

Licensing Sub-Committee

July 15 2009

10.00 am

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor Eliza Mann
Councillor Sandra Rhule
Councillor Dora Dixon-Fyle

Reserves

Councillor Lorraine Lauder

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Sean Usher on 0207 525 7222 or email: sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: July 7 2009



Licensing Sub-Committee

Wednesday July 15 2009
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

A representative of each political group will confirm the voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.

5. LICENSING ACT 2003 - B D WINES, 1 BRAGANZAR STREET, LONDON SE17 3RD 1 - 33

6. LICENSING ACT 2003 - FRANKS CAFE & CAMPARI BAR, LEVEL 10, PECKHAM RYE CAR PARK, 95A RYE LANE, LONDON, SE15 4ST 34 - 86

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

Item No.

Title

Page No.

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: July 7 2009

Item No. 5	Classification: Open	Date: 15 July 2009 at 10am	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – B D WINES, 1 BRAGANZAR STREET, LONDON SE17 3RD	
Ward(s) or groups affected:		NEWINGTON	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the Sub-Committee considers an application by the Metropolitan Police for a review of the Premises Licence granted under the Licensing Act 2003 to Mr Bahader Singh Mahil in respect of the premises known as B D Wines, 1 Braganzar Street, London SE17 3RD.
2. *Notes*
 - a) *The grounds for the review are stated in paragraph 10 – 15 of this report.*
 - b) *A copy of the Council's approved procedure for hearings of the Sub-Committee in relation to an application made under the Licensing Act 2003, along with a copy of the Hearing Regulations, has been circulated to all parties prior to the meeting.*

BACKGROUND INFORMATION

3. The Licensing Act 2003 came into effect on 25 November 2005. The Act's introduction provided a new licensing regime for the retail sale of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.
4. Under the Act a premises user wishing to provide any of the licensable activities listed in paragraph 3 of this report must secure a premises licence from the local licensing authority for the area in which the business concerned is located. Where the retail sale of alcohol is involved a designated premises supervisor holding a personal licence issued by the local authority for the area in which that individual lives must be named upon the premises licence.
5. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51(1) of the Act it remains open to any responsible authority or interested party to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

MATTERS FOR CONSIDERATION

The Premises Licence

6. On 11 February 2005, during the transitional period of the implementation of the Act, an application was made under Schedule 8 by Bahader Singh Mahil for the conversion of existing Justices Licence into a Premises Licence, in respect of B D Wines, 1 Braganzar Street, London SE17 3RD for the ground floor convenience store and off licence. The application sought a straight conversion of the existing licence - no variation of the existing licence was sought.

7. In the absence of any police representations the application was duly granted on 22 December 2005. As a result Mr Mahil holds a Premises Licence which authorises the retail sale of alcohol for consumption off the premises for the convenience Store and Off licence on:
 - a) Monday-Saturday from 10.00 to 23.00
 - b) Sundays from 12.00-22.30
8. The Designated Premises Supervisor named on the licence at the time this review is Mr Bahader Singh Mahil.
9. A copy of the Premises Licence is attached to the report as Appendix 1.

The Application for a Review of the Premises Licence

10. On 28 May 2009 an application requesting a review of the premises licence was received from PC Paul Compton of the Metropolitan Police. A copy of the application is attached as Appendix B. The grounds for the review relate to the following licensing objectives and are summarized as follows:-
 - a) **The Prevention of Crime and Disorder** – Supply of controlled drugs openly (sold) at the premises.
 - b) **Protection of Children From Harm** - During a recent Test Purchase Operation carried out in conjunction with the Local Authority Trading Standards Unit staff at these premises sold intoxicating liquor to a person aged under eighteen.
11. A copy of the review application is attached to the report as Appendix 2.
12. Additional information in the form of witness statement by supplied by two officers of the Metropolitan Police are attached as Appendix 3 to the report.

Other Representations Submitted following Advertisement of the Review Application

13. In accordance with the provisions of the Act the application for a review of the premises licence was advertised on a post immediately outside of the premises; on the Council's web site; and at the Southwark Town Hall. Checks were made to ensure that posters displayed in the street and the premises remained in position. Further representations could be made up until 26 June 2009.

Responsible Authorities

14. Additional information supporting the review application was made by the Councils Trading Standards on the grounds of the licensing objective– prevention of children from harm. A copy of the representation is attached as Appendix 4 to the report.

Interested Parties

15. There have been no further representations made by interested parties.

The Local Vicinity

16. A map of the local vicinity is attached as Appendix 5.

RESOURCE IMPLICATIONS

17. No fee is payable in respect of an application for a licence review.

CONSULTATIONS

18. Consultation undertaken upon this application has been carried out in accordance with the provisions of the Licensing Act 2003. Responses are detailed elsewhere in this report.

EQUAL OPPORTUNITIES IMPLICATIONS

19. Each application is required by law to be considered upon its own merits with all relevant matters taken into account.

SOUTHWARK STATEMENT OF LICENSING POLICY

20. Council Assembly approved the Southwark Statement of Licensing Policy on 2 April 2008. Sections of the Statement that are considered to be of particular relevance to this application are

- a) Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives;
- b) Section 4 which sets out the arrangements for the administration, exercise and delegation of functions;
- c) Section 5 which sets out the Council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence;
- d) Section 6 details other relevant Council and Government policies, strategies, responsibilities and guidance, including the relevant Articles under the Human Rights Act 1998;
- e) Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours;
- f) Section 8 provides general guidance on ensuring public safety including safe capacities;
- g) Section 9 provides general guidance on the prevention of nuisance; and
- h) Section 10 provides general guidance on the protection of children from harm.

21. The purpose of Southwark's Statement of Licensing Policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the Sub-Committee when considering the applications. However, the Sub-Committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

CONCURRENT REPORT BY THE STRATEGIC DIRECTOR OF COMMUNITIES LAW AND GOVERNANCE – LEGAL ISSUES

22. The Sub-Committee is asked to determine, under Section 52 of the Licensing Act 2003, an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority

or an interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

Principles for making the determination

23. The principles, which Sub-Committee members must apply, are set out below.
24. The licensing authority must hold a hearing to consider an application for review of a premises licence where -
- (a) the application is properly made in accordance with Section 51 of the Act.
 - (b) the applicant has given notice in accordance with Section 51(3) of the Act.
 - (c) the advertising requirements provided for under Section 51(3) of the Act are satisfied.
 - (d) the licensing authority has considered the ground(s) of review not to be frivolous, vexatious or repetitious.
 - (e) The licensing authority has considered the ground(s) of review to be relevant to one or more of the licensing objectives.
25. The four licensing objectives are -
- (a) the prevention of crime and disorder.
 - (b) Public safety.
 - (c) The prevention of nuisance.
 - (d) The protection of children from harm.
26. Each objective must be considered to be of equal importance
27. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are to-
- (a) modify the conditions of the licence by altering, omitting or adding any condition.
 - (b) exclude a licensable activity from the scope of the licence.
 - (c) remove the designated premises supervisor.
 - (d) suspend the licence for a period not exceeding three months.
 - (e) revoke the licence.
28. For the purpose of determining a relevant representation under section 52 of the Act a "relevant representation" means representations which -
- (a) are relevant to one or more of the licensing objectives.
 - (b) are made by the holder of the premises licence, a responsible authority or an interested party within the prescribed period
 - (c) have not been withdrawn
 - (d) if made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
29. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
30. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.
31. In deciding what remedial action if any it should take, the authority must direct it's mind to the causes or concerns that the representations identify. The remedial action should

generally be directed at these causes and should always be no more than a necessary and proportionate response.

32. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

33. Where the authority determines an application for review it must notify the determination and reasons for making it to –
- (a) the holder of the licence.
 - (b) the applicant
 - (c) any person who made relevant representations
 - (d) the chief officer of police for the area (or each police area) in which the premises are situated

Hearing Procedure

34. 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 representations
 - 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 application.
 - The committee shall disregard any information given by a party which is not relevant
 - to the particular application before the committee, and
 - the licensing objectives.
 - 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 any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
35. This matter relates to the review of a Premises Licence under section 51 of the Licensing Act 2003. Regulation 26(1)(a) requires the Sub-Committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the Licensing Sub-Committee

36. Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible

respectively for environmental health, trading standards, health, and safety and as the planning authority.

37. 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.
38. As a quasi-judicial body the Licensing Sub-Committee is required to consider the application 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 all persons entitled to make representations to them.
39. The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
40. 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.
41. The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case-to-case basis.
42. Under the Human Rights Act 1998, the Sub Committee needs to consider the balance between the rights of the applicant and those making representations 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.
43. Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee 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.

Guidance

44. Members are required to have regard to the DCMS 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.

BACKGROUND INFORMATION

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	The Chaplin Centre, Thurlow Street, SE17 2DG	Mrs Kirty Read at the Chaplin Centre Telephone 0207 525 5748

APPENDICES

No.	Title
Appendix 1	The Premises Licence
Appendix 2	The Review Application
Appendix 3	Statement of Witness
Appendix 4	Representation by the Responsible Authority
Appendix 5	Map of the Local Vicinity

AUDIT TRAIL

Lead Officer	Jonathon Toy, Head of Community safety and Enforcement	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	3 July 2009	
Key Decision	No	
Consultation with other Officers / Directorates		
Officer Title	Comments sought	Comments included
Strategic Director of Communities, Law and Governance	No	No

Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

5956

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
B. D. Wines 1 Braganza Street London SE17 3RD	
Ordnance survey map reference (if applicable), 178267 531670	
Post town London	Post code SE17 3RD
Telephone number 020 7735 9898	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence RB Sale by retail of alcohol to be consumed off premises
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The opening hours of the premises For any non standard timings see Annex 2
--

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

The times the licence authorises the carrying out of licensable activities			
For any non standard timings see Annex 2			
Sale by retail of alcohol to be consumed off premises	Monday	10:00	23:00
Sale by retail of alcohol to be consumed off premises	Tuesday	10:00	23:00
Sale by retail of alcohol to be consumed off premises	Wednesday	10:00	23:00
Sale by retail of alcohol to be consumed off premises	Thursday	10:00	23:00
Sale by retail of alcohol to be consumed off premises	Friday	10:00	23:00
Sale by retail of alcohol to be consumed off premises	Saturday	10:00	23:00
Sale by retail of alcohol to be consumed off premises	Sunday	12:00	22:30

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Bahader Singh Mahil
 39 Devere Gardens
 Ilford
 Essex
 IG1 3GB
 020 8554 6273

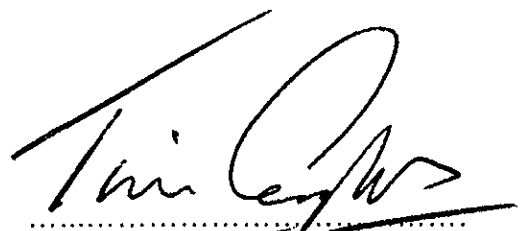
Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

MR BAHADER SINGH MAHIL
 39 Devere Gardens
 Ilford
 Essex
 IG1 3GB

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. 56
 Authority code 00BC Authority Redbridge P0056

Licence Issue date 10 April 2005



.....
 Environmental Health and
 Trading Standards Manager
 Chaplin Centre
 Thurlow Street
 London SE17 2DG
 020 7525 5748
 licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

1000 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.

1001 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

Annex 2 - Conditions consistent with the operating Schedule

2700 Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

- a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m.
- c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- d. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club;
- iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

2701 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

2800 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied: *-12+*

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

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

Annex 4 - Plans

As attached

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

RECEIVED
28 MAY 2009

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 The Commissioner of the Metropolis (represented by Paul Compton PC294MD
Southwark Borough Police Licensing Officer.)

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
B D WINES 1 Braganza Street	
Post town London	Post code (if known) SE17 3RD

Name of premises licence holder or club holding club premises certificate (if known)
Mr Bahader Singh Mahil

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Commisioner Metropolitan Police Paul Compton PC294MD Southwark Borough Police Licensing Officer 12/28 Manor Place Walworth London SE17 3RL
Telephone number (if any) 0207 232 6210
E-mail address (optional) paul.compton@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

1) The Prevention of Crime & Disorder.

Police executed a search warrant under the Misuse of Drugs Act 1971 at the premises on Friday 15th May 2009 @ 17.02hrs. The Premises Licence holder/Designated Premises Supervisor and two other family members were arrested in connection with the supply and possession of controlled drugs, along with possession of two offensive weapons.

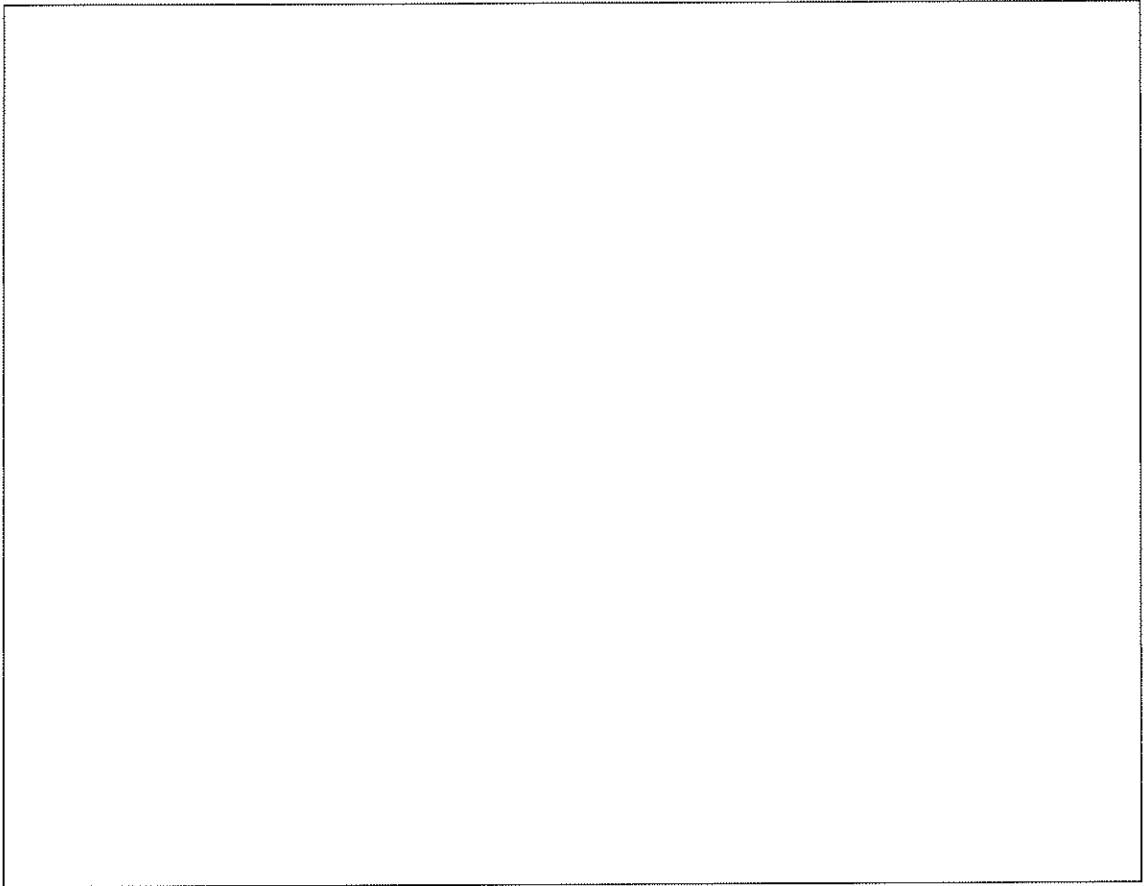
The premises is located within an area designated as a "Drug Hotspot Area" with over 80 drug related offences recorded in the last six months.

2) Public Safety.

Police have serious concerns over how the premises have been operated and the involvement of members of the management team, which appear to be involved in the supply of controlled drugs from the premises.

3) Protection of Children from Harm.

The premises has been found to have supplied alcohol to a fifteen year old female.



Please provide as much information as possible to support the application
(please read guidance note 2)

1) The Prevention of Crime & Disorder.

Police received information that controlled drugs were openly being supplied (Sold) from the off Licence, B D Wines, 1 Braganza Street SE17 3RD. On 12.03.09 police were called to the premises regarding three males smoking drugs outside. Three males were stopped and searched and two found to be in possession of controlled illegal drugs, one of the males detained worked at the premises and stated he was on a break.

As a direct result a search warrant was obtained under the Misuse of Drugs Act 1971 and this being executed @ 17.02hrs on Friday 15th May 2009 by the Southwark Police Operational Support Unit. At the premises at the time were Mr Satvinder Mahil & his brother Bobinder Mahil the sons of the Premises Licence holder & Designated Premises Supervisor (DPS) Mr Bahader Mahil. A thorough search of the premises was conducted with the assistance of a drug search dog in accordance with the drug search warrant. Also present on the premises were four males who had been found in the past on the premises or within the vicinity in possession of controlled illegal drugs.

A quantity of drugs were found in various locations around the premises: A number of self sealed bags containing herbal cannabis were found in the rear stockroom, which also smelt strongly of cannabis. Behind the till area further self seal bags containing herbal cannabis were found along with five wrapped lumps of cannabis and £60 in cash, not in the till.

A white mercedes sprinter van registered to the Premises Licence holder & Designated Premises Supervisor parked outside the premises was also searched under the warrant. No items were found but the vehicle smelt strongly of cannabis and it is thought that this vehicle is used to transport the drugs to the premises.

The search also found two offensive weapons behind the counter, one (1) baseball bat & one (1) gravity friction lock baton. (The same type as issued to Metropolitan Police Officers and by definition an offensive weapon. Members of the public are not permitted to legal hold such an item)

The two sons of the premises licence holder & designated premises supervisor were arrested at the time the search warrant was executed for possession of controlled drugs with intent to supply and for possession of two offensive weapons. Both of these males are the sons of the Premises Licence holder & Designated Premises Supervisor and both reside at the same address of the Premises Licence holder. A short while later the Premises Licence holder & Designated Premises Supervisor attended Walworth Police Station and was arrested for possession of controlled drugs with intent to supply and for possession of two offensive weapons. All three males were interviewed and bailed to return to the police station pending forensic analysis of the drugs seized.

During a previous visit to the premises on 28.03.09, the premises licence holder & Designated Premises Supervisor was found to be in possession of a similar gravity friction lock baton as on this occasion and received an adult caution after admitting he had the item for his own protection.

2) Public Safety.

It is obviously of great concern that a local store frequented by local residents and should be involved in the supply of illegal controlled drugs, especially given the fact that the premises is located in an area designated as a "Drug Hotspot".

3) Protection of Children from Harm.

As part of a continuous programme to ensure that young persons are not supplied with alcohol at licensed premises, a number of Test Purchase Operations are conducted with colleagues from LBS Trading Standards. On 28.02.09 @ 12.20pm a fifteen year old female who was assisting Police & Trading Standards, purchased a bottle of WKD Blue Vodka from the shop and this being supplied by the Premises Licence Holder & Designated Premises Supervisor. This resulted in a Fixed Penalty Notice being issued.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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If you have made representations before relating to this premises please state what they were and when you made them

NOT APPLICABLE

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 22nd May 2009

.....

Capacity Police Licensing Officer.

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
As in Section C on page 3 of application.

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Antony Howlin** URN:

01	MS		09
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable**

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 anything in it which I know to be false, or do not believe to be true.

Signature: Date: **20/05/2009**Tick if witness evidence is visually recorded (*supply witness details on rear*)

On Friday 15th May 2009 I was on duty in full public order uniform minus Nato helmet when I delivered a briefing to officers in relation to a search warrant to be executed at BD Wines, 1 Braganza Street, London, SE17 3RD. Operation Jersey. Information had been received that controlled drugs were being offered for sale to customers and of a strong smell of cannabis was coming from within the premises. On 12/03/2009 police were called to the location regarding three males smoking drugs outside, three males were stopped and two were found in possession of controlled drugs namely heroin and cannabis. One of the males detained worked at the location and stated he was outside for his smoke break. On 26/03/2009 plain clothes officers dealing with an unrelated incident observed objects changing hands between two males within the store that did not form part of an ordinary transaction. The premises itself is within a drug hotspot area with over 80 drug related offences being recorded within the last six months. Most noticeably are those for possession of heroin and cannabis in the street outside the premises on 18/01/2009, 12/03/2009 and 30/03/2009. At around 1700hrs I attended the venue with the crew of MD176 and at 1702hrs a rapid controlled entry was made to the venue and PC820MD Munck executed the warrant. On entry to the shop I noticed that there was one Asian male behind the counter this male I now believe to be Satvinder Mahil dob 18/01/1977 of 39 De Vere Gardens, Ilford, IG1 3EB. A second Asian male, I now believe to be Bobinder Singh Mahil was emerging from the rear stock room. There were four other males in the shop at this time. The shop itself consisted of a shop floor and storeroom accessed by the rear left of the shop floor with a toilet. Two were loitering to the left hand side of the counter near to the entrance, these two males I believe to be Richard Fuentes dob 03/03/1966 of 173 Lorrimore Road, London, SE17 3NA and Dean Duhigg date of birth 20/06/1974 of 100 Ambergate Street, London, SE17 3SA. The other two males were soon pointed out to me as being Scott Fairman date of birth 29/09/1981 of 18 Berryfield Road, London, SE17 3QE and Wayne McCreight date of birth 29/07/1981 of 40 Wolverton House, London, SE17 2AB. All of the males were detained and subjected to a search under s23 Misuse of Drugs Act 1971. Once all the occupants of the premises had been detained a drugs dog and handler, PC6384CO Doyle conducted a systematic search of the address.

Signature: Signature witnessed by:

Continuation of Statement of **Antony Howlin**

During this time the dog indicated to several areas within the store. These areas were manually searched and various items of evidential value were recovered. At 1710hrs PC820MD Munck found four (4) carrier bags containing quantity of cannabis (Fifteen (15) herbal cannabis self-seal bags and four (4) cannabis resin wraps) on the first shelf on rack on right of storeroom. These I seized and sealed in police evidence bag D41772043 which I produce as exhibit ARH./1. At 1715hrs I took three (3) ICEFLO photographs showing the location of exhibit ARH/1 which I later sealed in police evidence bag C32858527 which I produce as exhibit ARH/11. As a result of what had been found I spoke with Bobinder about what had been found. I said to him, 'Do you know what it is?' He replied, 'It's skunk isn't it'. I said, 'Whose is it?' He replied, 'I ain't got a clue. I know it's what they're all smoking.' I said, 'All who?' He replied, 'What Wayne, Scott and Dean are all smoking'. I said, 'You have no knowledge of this?' He replied, 'No'. He signed these entries as being correct on page 8 of the 101. Following this I spoke with Satvinder about what had been found in the storeroom. I said to him, 'Do you know what it is?' He replied, 'Looks like cannabis to me'. I said, 'Whose is it?' He replied, 'I don't know. I couldn't tell you.' I said, 'You have no knowledge of this?' He replied, 'No'. Both males these entries as being correct on page 8 of the 101. Having put questions to the males about what had been found I informed both PC133MD Hughes and PC291MD Lynch about what had been found and said by both males about the quantity of cannabis had been found and as a result both Satvinder and Bobinder were arrested for possession with intent to supply class B drugs. As this was going on the other males details had been confirmed and they were sent on their way as the search continued. At 1723hrs PC658MD Ling found one (1) self seal bag herbal cannabis and cannabis grinder underneath front of counter which I seized and sealed in police evidence bag A13876891 which I produce as exhibit ARH/2. PC658MD also found one (1) striped bag containing quantity of cannabis and cash (Two (2) self seal bags herbal cannabis and five (5) lumps of cannabis in wraps and three (3) £20 notes) which I seized and sealed in police evidence bag D41772042 which I produce as exhibit ARH/3. Once the drugs dog and handler had completed their search a systematic search of the premises was conducted. During the search at 1728hrs PC658MD found one (1) black handled gravity friction lock baton at the right hand side below the cash register which I seized and sealed in police evidence bag C33343310 which I produce as exhibit ARH/4 and one (1) baseball bat from the corner behind counter which I seized and sealed in police evidence bag Z08744557 which I produce as exhibit ARH/5. I informed PC133MD Hughes and PC291MD Lynch about these two (2) items that had been found and PC658MD pointed them out to PC133MD Hughes. I was aware that both Satvinder and Bobinder had been further arrested for possession of an offensive weapon. At 1730hrs PC658MD Ling found a quantity of cash below the chocolate display in counter which I seized and sealed in police evidence bag C33343306 which I produce as exhibit ARH/6. At 1735hrs I took two (2) ICEFLO photographs showing location of exhibit ARH/3 which I later sealed in police evidence bag C32858528 and produce as exhibit ARH/12 and three (3) ICEFLO photographs showing location of exhibits ARH/4 and ARH/5 which I later sealed in police evidence bag C32815430 and produce as exhibit ARH/13. At 1800hrs PC658MD Ling found a quantity of cash

Signature: Signature witnessed by:

Continuation of Statement of **Antony Howlin**

on the middle shelf below chocolate display on counter which I seized and sealed in police evidence bag C33343305 which I produce as exhibit ARH/7. At 1810hrs PC820MD Munck found one (1) CCTV tape in the CCTV recorder which I seized and sealed in police evidence bag C33343304 which I produce as exhibit ARH/8. At 1825hrs PC202MD Baster found one (1) self seal bag of herbal cannabis underneath the CCTV recorder which I seized and sealed in police evidence bag A13876894 which I produce as exhibit ARH/9. Following the search of the premises I completed a sketch plan of the venue, BD Wines, 1 Braganza Street, London SE17 3RD which I produce as exhibit ARH/10. At 1903hrs the search was complete and all officers left the venue. The venue was left locked and secured and all remaining officers returned to Walworth police station. A short time later, the proprietor of the premises, Bahader Mahil dob 03/03/1955 attended the front office at Walworth Police Station. I was aware that PC202MD Baster arrested him for possession with intent to supply and possession of an offensive weapon owing to the fact of the quantity of cannabis and the two offensive weapons that had been found during the search which he could not account for. I have since been made aware that all three males, Satvinder, Bobinder and Bahader Mahil have been bailed to return to Peckham police station on Tuesday 28th July 2009 at 1000hrs where they are likely to all be charged with the offences of possession with intent to supply a controlled drug namely cannabis and possession of an offensive weapon.

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): **PC971MD 209288 Antony Howlin** Station: **Walworth Police Station**

Time and place statement taken:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Paul Compton PC294MD** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Staff**

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 anything in it which I know to be false, or do not believe to be true.

Signature: Paul Compton PC294MD Date: 24th June 2009.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Paul Compton PC284MD/176623 and currently posted to the Police Licensing Office at Walworth Police Station, 12/28 Manor Place, Walworth, London, SE17 3RL. I am authorised to represent the Metropolitan Police in all issues connected to Licensed Premises located within the London Borough of Southwark.

On 22nd May 2009 I submitted an application to review the Premises Licence in respect of BD Wines 1 Braganza Street SE17 3RD held by Mr Bahader Singh Mahil. The application relates to three of the four main licensing objectives: Prevention of Crime & Disorder; Public Safety; Protection of Children from Harm.

On 15th May 2009 at 17.02hrs Police executed a search warrant that had been obtained under the Misuse of Drugs Act 1971 after the Southwark Police Operation Support Unit had obtained intelligence that the premises was often used for the supply and use of illegal drugs. The premises are located in an area designated as a "Drug Hotspot Area" with over 80 drug related offences recorded in the last three months, which includes on 12th March 2009 Police attending the premises after a call to Police was made that persons were smoking illegal drugs outside the premises. Upon attendance three males were stopped and searched and two were found to be in possession of controlled drugs, one of the males detained was working at the premises and stated that he was on a break.

At the time the Operational Support Unit executed the search warrant on 15th May 2009, a number of males were found inside the premises, including Mr Satvinder Mahil and Bobinder Mahil, who are the sons of the Premises Licence holder and Designated Premises Supervisor Mr Bahader Singh Mahil. Four other males were found on the premises who in the past have been found by Police either inside the premises or nearby to the premises and

Signature: Signature witnessed by:

Continuation of Statement of **Paul Compton PC294MD**

when searched found to be in possession of illegal drugs. A thorough search of the premises was conducted with the assistance of a drugs search dog and a quantity of illegal drugs was discovered at various locations around the store. In a rear stockroom a number of self sealed bags containing herbal cannabis were found. The officers searching noted that this rear stockroom smelt strongly of cannabis. Behind the till area further self seal bags were found also containing herbal cannabis along with five (5) lumps of cannabis and £60 in cash. (Not in the till) A white Mercedes sprinter van registered to the Premises Licence Holder & Designated Premises Supervisor, Mr Bahader Singh Mahil, was parked outside the premises and also subjected to a full search. No items were found although the searching officers noted that there was a strong smell of cannabis inside the vehicle and officers commented that it was likely that vehicle was used to transport illegal drugs to the premises.

Along with the illegal drugs discovered inside the premises, two offensive weapons were found behind the counter: One (1) Baseball Bat & One (1) Gravity Friction Lock Baton(The same type as issued to Police Officers and by definition are offensive weapons)

The two sons of the Premises Licence Holder & Designated Premises Supervisor were arrested for possession of controlled drugs with intent to supply and for the possession of two offensive weapons and conveyed to Walworth Police Station where they were interviewed and bailed to return to the Police Station at a later date, pending a full forensic analysis of the items seized. It is worthy of note that both sons gave their home address as the same as their father Mr Bahader Singh Mahil, the premises Licence Holder and Designated Premises Supervisor.

Later during the evening of 15th May 2009, Mr Bahader Singh Mahil, attended the front counter at Walworth Police Station where he was subsequently arrested for possession of controlled drugs with intent to supply and for possession of two offensive weapons. The reasons for this are that he is the Premises Licence Holder and Designated Premises Supervisor and therefore should be in full control of activities that take place inside the premises. Enquiries have revealed that during a previous visit made by Police to the premises on 28th March 2009 Mr Bahader Singh Mahil was found to be in possession of a similar Gravity Friction Lock Baton for which he received an adult caution after admitting he had the item for his own protection. Mr Bahader Singh Mahil was interviewed and bailed to return to the Police Station at a later date.

As part of a continuous programme to ensure that young persons are not supplied with alcohol at licensed premises, a number of Test Purchase Operations are conducted with colleagues from London Borough of Southwark Trading Standards. On 28th February 2009 at 12.20pm a Test Purchase Operation was conducted at BD Wines 1 Braganza Street SE17, where a fifteen (15) year old female purchased a bottle of WKD Blue Vodka from the store. The Premises Licence Holder & Designated Premises Supervisor, Mr Bahader Singh Mahil sold

Signature: Signature witnessed by:

Continuation of Statement of **Paul Compton PC294MD**

the alcohol to the young person. I entered the store immediately after the sale with my colleague PC Stephen McNally and spoke with Mr Bahader Singh Mahil and an appointment was made for him to attend Walworth Police Station the following week, where he accepted a Fixed Penalty Notice for supply of alcohol to a person under the age of 18.

It is of great concern to Police that the Premises Licence Holder and Designated Premises Supervisor, Mr Bahader Singh Mahil, would appear to be involved in the supply of illegal drugs. I am aware that at the time of writing this statement no decision has been taken as to what, if any, criminal charges should be levelled at Mr Bahader Singh Mahil and his sons. However as the Premises Licence Holder and Designated Premises Supervisor, Mr Bahader Singh Mahil is legally bound to be in "Day to Day control" of the premises and therefore should be fully aware of what activities are taking place inside the premises.

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

Statement in Support of Application for Review of Premises licence

**BD Wines,
1 Braganza Street,
London SE17 3RD**

Southwark Trading Standards were carrying out test purchasing exercises of alcohol with Police Licensing Officers on 20 February 2009 and again on 20 March.

28 February 2009

The volunteer was carefully selected by Trading Standards. She was photographed and measured prior to the exercise. She was of slim build, 5ft 5in (166cm) tall and dressed in casual clothes consistent with her age; 15 years. She was briefed in accordance with the LACORS code of practice and was not wearing make up in order to make appear older. She was always given money in the form of a note in order for the prospective seller to have extra time to assess her age. When she was in a shop attempting to purchase alcohol she was always observed by a member of Trading Standards' staff and any conversation could be heard.

At 12.20pm she attempted to purchase of bottle of alcohol at the above premise. A sale was made. Nothing was said to her about her age nor was she challenged in any way as to any proof of age. She handed over a £10 note. Once out of the shop she gave the Trading Standards Officer her change. She gave him £8.01 plus what she had purchased. She had been charged £1.99 for one bottle of WKD Vodka and a chocolate bar.

There were 11 test purchases carried out on that day by the same underage volunteer. She was refused at 7 of the premises where she attempted to purchase alcohol.

20 March 2009

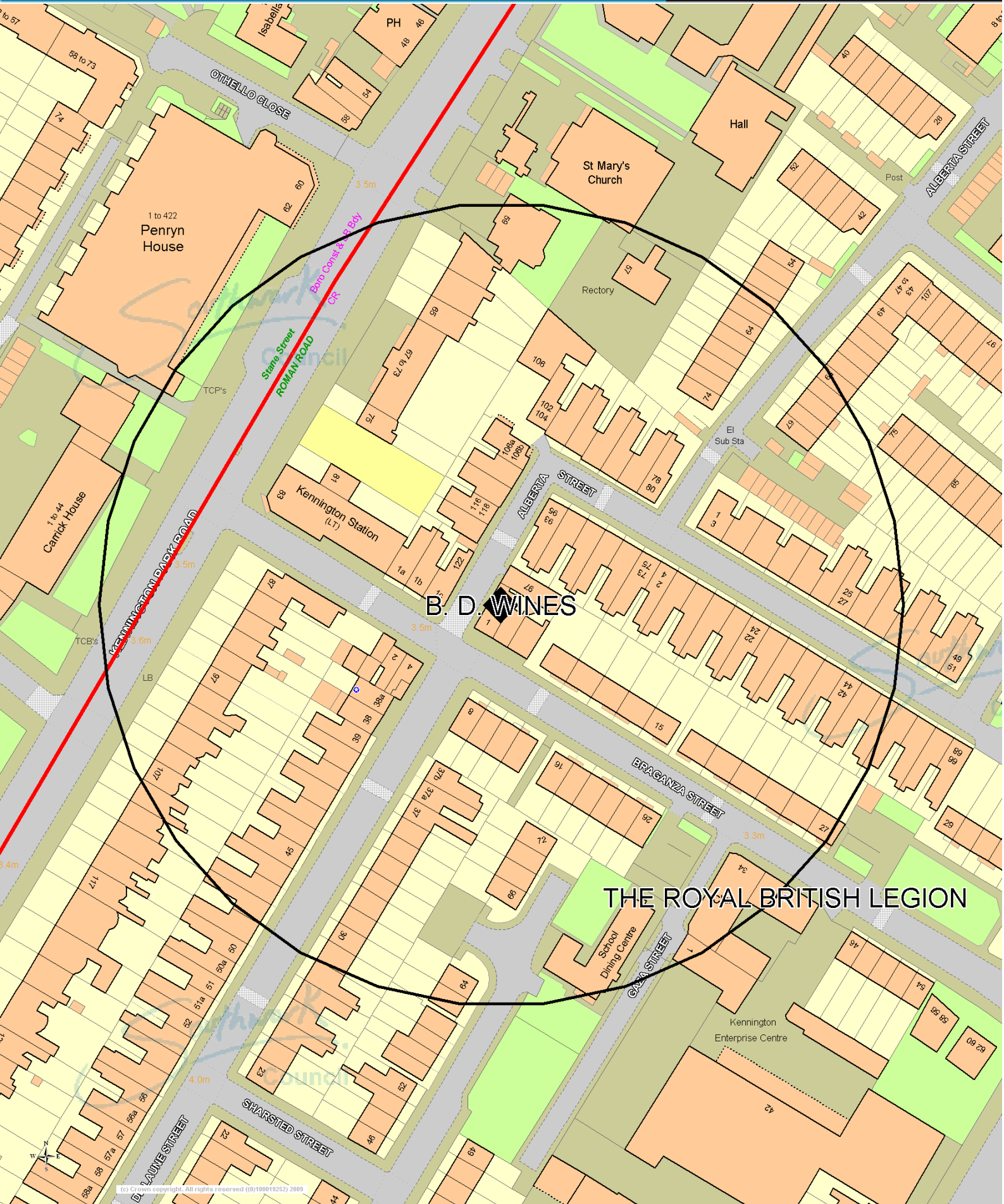
Another test purchase was carried out at the premises. The test purchase was carried out by a different volunteer to the test purchase of 28 February 2009. The volunteer was a 15 year old girl. Again she was of slim build, dressed in casual clothes consistent with her age. She was shorter in height being 5ft 3in (160 cm). She was briefed in accordance with the LACORS code of practice and was not wearing make up in order to make appear older. She was always given money in the form of a note in order for the prospective seller to have extra time to assess her age. When she was in a shop attempting to purchase alcohol she was always observed by a member of Trading Standards' staff and any conversation could be heard. A sale did not take place on this occasion. The sales assistant was on the point of making a sale when he observed another adult in the shop; this being the Trading Standards observer. At this point he refused the sale outright, not even asking for any proof of age. This volunteer was younger than the first one used in February.

In relation to the test purchase, the young person was more than two years below the legal age to purchase alcohol and looked her age.

There were 10 test purchases carried out on that day by the same underage volunteer. She was refused at 9 of the premises where she attempted to purchase alcohol.

Justin Miller
Trading Standards Team Leader

5 June 2009



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Agenda Item 6

Item No. 6	Classification: Open	Date: July 15 2009	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – Franks Cafe & Campari Bar, Level 10, Peckham Rye Car Park, 95A Rye Lane, London, SE15 4ST.	
Ward(s) or groups affected:		Premises are within: The Lane	
From:		Strategic Director of Environment and Housing	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Mr Frank Boxer, for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Franks Cafe & Campari Bar, Level 10, Peckham Rye Car Park, 95A Rye Lane, London, SE15 4ST.

Notes:

- *This application forms a new application for a premises licence, under Section 17 of the Licensing Act 2003. The application is subject to a representation from one responsible authority is therefore referred to the sub-committee for determination;*
- *Paragraphs 7 to 10 of this report provide a summary of the application for the premises licence under consideration by the sub-committee (A copy of the full application is provided at appendix A)*
- *Paragraphs 15 to 21 of this report deal with the representations received to the premises licence application. (Copies of the relevant representations and replies are attached at appendix B, D and E).*

BACKGROUND INFORMATION

The Licensing Act 2003

2. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment

Within Southwark, this council wholly administers the licensing responsibility.

3. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are
 - The prevention of crime and disorder;
 - The promotion of public safety

- The prevention of nuisance; and
 - The protection of children from harm.
4. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself;
 - The guidance to the Act issued under Section 182 of the Act;
 - Secondary regulations issued under the Act;
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations
 5. The Act established a transitional period between 7 February 2005 and 6 August 2005 under which holders of existing justice's licenses, public entertainment licenses and night café licenses were able to apply to the local licensing authority for "grandfather rights" conversion of those existing licenses into the relevant licenses under the new system. Licenses that were so converted were converted on existing terms, conditions and restrictions. The 6 August date having passed, operators must now apply for new licenses.
 6. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

7. On the 29th May 2009 Mr Frank Boxer applied to this council for the grant of a new premises licence in respect of the premises known Franks Cafe & Campari Bar, Level 10, Peckham Rye Car Park, 95A Rye Lane, London, SE15 4ST.
8. A copy of the application for the new premises licence is attached to the report as appendix A.
9. The premises licence application form provides the applicant company's operating schedule. Parts F, M, O and P set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003
10. The application is summarized as follows:
 - The provision for the supply of alcohol on the premises and recorded music – 11.00hrs to 22.00hrs on Thursdays through to Sundays
 - Opening hours – 11.00hrs to 22.00hrs on Thursdays through to Sunday

Operating history

11. The premises has not held any licence under the Licensing Act 2003.
12. Mr Boxer has given the council three Temporary Event Notices to be held at the premises for the following dates:

Dates	Times	Licensable activities	No of persons	Person making notice	Police Objection	Notes
30/06/09	16:00 to 23:00 hrs	Sale of alcohol on the premises Recorded music	200	Mr Frank Boxer	Yes	Objection withdrawn after the Police received clarification of the event.
02-05/07/09	11:00 to 22:00 hrs	Sale of alcohol on the premises Recorded music	200	Mr Frank Boxer	Yes	Objection withdrawn after the Police received clarification of the event.
09-12/07/09	11:00 to 22:00 hrs	Sale of alcohol on the premises Recorded music	100	Mr Frank Boxer	No	

Designated premises supervisor

13. The proposed designated premises supervisor is Mr Frank Boxer who has been granted a personal licence by Lambeth Council.

Representations from interested parties

14. There are no representations from interested parties.

Representations from responsible authorities

15. There are three representations received from responsible authorities, the police the health & safety team and the environmental protection team.

16. The fire service and the planning authority have replied to the consultation and raise no objection.

17. Copies of the representations and replies from responsible authorities are attached as appendix B.

18. A site visit was made with the licensing officer, health and safety team and the environmental enforcement team. Following this visit the applicant agreed to add extra conditions to his operating schedule to address the representations made, which are as follows:

- I. The licensee shall ensure that the actions from the risk assessment submitted to the licensing unit on 20th June 2009 shall be implemented and adhered to.
- II. Stewards shall be nominated to prevent drinks being removed from beyond the licensable area marked in red on the plans.
- III. Emergency lighting shall be provided
- IV. Electricity shall be supplied through fused mains and not extension leads

- V. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements allowing safe means of access and egress at all times. Where tables and seats are provided, clear gangways to exits shall be maintained, in accordance with the approved arrangements to the satisfaction of the Council
- VI. Any music played shall be as background music and shall not exceed 60 decibels or that of normal conversation.
19. The risk assessment and plans referred to in points one and two are attached as appendix C
20. As a result of this the health and safety team and the environmental enforcement team have withdrawn their representations. Conciliation statements and replies withdrawing the representations are attached as appendix D
21. In an attempt to conciliate the police representation, the applicant agreed to carry over the conditions that were attached to his recent temporary event notices to this time limited premises licence application and also gave assurances addressing other concerns within the police representation. The police declined to conciliate because the premises is within the saturation zone and say this application should be determined by the licensing committee. See attached documents as appendix E.

Disability discrimination act

22. The Southwark Disablement Association have no comments regarding this application.

The local vicinity

23. A map and photographs of the local vicinity is attached at appendix F. The premises to be licensed is at the centre of the map named Multi Story Car Park. Other licensed premises identified within 250 metres of the premises are;

- **PECKHAM MULTIPLEX, 95A Rye Lane, SE15 4ST**
Granted licensable activities:
Films – indoors: Sunday/Thursday 09:00 to 00:00, Friday/Saturday 09:00 to 02:00
- **RYE LANE OFF LICENCE, 75 Rye Lane, SE15 5EX**
Granted licensable activities:
Sale by retail of alcohol to be consumed off premises:
Monday/Saturday 08:00 to 23:00, Sunday 10:00 to 22:30
- **THE HOPE, 66 Rye Lane, SE15 5BY**
Granted licensable activities:
Entertainment similar to live/recorded music; facilities for dancing, live music, performance of dance, recorded music – indoors, and sale by retail of alcohol to be consumed on/off premises: Sunday/Thursday 10:00 to 00:00, Friday/Saturday 10:00 to 01:00
Late night refreshment – indoors: Sunday/Thursday 23:00 to 00:30, Friday/Saturday 23:00 to 01:30
- **ICELAND FROZEN FOODS, 74 Rye Lane, SE15 5DQ**

- Granted licensable activities:
Sale by retail of alcohol to be consumed off premises: Monday/
Saturday 08:00 to 23:00, Sunday 10:00 to 22:30
- **GROVE OFF LICENCE, 12-16 Blenheim Grove, SE15 4QL**
Granted licensable activities:
Sale by retail of alcohol to be consumed off premises: Monday/ Sunday
09:00 to 23:00
 - **LADY MEGS AFRICAN RESTAURANT, 8-10 Blenheim Grove, SE15 4QL**
Granted licensable activities:
Late night refreshment – indoors: Monday/ Sunday 23:00 to 06:00
Recorded music – indoors, Sale by retail of alcohol to be consumed on/off
premises: Monday/Saturday 10:00 to 06:00, Sunday 14:00 to 06:00
 - **R N B NIGHTCLUB, 12A Station Way, SE15 4RX**
Granted licensable activities:
Entertainment similar to live/recorded music; facilities for dancing, facilities for
making music, live music, performance of dance, provisions similar to making
music and dancing – indoors and sale by retail of alcohol to be consumed on/off
premises: Wednesday 20:00 to 00:00, Thursday 21:00 to 02:00, Friday/Saturday
22:00 to 05:00, Sunday 20:00 to 02:00
Late night refreshment – indoors: Wednesday 23:00 to 00:00,
Thursday 23:00 to 02:00, Friday/Saturday 23:00 to 05:00, Sunday 20:00 to 02:00
Recorded music – indoors: Wednesday 20:00 to 00:00, Thursday 23:00 to 02:00,
Friday/Saturday 23:00 to 05:00, Sunday 23:00 to 02:00
 - **IL GIARDINO RESTAURANT, 7 Blenheim Grove, SE15 4QS**
Granted licensable activities:
Late night refreshment – indoors: Monday/ Saturday 23:00 to 00:30,
Sunday 23:00 to 00:00
Sale by retail of alcohol to be consumed on premises: Monday/ Saturday
11:00 to 00:00, Sunday 12:00 to 23:30
 - **MORRISONS, Unit 3, The Aylesham Centre Rye Lane, SE15 5EW**
Granted licensable activities:
Sale by retail of alcohol to be consumed off premises - indoors
Monday/ Saturday 08:00 to 23:00, Sunday 10:00 to 22:30

Southwark council saturation policy for Peckham

24. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 05 November 2008.
25. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
26. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

27. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

28. Council assembly approved the third revision of Southwark's statement of licensing policy on 5 November 2008. Sections of the statement that are considered to be of particular relevance to this application are

- Section 3 which sets out the purpose and scope of the policy and re-inforces the four licensing objectives
- Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
- Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
- Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
- Section 8 provides general guidance on ensuring public safety including safe capacities
- Section 9 provides general guidance on the prevention of nuisance
- Section 10 provides general guidance on the protection of children from harm.

29. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

RESOURCE IMPLICATIONS

30. A fee of £315 has been paid by the applicant in respect of this application being the statutory fee payable for premises within non-domestic rateable value band C.

CONSULTATIONS

31. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was placed in the 11th May 2009 edition of the Southwark News and a similar notice exhibited outside of the premises.

COMMUNITY IMPACT STATEMENT

32. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic director of Communities, Law & Governance

33. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.

34. The principles which sub-committee members must apply are set out below.

Principles for making the determination

35. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

36. Relevant representations are those which

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn.
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

37. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to

- to grant the licence subject to-
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives, and any condition which must under section 19,20 or 21 be included in the licence
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor;
- to reject the application.

Conditions

38. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant that is consistent with the operating schedule accompanying the application, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

39. The four licensing objectives are

- The prevention of crime and disorder;
- Public safety;
- The prevention of nuisance; and
- The protection of children from harm.

40. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

41. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

42. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

43. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision

Hearing procedures

44. 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 representations
 - 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 application.
 - The committee shall disregard any information given by a party which is not relevant
 - to the particular application before the committee, and
 - the licensing objectives.
 - 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 any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
45. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

46. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
47. 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.
48. As a quasi-judicial body the licensing sub-committee is required to consider the application 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 all persons entitled to make representations to them.

49. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, and working or engaged in normal activity in the area concerned.
50. 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.
51. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
52. Under the Human Rights Act 1998. the sub committee needs to consider the balance between the rights of the applicant and those making representations 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. Interested parties, responsible authorities and the applicant have the right to appeal the decision of the sub-committee 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.

Guidance

54. Members are required to have regard to the DCMS 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.

Background documents

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Name: Mrs Kirty Read Phone number: 020 7525 5748

Appendices

No.	Title
Appendix A	Premises licence application
Appendix B	Representations/replies from Responsible Authorities
Appendix C	Risk Assessments /Plans re conciliation
Appendix D	Conciliation statements/withdrawals of representations from responsible authorities (Health & Safety/Environmental Protection Team)
Appendix E	Conciliation attempt & decline from police
Appendix F	Map of local vicinity

Audit trail

Lead Officer	Jonathon Toy, Head of Community safety and Enforcement	
Report Author	Jayne Tear, Licensing Enforcement Officer	
Version	Final	
Dated	6 th July 2009	
Key Decision	No	
Consultation with other Officers / Directorates		
Officer Title	Comments sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes



Application for a premises licence to be granted 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 FRANK BOXER

(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

Postal address of premises or, if none, ordnance survey map reference or description			
Level 10 PEKHAM RYE CAR PARK 95A RYE LANE			
Post town	LONDON	Post code	SE15 4ST
Telephone number at premises (if any)	N/A		
Non-domestic rateable value of premises	£ N/A		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual * please complete section (B)
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)

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29 MAY 2009

- 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 please complete section (B)
- h) 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:

Please tick yes

- 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname BOXER			First names PETER FRANK		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		FLAT 3 152 LAMBETH ROAD			
Post Town	LONDON		Postcode	SE1 7AD	
Daytime contact telephone number		07917198285			
E-mail address (optional)	frank.Boxer@gmail.com				

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		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

3	0	6	2	0	9
---	---	---	---	---	---

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

Day Month Year

3	0	0	9	2	0	1	0	9
---	---	---	---	---	---	---	---	---

Please give a general description of the premises (please read guidance note 1)

Temporary Pavilion to function as a cafe and bar to accompany a sculpture exhibition (for three months)

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

N/A

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

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

Provision of regulated entertainment

Please tick yes

- | | |
|---|-------------------------------------|
| 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) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" 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"/> |

Provision of entertainment facilities:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day				Start	Finish
				Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

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			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
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 5)
Fri			
Sat			
Sun			

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				Please give further details here (please read guidance note 3)	
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					

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>	
				Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both			<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)			
Thur						
Fri			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 (please read guidance note 5)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3) Background music not exceeding 60 decibels (normal conversation)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4) N/A		
Thur	11.00	22.00			
Fri	11.00	22.00	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 5) N/A		
Sat	11.00	22.00			
Sun	11.00	22.00			

d

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
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)		

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors
			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 facilities for making music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

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



Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be 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			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A		
Mon					
Tue					
Wed					
Thur	11.00	22.00			
Fri	11.00	22.00			
Sat	11.00	22.00			
Sun	11.00	22.00			
			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 5) N/A		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	FRANK BOXER	
Address	FLAT 3 152 LAMBETH ROAD	
Postcode	SE1	7DF
Personal Licence number (if known)	02387	
Issuing licensing authority (if known)	LAMBETH COUNCIL	

N

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).

~~NA~~ None
Full Bar

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			<p>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 5)</p>
Tue			
Wed			
Thur	11.00	22.00	
Fri	11.00	22.00	
Sat	11.00	22.00	
Sun	11.00	22.00	

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

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

The application for license has been made in conjunction with the sculpture exhibition "Bold Tendancies" which is supported by Southwark Council and Hannah Berry

Gallery

b) The prevention of crime and disorder

The premise is to serve light refreshments to exhibition visitors only.
Alcohol will not be served to anyone who appears drunk.

c) Public safety

The premises is located in a public building (peckham car park) with highly visible and accesable fire escapes

d) The prevention of public nuisance

The bar will be sufficiently staffed to ensure that only visitors to the exhibition consume products responsibly and keep noise to an acceptable level

e) The protection of children from harm

All visitors and customes ~~under~~ who look under the age of 21 will be asked for valid age identification if they attempt to purchase alcohol

Please tick yes

- I have made or enclosed payment of the fee
- 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 premises supervisor, if applicable N/A
- 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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Fark Pew</i>
Date	<i>4/5/09</i>
Capacity	<i>Applicant</i>

For joint applications signature of 2nd applicant 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 postal 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

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 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.
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, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. 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, 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, both 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.

Please return this form to:
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG
Tel. 020 7525 2000
Fax. 020 7525 5705
Hlicensing@southwark.gov.ukH

From: Chudasama, Sailesh
Sent: 08 June 2009 13:59
To: Regen, Licensing
Subject: FW: License Application - Level 10 - Peckham Rye Car Park

Licensing Team,

Further to the above application I hereby object on the grounds of public safety due to lack of suitable and sufficient risk assessments in relation to means of safe access and egress from the premises; crowd management; emergency procedures; crowd gathered at an open venue on 10th floor rather than enclosed - risk of falls and falling objects; clear roles and responsibilities; arrangements for the regular analysis, planning, inspection, operation; adequate training; etc,

Mr Sailesh Chudasama

Health & Safety Team Leader

Environmental Health & Trading Standards

Chaplin Centre, Thurlow Street, London, SE17 2DG

Tel: 0207 525 5818 Fax: 0207 525 5705

www.southwark.gov.uk/BusinessCentre/HealthSafetyWork/

visit: www.southwark.gov.uk

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

MEMO: Environmental Protection Team

To Regen, Licensing **Date** 10th June 2009
Copies
From Alan P. Blissett **Telephone** 020 7525 5766 **Fax** 020 7525 5768
Email Alan.Blissett@southwark.gov.uk

Subject Level 10 Peckham Rye Car Park our ref 372639

Thank you for referring the application to Environmental Protection Team. I have reviewed the application and location

The application if granted would permit the supply of alcohol and playing of recorded music on the roof of the car park between 1100 and 2200 on the 4 days Thursday to Sunday for each week for 3 months commencing end of June 2009. This application is within the Peckham saturation area

There is inadequate detail in the application in terms of numbers of patrons per day, location and extent of amplification and speakers, the provision of artificial lighting in order to assess whether there would be impacts on the residents of Cicely Road, Moncrieff Street and /or Cerise road. There is no specific reference to the prevention of public objective in relation to the Saturation Area

I therefore propose to lodge a representation at this stage

I would suggest a joint on location meeting once all Responsible Authorities have responded.

Alan Blissett
Principal Environmental Protection Officer

Your reference:

Our reference: LIC/21/1778/MD

Date: 24th June 2009



METROPOLITAN POLICE SERVICE

Licensing Unit
Chaplin Centre
Thurlow Street
London
SE17 2DG

Southwark Police Licensing Office
Walworth Police Station
12-28 Manor Place
London
SE17 3BB
Telephone : 020 7232 6155 (Office)
07990 900966 (Mobile)
Facsimile : 020 7232 6282
E-mail : Stephen.McNally@met.police.uk

Frank's Café & Campari Bar
Level 10, Peckham Rye Car Park
R/O 95A Rye Lane, SE15 4ST

I write with reference to an application by Frank Boxer for a grant of a time-limited Premises Licence to permit the sale of alcohol and the provision of recorded music at the above premises between 30th June 2009 and 30th September 2009.

Police would wish to advise that these premises, being labelled as a bar, fall within the scope and area of the Peckham Saturation Zone which basically means that the applicant has to prove how, should he be granted a Licence, his premises would not have an adverse effect on the crime and disorder in the area - a matter obviously for determination by the Licensing Committee.

Further, the applicant has made very little effort in his addressing of the Licensing Objectives. In fact, the only steps shown to promote the 'prevention of crime and disorder' are that *'the premise is to serve light refreshments to exhibition visitors only'* and that *'alcohol will not be served to anyone who appears drunk'*.

I am aware that entry to the Level 10 area of the Car Park is via a locked metal gate on Level 6. On a recent site visit I was unable to gain egress from the site using the keys held by the Council as the locks had seemingly been replaced by the occupiers. This obviously gives rise to concerns about access should there be any cause for Police - or other similar bodies - attendance.

There is no mention in the applicant's Operating Schedule as to how he intends to deal with monitoring and controlling the numbers of people attending the venue at any one time (with details of any Security Company to be employed if applicable) or details of any necessary evacuation, fire and First Aid procedures to be employed.

21 will be asked for valid proof of age and identity and if none is available the sale of alcohol will be refused

No alcohol bought on site will be permitted to be taken off site. All members of the staff will monitor this. Also signs will be in place to make visitors aware that alcohol is not permitted to be taken off site

The café is designed to host no more than a manageable number of clients (50) at any one time during opening hours. Furthermore, opening hours (11am - 10pm) are designed to host clients during the afternoon and early evening as opposed to late night entertainment. It is the intention to only serve drinks to accompany food consumption and therefore prevent any irresponsible or risky behaviour.

Measures in place to prevent clients to fall from the 10th level of the building:

1.2m concrete barrier in place surrounding the entire premise preventing any falls of clients through carelessness.

Anyone seen attempting to climb the barriers due to irresponsible or risky behaviour will be immediately stopped by a specifically designated member of staff

In the designated area for the consumption of drinks, a structural 'Lip' will be put in place to prevent objects such as glasses, plates or cutlery to fall off the barrier

Any items circulated on the designated premise area will not be allowed to be taken from this area and a designated member of staff will prevent clients from doing so. Furthermore, signs visible from any point in the café will make clients aware of this.

In view of the above Police would wish to make a formal representation to this Notification on the grounds that the applicant would appear, at this stage, to have taken insufficient steps to ensure the safety of the public and prevent the possibility of crime and disorder

If you have any questions regarding this matter please do not hesitate to contact me on one of the above numbers.

Yours sincerely

Stephen McNALLY PC 693MD
Licensing Officer

FILE COPY



From: [Redacted]@london-fire.gov.uk
Sent: 24 June 2009 11:55
To: Tear, Jayne
Subject: 95a Rye Lane
Attachments: 60273A_200906160958520080.doc

Dear Jayne,
Please find attached as discussed.

Regards
Ray

LONDON FIRE BRIGADE

For fire safety advice please go to <http://www.london-fire.gov.uk/YourSafety.asp>

To book a LFB workplace fire safety training course go to <http://www.london-fire.gov.uk/workplacefiresafetytraining.asp>

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LONDON FIRE
AND EMERGENCY
PLANNING AUTHORITY

Fire Safety Regulation: South East Area 3
169 Union Street London SE1 0LL
T 020 8555 1200 x36500
F 020 8536 5924
Minicom 020 7960 3629
www.london-fire.gov.uk

Mr Frank Boxer
Level 10
Peckham Rye Car Park
95a Peckham Rye
London SE15 4ST

FILE COPY

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 16 June 2009
Our Ref 91/2679

Dear Sir

LICENSING ACT 2003

Premises: Level 10, Peckham Rye Car Park, 95A Rye Lane, London SE15 4ST

With reference to the application dated 4 May 2009, as shown on plans, the Fire Authority, **does not propose to make any representation** to the Licensing Authority, provided that the premises are constructed and managed in accordance with the information supplied with your application.

However, if you propose to make any changes to the use or the layout of the building you should consult with the Building Control Body, and a suitable fire risk assessment will be required to comply with the Regulatory Reform Order 2005.

This letter is without prejudice to the powers of the licensing authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation. It is also without prejudice to any requirements or recommendations that may be made by this Authority under the Regulatory Reform (Fire Safety) Order 2005 or the Petroleum (Consolidation) Act 1928. All alterations should comply with the appropriate provisions of the current Building Regulations.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,

for Assistant Commissioner (Fire Safety Regulation)

Fire and Community Safety Directorate
firesafetyregulationSE@london-fire.gov.uk

cc.: Licensing Authority

Reply to Kevin Keown
Direct T 020 8555 1200 x57287
Direct F 020 8536 5924

FILE COPY *Southwark*
Council

Regeneration and neighbourhoods
Planning & transport
Development management
PO Box 64529
LONDON SE1P 5LX

Licensing Unit
Chaplin Centre
Thurlow Street
London
SE17 2DG

Your Ref:
Our Ref: 09-CE- 00992
Contact: Dennis Sangweme
Telephone: 020 7525 5419
Fax: 020 7084 0347
E-Mail: planning.enquiries@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 06/07/2009

Dear Sir/Madam

Premises Licensing re:
95A RYE LANE, LONDON, SE15 4ST

We have reviewed this licensing application and are of the opinion that if the time limited application is ancillary to the art gallery then, the planning department has no objection to this application for a premises license under the licensing act 2003.

Yours faithfully



Dennis Sangweme

Team Manager - Planning Enforcement

**RISK ASSESSMENT FOR THE OPERATION OF
FRANKS CAFÉ AND CAMPARI BAR**
30 JUNE – 30 SEPTEMBER 2009
10TH FLOOR PECKHAM RYE CAR PARK, SE15 4ST

A) MEANS OF SAFE ACCESS AND EGRESS FROM THE PREMISES

Existing safe access and egress facilities are sufficient to allow safe operation of Franks Café and Campari Bar which has a maximum capacity of 50.

General access to the 10th Floor of the premises is via an iron gate between level 6 and 7. The gate will be unlocked during opening hours and provides access and egress via ramps for pedestrians, wheelchair users and small vehicles (e.g. First Aid cars). General access to and egress from level 6 is possible either via lifts to/from the Ground level (entrance next to the Cinema on 95 Rye Lane) or via staircases parallel to the lifts.

In case of an emergency there are two staircases directly from level 10 to the ground floor on the eastern and western side of the building. An additional staircase is provided on level 9 directly onto the Ground level. Wheelchair users can use ramps from level 10 to the Ground floor.

B) CROWD MANAGEMENT

Franks Café and Campari Bar operates on a business plan of an average of 30 clients per day and a peak capacity of 45 clients seated plus 5 clients standing at any one time. The reason for operating this café is to give clients the opportunity to enjoy the vista from the 10th level of the building and therefore only serves a small selection of coffee and drinks and light refreshments. It is not the intention to gather crowds above 50 people in the café and from experience from previous projects run by Frank Boxer (Italo Delicatessen, SW8, and Open Park Day – Bonnington Square Festival, SW8) crowds larger than 50 are not to be expected.

Frank Boxer, Personal Licence Holder and Designated Premises Supervisor (Mobile: 07917 198 285) will be on site continuously during opening hours and will be responsible for crowd management.

All access and egress facilities have been approved as sufficient for the operation as a carpark with at least 20 cars per level. This would be sufficient to provide safe access and egress for up to 50 clients of the café at any one time.

Measures planned for the unlikely event of more than 50 clients on the premises:

- New clients will be refused access at the gate between level 6 and 7.

adherence to any of those rules, measures and evacuation procedures to assist the Designated Premises Supervisor.

G) ARRANGEMENTS FOR THE REGULAR ANALYSIS, PLANNING, INSPECTION, OPERATION

Frank Boxer, Designated Premises Supervisor, has contacted the Health and Safety Department of Southwark Council to arrange for a schedule of regular analysis, planning, inspection and operation of the premises according to all applicable Health and Safety regulations.

H) ADEQUATE TRAINING

Frank Boxer, Designated Premises Supervisor, has experience in running similar premises and events (see B) and has further contacted the Health and Safety Department at Southwark Council to get a special briefing and training regarding the premises to ensure that the café will be run in compliance with all health and safety regulations.

For all enquiries please contact:

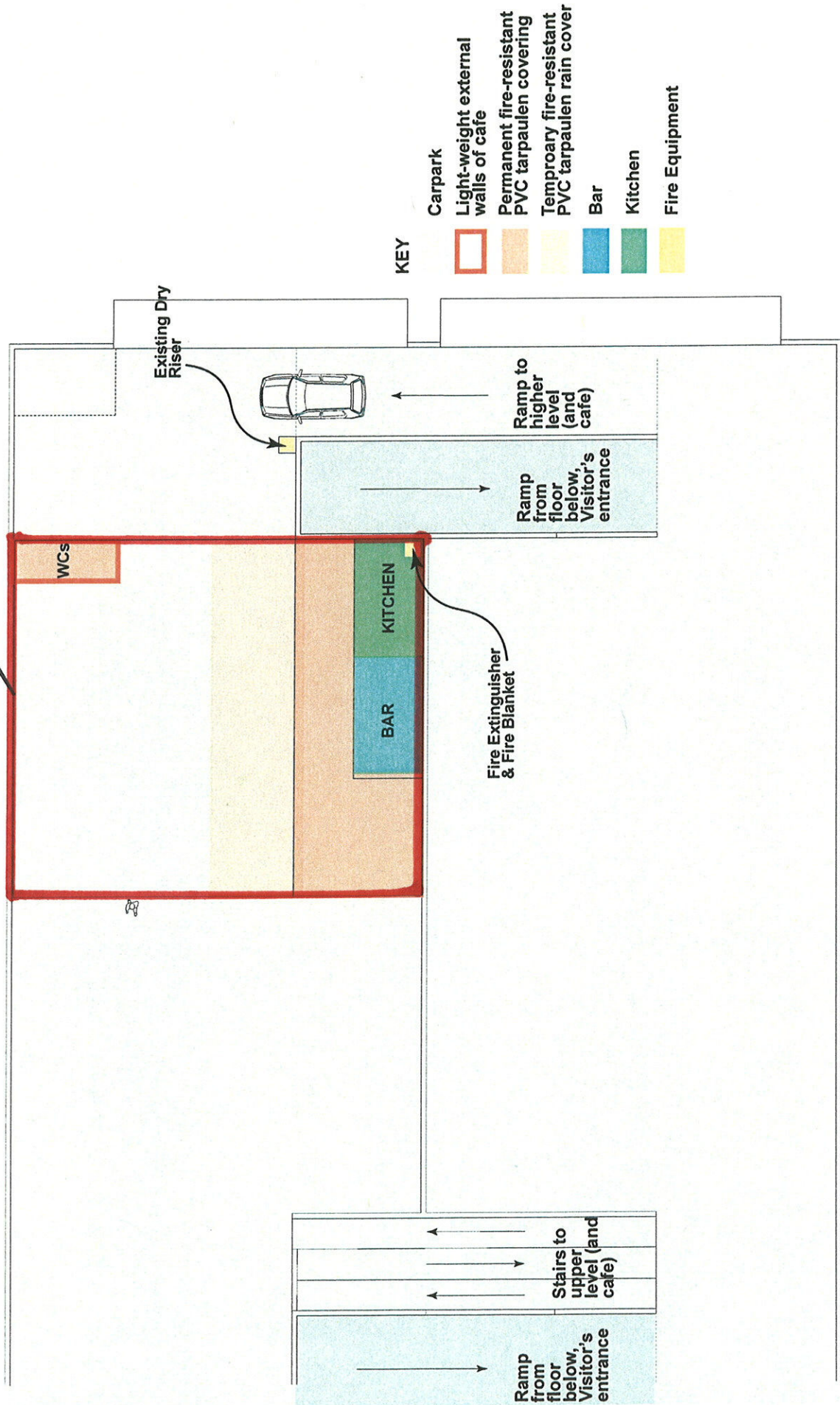
Frank Boxer
Designated Premises Supervisor and Licensee

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

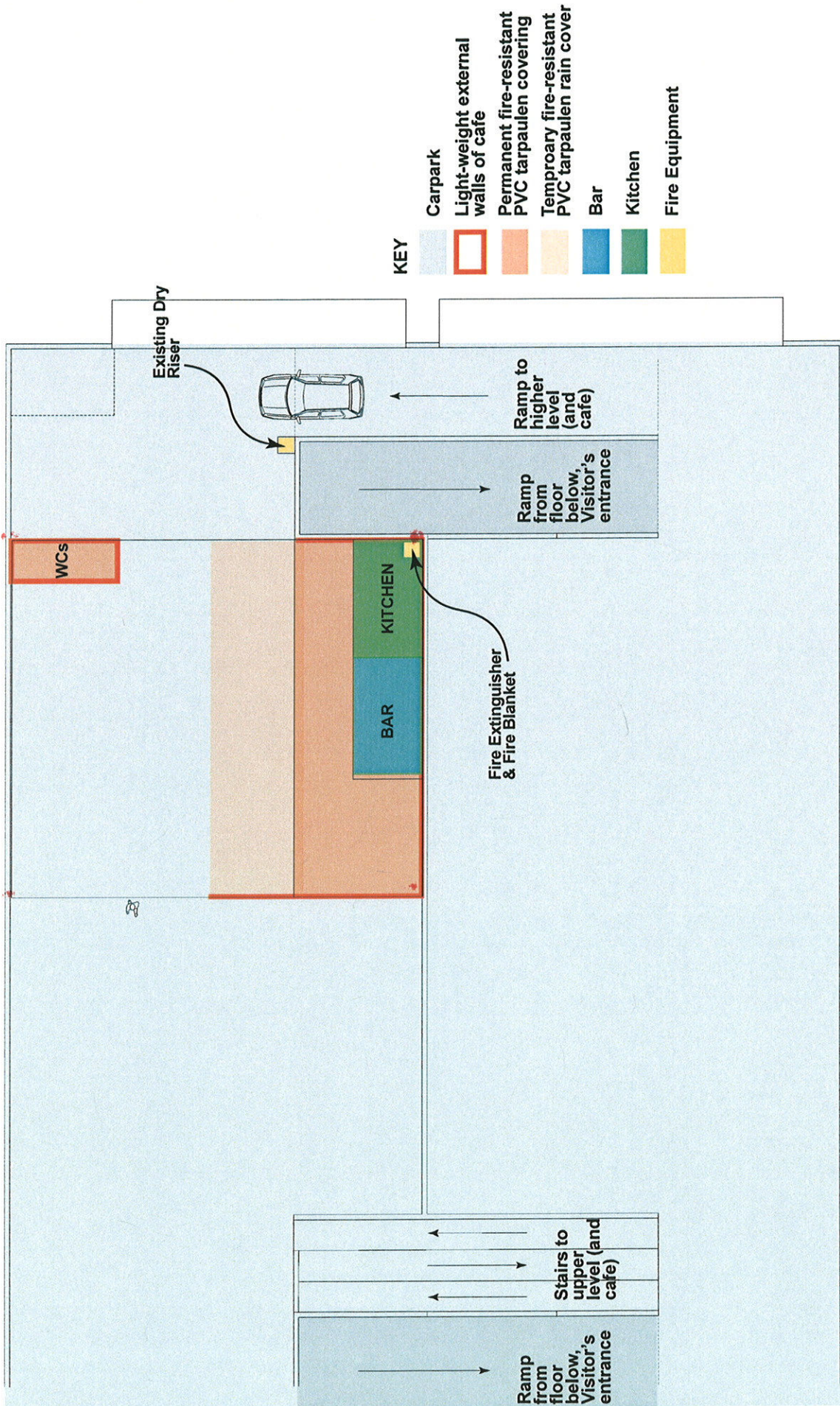
Mobile: [REDACTED]
Email: [REDACTED]

AMENDED PLANS.

LICENSABLE AREA



EXISTING PLANS



From: Tear, Jayne
Sent: 30 June 2009 11:48
To: [REDACTED]
Subject: Conciliation Terms

Importance: High

Attachments: CONSILIATED CONDITIONS.doc; LBSTH-UNIPS01_SA24425MFD - Chaplin Centre 1st Floor_franks plans_001.pdf

Dear Frank,



CONSILIATED LBSTH-UNIPS01_SA
CONDITIONS.doc (27 24425MFD - Cha...

Please see attached a list of conditions which have arisen from discussions held during my visit to your premises with the Health & safety Unit (HSU), and the Environmental Protection Team (EPT).

Conditions 1/5 are suggested by the HSU and Condition 6 is suggested by the EPT.

After visiting it became clear that the licensable area needed defining on your plans, attached are the amended plans where I have marked and labelled the 'licensable area', which is referred to in condition 2 suggested by HSU.

Please let me know as soon as possible if you agree to the area marked in the plans and the terms suggested by both parties, as soon as this is done both parties will withdraw their representations.

with kindest regards

Jayne Tear
licensing Enforcement officer
[REDACTED]

FRANKS CAFE & CAMPARI BAR, LEVEL 10, PECKHAM RYE CAR PARK, 95A RYE LANE, SE15 4ST

CONSILIATED CONDITIONS

- 1. The licensee shall ensure that the actions from the risk assessment submitted to the licensing unit on 20th June 2009 shall be implemented and adhered to.**
- 2. Stewards shall be nominated to prevent drinks being removed from beyond the licensable area marked in red on the plans.**
- 3. Emergency lighting shall be provided**
- 4. Electricity shall be supplied through fused mains and not extension leads**
- 5. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements allowing safe means of access and egress at all times. Where tables and seats are provided, clear gangways to exits shall be maintained, in accordance with the approved arrangements to the satisfaction of the Council**
- 6. Any music played shall be as background music and shall not exceed 60 decibels or that of normal conversation.**

Tear, Jayne

From: Frank Boxer [REDACTED]
Sent: 30 June 2009 12:02
To: Tear, Jayne
Subject: RE: Conciliation Terms

Dear Jane,

I, Frank Boxer agree to all conditions as specified above.

Kind Regards

Frank Boxer

FILE COPY

Subject: Conciliation Terms
Date: Tue, 30 Jun 2009 11:48:06 +0100
From: Jayne.Tear@SOUTHWARK.GOV.UK
To: [REDACTED]

Dear Frank,

<<CONSILIATED CONDITIONS.doc>> <<LBSTH-UNIPS01_SA24425MFD - Chaplin Centre 1st Floor_franks plans_001.pdf>>

Please see attached a list of conditions which have arisen from discussions held during my visit to your premises with the Health & safety Unit (HSU), and the Environmental Protection Team (EPT).

Conditions 1/5 are suggested by the HSU and Condition 6 is suggested by the EPT.

After visiting it became clear that the licensable area needed defining on your plans, attached are the amended plans where I have marked and labelled the 'licensable area', which is referred to in condition 2 suggested by HSU.

Please let me know as soon as possible if you agree to the area marked in the plans and the terms suggested by both parties, as soon as this is done both parties will withdraw their representations.

with kindest regards

Jayne Tear

licensing Enforcement officer
 [REDACTED]

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Beyond Hotmail - see what else you can do with Windows Live. [Find out more.](#)

01/07/2009

Tear, Jayne

From: Chudasama, Sailesh
Sent: 30 June 2009 12:23
To: Tear, Jayne
Subject: RE: Conciliation Terms Re - Franks Campari & Cafe Bar

Jayne,
 Further to your e mail with conditions and plans, our concerns have been addressed and therefore withdraw our representations.

Mr Sailesh Chudasama
 Health & Safety Team Leader
 Environmental Health & Trading Standards
 Chaplin Centre, Thurlow Street, London, SE17 2DG
 Tel: [REDACTED] Fax: [REDACTED]
www.southwark.gov.uk/BusinessCentre/HealthSafetyWork/
 visit: www.southwark.gov.uk
 Please consider the environment - do you really need to print this email?

FILE COPY

From: Tear, Jayne
Sent: 30 June 2009 12:18
To: Chudasama, Sailesh; Patel, Dipesh
Subject: Conciliation Terms Re - Franks Campari & Cafe Bar
Importance: High

Dear Saish and Dipesh,

<< File: CONSILIATED CONDITIONS.doc >> << File: LBSTH-UNIPS01_SA24425MFD - Chaplin Centre 1st Floor_franks plans_001.pdf >>

I can confirm that the applicant has agreed to the plans and all of the conditions in the documents attached.

If your concerns have now been adequately addressed do you know consent to withdraw your representations,

With kindest regards
 Jayne Tear
 Licensing Enforcement officer
 [REDACTED]

Tear, Jayne

From: Patel, Dipesh
Sent: 30 June 2009 12:29
To: Tear, Jayne
Cc: Blissett, Alan
Subject: RE: Conciliation Terms Re - Franks Campari & Cafe Bar

Hello Jayne

I am happy with the condition and satisfied that the operation is unlikely to give rise to public nuisance. I am pleased to advise that we withdraw our representation.

Kind regards, Dipesh.

Dipesh Patel
Principal Enforcement Officer
Environmental Protection Team
London Borough of Southwark
██████████
██████████

From: Tear, Jayne
Sent: 30 June 2009 12:18
To: Chudasama, Sailesh; Patel, Dipesh
Subject: Conciliation Terms Re - Franks Campari & Cafe Bar
Importance: High

Dear Sailesh and Dipesh,

<< File: CONSILIATED CONDITIONS.doc >> << File: LBSTH-UNIPS01_SA24425MFD - Chaplin Centre 1st Floor_franks plans_001.pdf >>

I can confirm that the applicant has agreed to the plans and all of the conditions in the documents attached.

If your concerns have now been adequately addressed do you know consent to withdraw your representations,

With kindest regards
Jayne Tear
Licensing Enforcement officer
██████████

Subject: FW: conciliation of police representation - Franks Cafe & Campari Bar

From: Tear, Jayne
Sent: 03 July 2009 17:07
To: 'Stephen.McNally@met.pnn.police.uk'
Subject: FW: conciliation of police representation - Franks Cafe & Campari Bar

Hi Steve,

Please see the emails below - Mr Boxer has replied to me and accepting all the conditions mentioned in your representation that were also applied to the TENS applications, and also given other assurances.

Please let me know if anything has changed re conciliation.

Thank you

with kind regards
Jayne Tear
Licensing Enforcement Officer
007 525 0396

From: Frank Boxer [mailto:]
Sent: 03 July 2009 13:45
To: Tear, Jayne
Subject: RE: conciliation of police representation - Franks Cafe & Campari Bar

Dear Jayne,

I hope this is sufficient:

I agree to adhere to all conditions applicable to the t.e.n's applied for previously

I will controll the number of people entering and exiting the premesis by placing a trained security guard on the only entrance to the premesis at all times

I will ensure that the premesis will not contribute to crime and disorder in the area by having a fully trained security gaurd on the premesis from 19:00 until we close to ensure there is no unruly behavior on site.

Also I will obtain a phone number for a direct line to the local police and emergency services to ensure that all relevant authorities will be informed imeidiatley on any sign of trouble

Many thanks for everything Jayne

Frank Boxer

(CONDITIONS ATTACHED ⁸³ & TENS. INCLUDING MAP.)

Plans to ensure the safety of the public and prevention of crime and disorder in regards to the application for a Temporary Event Notice

Date of event: 2^h July 2009 – 5th July 2009

Location of event: Level 10, Peckham Rye Car Park □ Rye Lane, SE15

A) Police Access and egress from Premises

During opening hours all entrances and exits to and from the premises will be unlocked allowing access for police and other similar bodies if required. These entrances and exits will only be locked when the premises is not open to the public, and the designated premises supervisor has made a thorough inspection of the premises to ensure no member of the public remains on site.

B) Maps of local area and plan of venue to be used

Please see the attachment received with this document for said plans.

The extent of the venue to be used is the café area of the car park, as shown by the red perimeter labeled "café extents" in the plans

C) Monitoring and control of numbers of visitors to the premises

For this event we expect no more than 50 visitors at any one time. If there are visibly more than 50 people on the premises new visitors will be prevented from entering by a member of staff.

D) Evacuation, first aid and emergency procedures.

In case of an emergency there are two staircases directly from level 10 to the ground floor on the eastern and western side of the building. An additional staircase is provided on level 9 directly onto the Ground level. Wheelchair users can use ramps from level 10 to the Ground floor.

The following emergency procedures will be in place prior to the start date of Franks Café and Campari Bar:

- A clear plan highlighting emergency exits will be prominently displayed visible from any place in the premises

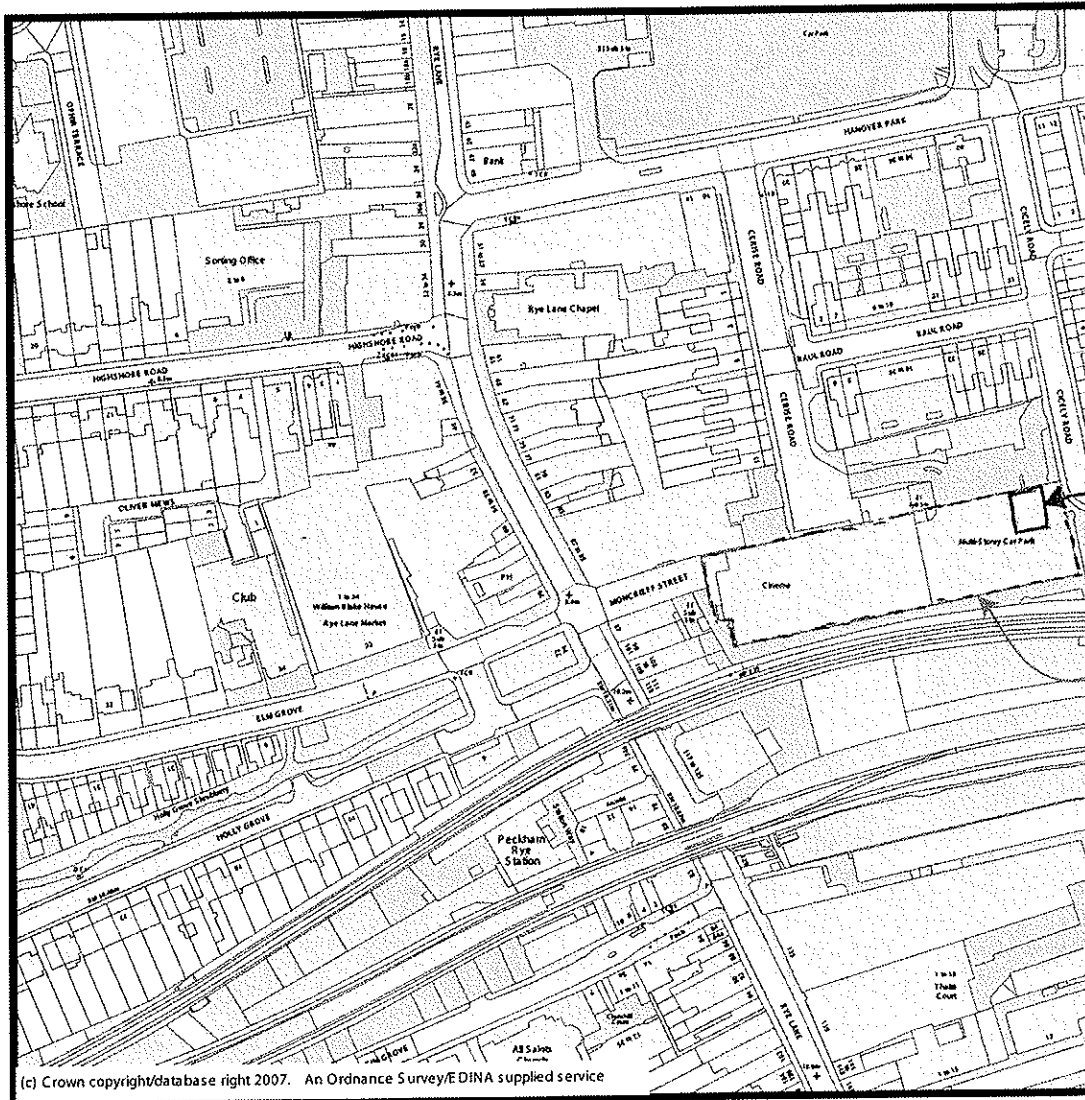
Anyone seen attempting to climb the barriers due to irresponsible or risky behaviour will be immediately stopped by a specifically designated member of staff

E) RISK OF FALLING OBJECTS

In the designated area for the consumption of drinks, a structural 'Lip' will be put in place to prevent objects such as glasses, plates or cutlery to fall off the barrier

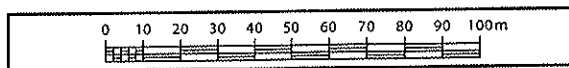
Any items circulated on the designated premise area will not be allowed to be taken from this area and a designated member of staff will prevent clients from doing so. Furthermore, signs visible from any point in the café will make clients aware of this.

Rye Lane and carpark



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Scale 1:2500



This map is drawn on the GB National Grid



Produced on :Jun 1, 2009 7:55:10 PM

Heights (if given) are in metres above Newlyn datum. The representation of a road, track or path is no evidence of a right of way. The alignment of tunnels is approximate.

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Subject: FW: conciliation of police representation - Franks Cafe & Campari Bar

From: Stephen.McNally@met.pnn.police.uk [mailto:Stephen.McNally@met.pnn.police.uk]
Sent: 04 July 2009 02:06
To: Tear, Jayne
Subject: RE: conciliation of police representation - Franks Cafe & Campari Bar

Hi Jayne

Under normal circumstances, following the receipt of this E-mail and the agreement of the applicant to adopt the suggested conditions, Police would be in a position to withdraw their representations to the application.

Unfortunately, however, as stated in my earlier E-Mail, the fact that the application is for a bar venue that falls within the area of the Peckham Saturation Zone means that, in this case, Police will *not* be able to fully withdraw their representations.

The reason for this is that, by withdrawing the representations, the opportunity would then be afforded (as per the legislation) to the Licensing Unit to issue the Premises Licence as applied for

Police feel that as the venue is within the aforementioned Saturation Zone this decision should properly be made by the Licensing Committee

Regards

Steve

Stephen McNally
Licensing Officer - Southwark
☎ Phone: 0207 232 6155
☎ Mobile: 07595 011459
☎ Fax: 0207 232 6282
✉ E-mail: Stephen.McNally@met.police.uk
✉ Mail: Licensing Office, Walworth Police Station, 12-28 Manor Place, SE17 3BB
(Not Protectively Marked)

06/07/2009

<p>Distribution List</p> <p>Open</p> <p>Licensing Sub-Committee</p>	<p>MUNICIPAL YEAR 2009-10</p> <p>Date of Meeting: 15.07.2009</p> <p>Time: 10.00am</p>
<p>Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.</p>	
<p>Councillors (1 Copy Each)</p>	<p>Applicants and Interested Parties</p>
<p>Councillor Dora Dixon – Fyle Councillor Eliza Mann Councillor Sandra Rhule</p> <p>Councillor Lorraine Lauder (Reserve)</p> <p>Officers</p> <p>Dorcas Mills, Licensing Unit Kate Heap – Legal Services Felix Rechtman – Legal Services Jayne Tear, Licensing Unit Justin Miller, Trading Standards</p> <p>Ward Councillors – Newington</p> <p>Ward Councillors - The Lane</p> <p>Total Copies to be printed: 22</p> <p><u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u></p>	<p>MacLeish Littlestone Cowan, Solicitors, 269 Ilford Lane Ilford, Essex IG1 2SD</p> <p>Bahader Singh Mahil i B D Wines, 1 Braganzar Street, London SE17 3RD.</p> <p>PC Stephen McNally/Pc Paul Compton, Southwark Licensing, Walworth Police Station, Manor Place, London SE17</p> <p>Franks Cafe & Campari Bar, Level 10, Peckham Rye Car Park, Rye Lane, London, SE15 4ST</p> <p>Frank Boxer, Flat 3, 152 Lambeth Road, London SE1 7DF</p> <p>Total copies to be circulated: 14</p> <p>All spares to be delivered to Constitutional Team.</p> <p>Day of Despatch 07.07.2009</p>