a film screening earlier and it had finished now. I asked what time it finished and he said the film finished at 8/9pm. I asked why a Ten was asked for as this would have been allowed within his normal licence and he shrugged. Left at 01:50.***

In summary, the NTE officers witnessed patrons dancing to regulated entertainment level of music whilst not watching the footage on the screen. The manager at the time Paul Holden also advised that the film screening finished at 8/9pm, when the application requested in the TEN application for the film screening to carry on to 04:30.

Whilst regulated entertainment was permitted on the TEN, this is in contrary to what the event was advised to be on the application form and what EPT & Police reviewed it as.

EPT STANCE

EPT have concerns over the TENs applicant and Roxy management applying for TEN events, detailing the events as 'film screenings' which in reality, from the recent NTE visit, appear to be for the use of the premises as a vertical drinking bar/club.

As such EPT have concerns that public noise nuisance will occur to the residential flats above the premises if these late night events continue to take place at the premises.

The website content, as stated above, advises that the premises "Takes 100 for a screening". The TEN application for the 2nd July is for 220 people, which suggests it will not be used for a film screening.

After a review of the Roxy website there is no mention of a film screening for the evening of Saturday 1st July (the TEN application is for an extension of Saturday night into the morning of Sunday 2nd July); <http://www.roxybarandscreen.co.uk/listings/?cat1=film>. To note there are screenings planned for the evenings of Friday 30th June and Sunday 2nd July.

EPT have concerns regarding public nuisance for this TEN application and therefore **raise objection**.

EPT would request the licensing sub committee, if the TEN is considered acceptable, to formally apply the premises licence conditions to cover the extra hours under this TEN event, as well as consider imposing a condition that live and recorded music is not permitted, i.e. only background music along with the film screening.

Kind regards,

Mark Prickett
Principal Enforcement Officer
Environmental Protection Team
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX

Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

visit: <http://www.southwark.gov.uk/air-quality>

<http://www.llecp.org.uk/> - London Low Emission Construction Partnership



Please consider the environment - do you really need to print this email?



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 27 APRIL 2015

LICENSING ACT 2003: THE ROXY 128 - 132 BOROUGH HIGH ST, LONDON SE1 1LB

1. The council's licensing sub-committee, having had regard to the application made under Section 53C by the Metropolitan Police for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as The Roxy, 128 - 132 Borough High St, London SE1 1LB and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence:
- 2 **Reasons for the Decision.**

The reasons for this decision are as follows:

The licensing sub-committee have considered the application made by the Metropolitan Police Service who informed the sub-committee that on 29 March 2015 at approximately 03.30, a fight broke out inside the premises, which quickly escalated into large scale disorder outside the premises involving approximately 50 people. The police advised that the closing time of the premises, under its licence is 03.00 and licensing activities must cease at 02.30. Condition 308 provides that there should be no admission or readmission of the public to the premises after midnight every day of the week. As a result of the disorder nine people were stabbed and a number of them were arrested. The incident was so serious that officers from other boroughs around London were drafted in to restore order. 45 police officers attended in total and Borough High Street was closed for approximately 12 hours.

The police also advised the sub-committee of seven serious violent incidents at the premises over the past six months.

Following the interim steps hearing on 1 April 2015, the police attended the premises on 4 April 2015 at 21.00 and found that the venue was playing a pre-recorded film, in breach of the interim steps imposed.

Following a hearing on 9 April 2015 to hear representations against the interims steps (imposed on 1 April), the next day police entered the premises and purchased alcohol and a bowl of chips at 18.35. No film was being shown and a bowl of chips between two persons did not amount to a "table meal". This was in breach of the revised interim steps imposed on 9 April 2015. As a result, a Section 19 Closure Notice was issued.

On 11 April 2015 police officers attended the premises at 16.40. No SIA staff were present and alcohol was being consumed outside the premises, in breach of the revised interim steps imposed on 9 April 2015. A further Section 19 Closure Notice was issued.

The licensing sub-committee heard from the environmental protection officer supporting the review who provided statistics relating to the increase of temporary event notices applied for since Ms Begum had taken over the licence, which supported the police's contention that licence holder had moved away from the original business model of the premises as a bar/cinema and was running it as a nightclub. In addition to this he provided evidence that a statutory noise nuisance had been witnessed on 1 March 2015, which was a breach of condition 239 of the premises licence.

The licensing sub-committee heard from the health and safety officer supporting the review who advised that following the visit to the premises on 6 March 2015 approximately 10 breaches of health and safety legislation were witnessed and deemed Ms Begum as not a fit and proper person to hold a premises licence.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority supporting the review who advised that the premises was inspected on 6 March and six breaches of the premises licence were witnessed. They advised that there are still two outstanding breaches of the licence namely CCTV conditions and a staff training condition. The licensing officer advised that all the breaches of the licence had taken place while Ms Begum was the licensee and until recently the designated premises supervisor (DPS). Whilst a new DPS has been appointed, the DPS is related to Ms Begum. Ms Begum remains as the licensee and could change the DPS at any time.

The licensing sub-committee heard from a ward councillor representing local residents also who supported the review who advised that the number of complaints from residents had increased since Ms Begum had taken over the premises licence. The ward councillor advised that the premises was in a saturation zone and mismanagement of the premises had a huge effect on the local area. The sub-committee also took into account the written representations from seven local residents who were unable to attend the meeting.

The licensing sub-committee noted the written representation from the Southwark Chamber of Commerce and Industry in support of the licence holder.

The licensing sub-committee heard from the legal representative of the premises who did not dispute anything that had been submitted in respect of the review. The representative advised that Ms Begum had previously delegated all responsibility to a Mr Hickson who had now been excluded from the premises under the revised interim steps imposed on 9 April 2015. He also informed the sub-committee that Ms Begum recognised that she was unable to manage the premises and as a result she had placed it on the market to sell. With this in mind, he requested that the sub-committee did not revoke the licence but alternatively asked that the sub-committee suspend the licence until such time that a transfer is granted to a new suitable licensee.

The sub-committee felt that the incident of 29 March 2015 was extremely serious and would not have occurred had the premises closed in time and had not been in breach of its licence. The impact on the emergency services in addition to the surrounding area as a result of this incident was significant. The premises have had a number of violent incidents over the recent months when the premises should have been closed. The premises licence holder has demonstrated incompetence in managing the premises as well as a disregard for the licensing objectives by flagrantly breaching the interim steps on three occasions.

The suggestion that the licence be suspended was not felt to be realistic as there could be no guarantees that the premises would be sold in the three month suspension period. Therefore, on this occasion there is no suitable alternative but to revoke the licence.

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

3 **Appeal Rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either:

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

In accordance with the Licensing Act and guidance issued in 2007, the interim steps agreed on 9 April 2015 must remain in effect until the time for appealing the review has expired and any appeal determined.

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

Date: 27 April 2015



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 7 AUGUST 2015

LICENSING ACT 2003: THE ROXY, 128-132 BOROUGH HIGH STREET, LONDON SE1 1LB

1. Decision

That the application submitted by Red Cinema Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of The Roxy, 128-132 Borough High Street, London SE1 1LB (“the premises”) be granted, subject to the completed transfer of the leasehold interest in the premises to the applicant, as follows:

Licensable Activity	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Films	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 23.00	12.00 to 00.30	12.00 to 00.30	12.00 to 23.00
Live music					23.00 to 00.30	23.00 to 00.30	
Recorded music					23.00 to 00.30	23.00 to 00.30	
Late night refreshment					23.00 to 00.30	23.00 to 00.30	
Sale and supply of alcohol (on the premises)	08.30 to 23.00	08.30 to 23.00	08.30 to 23.00	08.30 to 23.00	08.30 to 00.30	08.30 to 00.30	08.30 to 23.00
Hours premises are open to the public	08.30 to 23.30	08.30 to 23.30	08.30 to 23.30	08.30 to 23.30	08.30 to 01.00	08.30 to 01.00	08.30 to 23.30

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and conditions agreed between the responsible authorities and the applicant during the conciliation process::

1. That at least two SIA registered door supervisors shall be employed on Fridays and Saturdays from 21.00 until the premises are vacated of patrons at closing time. The premises licence holder shall use his best endeavours to ensure that at least one of the door supervisors is female. Mechanical counting devices shall be used to ensure that the maximum accommodation limit of the premises is not exceeded and that at any given time, the occupancy level of the premises is known and can be supplied to the responsible authorities upon request.

2. That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the Police or other authorised officer.
3. That a personal licence holder is on the premises and on duty at **all** times that intoxicating liquor is supplied on Friday and Saturday nights after 19.00.
4. That the premises capacity shall be 220.
5. That there shall be no new entry or re-entry to the premises after midnight, other than those who leave the premises for the purpose of smoking a cigarette.
6. That those that do leave the premises shall not be allowed to consume any beverages whilst outside.
7. That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by police or other authorised officer.
8. That alcohol shall only be supplied to patrons ancillary to a substantial table meal and when that patron is attending:
 - A film show
 - A private pre-booked function involving cinema promotion
 - A sporting event
 - Any pre booked function for quiz nights, comedy performance, or live cabaret.
9. That the premises will not be used for any promotional events, a promotional event is one that is:
 - Promoted / advertised to the public at any time before the event
 - Predominantly features DJs or MCs performing to a recorded backing track, and
 - Runs anytime between the hours of 10pm and 4am, and
 - Is in a nightclub or a large public house.
10. That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.
11. That waiting staff will continually exercise supervision throughout the premises.
12. That a maximum of 10 smokers shall be permitted at the frontage of the premises at any one time.
13. That the emergency door at the rear shall remain closed allowing for emergency egress only, whilst entertainment is provided.
14. That clearly legible signage shall be prominently displayed at all exits where it can easily be seen and read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.
15. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 to 20.00 Monday to Sunday.

16. That the premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.
17. That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
The following additional condition agreed by the sub-committee shall also apply:
18. That the premises licence holder shall display a dedicated telephone number for local residents to contact management of the premises as and when necessary.

3. Reasons

The licensing sub-committee heard from the applicant and their representative who advised that the applicant had held a personal licence for a number of years and currently operates a restaurant in Luton and a bar and restaurant in Hemel Hempstead. The applicant, being aware of the recent events at the premises, indicated that his intention is to revert the premises back to its original use as a food based, coffee house cinema for pre-arranged events only.

The applicant acknowledged the cooperative nature of the responsible authorities and confirmed that they had fully engaged with the authorities during the conciliation process in order that the premises could remain operative. The applicant acknowledged the concerns of the residents and asserted his intention to engage with the residents, suggesting that he would arrange an open day, during which he could introduce the residents to the business set up. He offered an undertaking to provide his mobile telephone number to residents in order to facilitate communication. Additionally the applicant confirmed that they would be agreeable for the hours for servicing being reduced to between 08.00 and 20.00 daily in order to alleviate residents' concerns.

The applicant's representative confirmed that should this application be granted, the current premises licence holder would immediately withdraw the appeal lodged before the Magistrates' Court.

The licensing sub-committee heard from the Metropolitan Police Service representative who confirmed that they had conciliated with the applicant, subject to the lease being transferred.

The licensing sub-committee noted that the four other responsible authorities had conciliated with the applicant.

The licensing sub-committee heard from the ward councillor who spoke on behalf of the local residents. It was confirmed that the residents were aware of the concessions and agreements between the applicant and the responsible authorities. Despite these agreements, the residents remained concerned about the proposed operational hours and the potential for noise and disturbance. These concerns were based upon the close proximity of the residential flats being located directly above the premises and the fact that the premises had not been originally designed as a bar. She also expressed some concern about the business model and its viability.

The ward councillor proposed the following amendments to the proposed application to alleviate the residents' concerns:

- That the opening hours commence at 10.00
- That the number of persons outside of the premises be reduced to five persons at any one time
- That the servicing hours be reduced to between 08.00 and 20.00.

The ward councillor agreed that the applicant's offer to engage with the local residents would be welcomed. It was conceded that Borough High Street is a busy commercial area and that some noise from local businesses is to be expected although in light of recent events, unrelated to this applicant, residents remained fearful of further anti-social behaviour.

The licensing sub-committee welcomed the applicant's willingness to engage with the responsible authorities and the residents. The sub-committee were sympathetic to the residents' concerns but were of the opinion that the additional conditions and the reduced operating hours listed above along with the provision of a designated telephone number would address these concerns and facilitate communication.

The sub-committee would remind the applicant that this licence may be subject to review at any time should the need arise.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered this decision to be appropriate and proportionate in order to address the licensing objectives.

4. **Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That the licence ought not to be been granted or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Date: 7 August 2015

Licensing Act 2003 Premises Licence

28



Environmental Health & Trading Standards
Licensing Unit
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

848755

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Roxy Basement And Ground Floor, Map 128-132 Borough High Street London SE1 1LB	
Ordnance survey map reference (if applicable), 179933532489	
Post town London	Post code SE1 1LB
Telephone number [REDACTED]	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Films - Indoors Live Music - Indoors Recorded Music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 08:30 - 23:30
Tuesday 08:30 - 23:30
Wednesday 08:30 - 23:30
Thursday 08:30 - 23:30
Friday 08:30 - 01:00
Saturday 08:30 - 01:00
Sunday 08:30 - 23:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Films - Indoors

Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 00:30
Saturday	12:00 - 00:30
Sunday	12:00 - 23:00

Live Music - Indoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 01:00

Recorded Music - Indoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 01:00

Late Night Refreshment - Indoors

Monday	23:00 - 02:30
Tuesday	23:00 - 02:30
Wednesday	23:00 - 02:30
Thursday	23:00 - 02:30
Friday	23:00 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 02:30

Sale by retail of alcohol to be consumed on premises

Monday	08:30 - 23:00
Tuesday	08:30 - 23:00
Wednesday	08:30 - 23:00
Thursday	08:30 - 23:00
Friday	08:30 - 00:30
Saturday	08:30 - 00:30
Sunday	08:30 - 23:30

Part 2

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

Red Cinema Ltd
[REDACTED]

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

09586696

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

Azad Hussain
[REDACTED]

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

Licence No [REDACTED]

Licence Issue date 14/09/2015

H A Matthews

Anti-Social Behaviour, Noise Nuisance &
Licensing Manager

Hub 2, 3rd Floor

PO Box 64529

London, SE1P 5LX

020 7525 5748

licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 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.

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

102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

485 (1) 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.

(2) In this paragraph, 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, 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 carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster 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; and

(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).

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

488 (1) 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.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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.

489 The responsible person shall 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: 1/2 pint;

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

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

(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,

491 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 purpose 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 $P = D + (D \times V)$, 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;

(iv) "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

(v) "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 this 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.

Annex 2 - Conditions consistent with the operating Schedule

136 That alcohol shall only be supplied to patrons ancillary to a substantial table meal and when that patron is attending:

- A film show
- A private pre-booked function involving cinema promotion
- A sporting event
- Any pre booked function for quiz nights, comedy performance, or live cabaret.

276 That the premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.

293 That all staff will be trained in relation to their responsibilities towards children under the Licensing Act 2003.

308 That there shall be no new entry or re-entry to the premises after midnight, other than those who leave the premises for the purpose of smoking a cigarette.

309 That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.

336 That a personal licence holder is on the premises and on duty at all times that intoxicating liquor is supplied on Friday and Saturday nights after 19.00.

340 That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the Police or other authorised officer.

341 That the premises capacity shall be 220.

342 That those that do leave the premises shall not be allowed to consume any beverages whilst outside.

343 That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by police or other authorised officer.

344 That the premises will not be used for any promotional events, a promotional event is one that is:

- Promoted / advertised to the public at any time before the event
- Predominantly features DJs or MCs performing to a recorded backing track, and
- Runs anytime between the hours of 10pm and 4am, and
- Is in a nightclub or a large public house.

345 That waiting staff will continually exercise supervision throughout the premises.

346 That a maximum of 10 smokers shall be permitted at the frontage of the premises at any one time.

347 That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 to 20.00 Monday to Sunday.

348 That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.

349 A challenge 25 scheme will be in operation at the premises.

424 That at least two SIA registered door supervisors shall be employed on Fridays and Saturdays from 21.00 until the premises are vacated of patrons at closing time. The premises licence holder shall use his best endeavours to ensure that at least one of the door supervisors is female. Mechanical counting devices shall be used to ensure that the maximum accommodation limit of the premises is not exceeded and that at any given time, the occupancy level of the premises is known and can be supplied to the responsible authorities upon request.

427 That clearly legible signage shall be prominently displayed at all exits where it can easily be seen and read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.

431 That the emergency door at the rear shall remain closed allowing for emergency egress only, whilst entertainment is provided.

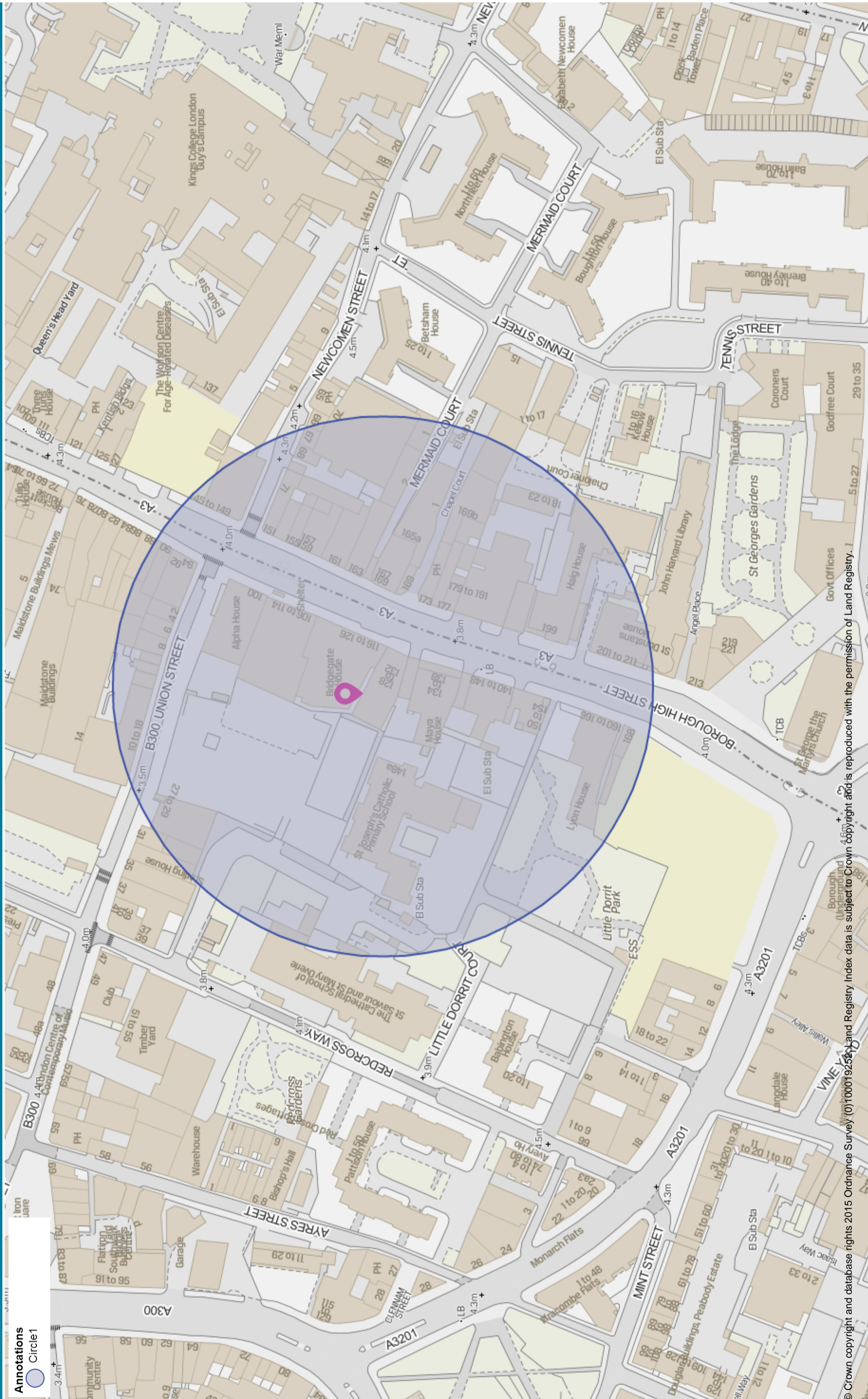
Annex 3 - Conditions attached after a hearing by the licensing authority

932 That the premises licence holder shall display a dedicated telephone number for local residents to contact management of the premises as and when necessary.

Annex 4 - Plans - Attached

Licence No. 848755
Plan No. 024 A105
Plan Date 09/12/05

ROXY BAR 128-132, BOROUGH HIGH STREET, SE1



Annotations
Circle 1

50 m

Scale = 1 : 1000

23-Jun-2017



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