

## Licensing Sub-Committee

Tuesday 29 November 2016

10.00 am

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

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Eliza Mann  
Councillor Adele Morris

### Reserves

Councillor Sandra Rhule

---

### INFORMATION FOR MEMBERS OF THE PUBLIC

---

#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: [www.southwark.gov.uk](http://www.southwark.gov.uk) or please contact the person below.

#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

---

Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 21 November 2016



## Licensing Sub-Committee

Tuesday 29 November 2016  
10.00 am

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

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: CHAPTER 72 LTD, 72 BERMONDSEY STREET, LONDON SE1 3UD</b>	1 - 44
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT</b>	

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

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: 21 November 2016

# Agenda Item 5

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 29 November 2016	<b>Meeting Name:</b> Licensing sub-committee
<b>Report title:</b>		Licensing Act 2003: Chapter 72 Ltd, 72 Bermondsey Street, London SE1 3UD	
<b>Ward(s) or groups affected:</b>		Grange	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Chapter 72 Ltd, for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Chapter 72 Ltd, 72 Bermondsey Street, London SE1 3UD.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from a responsible authority and other persons and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 20 of this report deals with the representations received regarding the premises licence application and further correspondence relating to the conciliation. Copies of the representations and withdrawal notices from the responsible authorities are attached as Appendix B. Copies of the relevant representations from other persons are attached as Appendix C. A conciliation statement is attached as Appendix D and responses to the statement are also attached as Appendix D.
  - d) Paragraph 23 deals with licenced premises within a 100 metre radius of the premises. A map of the area is attached as Appendix E.
  - e) 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 to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment

- The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
  5. 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
    - The protection of children from harm.
  6. 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.
  7. 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 persons 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**

8. On 4 October 2016, Chapter 72 Ltd applied to this council for the grant of a new premises licence in respect of the premises known as Chapter 72 Ltd, 72 Bermondsey Street, London SE1 3UD. The premises is described as a coffee shop.
9. The application as amended after conciliation agreement is summarized as follows:
  - The supply of alcohol (for consumption on the premises)  
Monday to Saturday from 11:00 to 22:30  
Sunday from 08:00 to 21:30
  - Operating hours  
Monday to Saturday from 07:00 to 22:30  
Sunday from 08:00 to 21:30.
10. The premises licence application form provides the applicant operating schedule. Parts J, K, L, and M 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. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

**Designated premises supervisor**

11. The proposed designated premises supervisor (DPS) is Rod Eslamieh, who has a personal licence from Richmond Upon Thames Council.

**Representations from responsible authorities**

12. Representations were submitted by the Metropolitan Police Service and the public health authority.
13. The police representation recommends conditions in relation to CCTV and staff training. Some of conditions may have been offered as part of the operating schedule but the wording offered by the police is important to avoid ambiguity. The police think that the conditions will assist with the prevention of crime and disorder in addition to the conditions offered within the operating schedule. The conditions listed have been agreed by the applicant and as such the police representation has been withdrawn.
14. The proposed conditions concern the installation and maintenance of CCTV, ensuring staff are trained in the mandatory conditions imposed by the Licensing Act 2003 and the licence conditions imposed by the licensing sub-committee.
15. The public health representation recommends that the start time for alcohol sales be changed to 11:00 daily and also the licence granted for on sales only. These have been accepted and agreed by the applicant and therefore the public health representation is withdrawn.
16. The representations and the corresponding withdrawal statements are attached as Appendices B and B1.

**Representations from other persons**

17. Six representations have been received from eight other persons. They state that they live very close to the premises and other existing licensed premises. The area is densely populated and they already have well known and long running issues with some of the other premises with regards to noise nuisance. Concerns are also raised regarding vertical drinking and anti-social behaviour of the patrons.
18. Copies of the representations are attached as Appendix C.

**Conciliation**

19. The applicant was forwarded the representations received and responded by submitting a conciliation statement which has been circulated to all parties. Following the acceptance of the public health conditions the application has been amended to provide only on licence sales and therefore there shall be no off sales provided. Both the police and public health representations have been withdrawn.
20. A conciliation meeting was also arranged between the residents and applicant to address the concerns raised but residents are not satisfied with the some of the solutions suggested and as such the representations are still outstanding. The conciliation statement and further correspondences are attached as Appendix D.

### **Temporary event notices**

21. There have been no temporary event notices (TENs) submitted for this address within the last 12 months.

### **Complaints**

22. There have been no complaints specifically related to the premises received by the licensing team within the last 12 months.

### **The local area**

23. A map of the area is attached to this report as Appendix E. The premises is identified at the centre of the map. For purposes of scale-only the circle on the map has a 100 metre radius. There are a number of licensed premises within this 100 metre radius.

### **Public Houses and Restaurants**

- Suchard Free House, 2 Crucifix Lane, London SE1 (Monday to Sunday till 01:30)
- Globe House, 37 Bermondsey Street, London SE1 (Monday to Sunday till 00:00)
- International Wine and Spirit Centre, 39-45 Bermondsey Street, London SE1 (Monday to Sunday till 21.00)
- The Hide, 39-45 Bermondsey Street (Ground Floor), London SE1 (Monday & Tuesday till 01:30, Wednesday to Saturday till 02:30 and Sunday till 00.30)
- Black Swan Yard Ltd, 2-3 Black Swan Yard, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:00)
- Rooftop Café, 40 Bermondsey Street, London SE1 (Monday to Sun till 01:30)
- Street Feast. 42 – 44 Bermondsey Street, London SE1 (Monday to Sunday till 01:00)
- Tanner & Co, 50 Bermondsey Street, London SE1 (Monday to Sunday till 02:30)
- The Fashion and Textile Museum, 83 Bermondsey Street, London SE1 (Monday to Sunday till 23.00)
- B Street Deli Ltd, 88 Bermondsey Street, London SE1 (Monday to Sunday till 00:00)
- Woolpack, 98 Bermondsey Street, London SE1 (Sunday to Thursday till 23:30 and Friday & Saturday till 00:30)
- The Garrison Public House, 99 Bermondsey Street, London SE1 (Monday to Thursday till 23:30, Friday & Saturday till 00:30 and Sunday till 22:30)

- Jose, 104 Bermondsey Street, London SE1 (Monday to Sunday till 23:00)
- Casse croute, 109 Bermondsey Street, London SE1 (Monday to Saturday till 23:00 and Sunday till 19:00)

### **Off licence**

- Tee'z Mini Market, 92 Bermondsey Street, London SE1 (Monday to Saturday till 23.00 and Sunday till 22:00)

### **Deregulation of entertainment**

24. On 6 April 2015 entertainment became deregulated and as a result:

- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
- Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.

25. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

### **Southwark Statement of Licensing Policy**

26. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:

- Closing time for restaurants and cafes: Sunday to Thursday 00:00 and Friday and Saturday 01:00
- Closing time for public houses, wine bars or other drinking establishments: Sunday to Thursday 23:00 and Friday and Saturday 00:00
- Closing time for hotel bars and guest houses: No restrictions for residents
- Closing time for night clubs (with sui generis planning classification): Monday to Thursday 01:00, Friday and Saturday 03:00 and Sunday 00:00
- Closing time for off-licences and alcohol sales in grocers and supermarkets: 00:00 daily
- Closing time for take-away establishment: Sunday to Thursday 00:00 and Friday and Saturday 01:00
- Closing time for cinemas and theatres: 02:00 hours daily
- Closing time for vessels: 23:00 hours daily
- Closing time for qualifying members clubs: 02:00 hours daily



27. Council assembly approved Southwark's Statement of Licensing Policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3: Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
  - Section 5: Determining Applications for Premises Licences and Club Premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6: Local Cumulative Impact Policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
  - Section 7: Hours of Operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification. To be read in conjunction with Appendix B to the policy.
  - Section 8: The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective
  - Section 9: Public Safety. This provides general guidance on the promotion of the second licensing objective
  - Section 10: The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective
  - Section 11: The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
28. 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**

29. A fee of £190 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band B.

### **Consultation**

30. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

### **Community impact statement**

31. 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**

#### **Director of Law and Democracy**

32. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
33. The principles which sub-committee members must apply are set out below.

#### **Principles for making the determination**

34. 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.
35. 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
36. 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
    - 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**

37. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, 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.

38. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
39. 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.
40. 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.
41. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

42. 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**

43. 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.
44. 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**

45. 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
51. 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.

52. Other persons, 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

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

### Strategic Director of Finance and Governance

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

### BACKGROUND DOCUMENTS

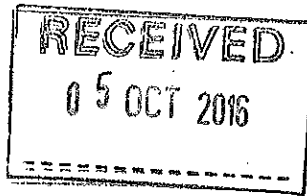
Background Papers	Held At	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark statement of licensing Policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London SE1 2QH	Kirty Read Tel: 020 7525 5748

### APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations from responsible authorities and withdrawal e-mails
Appendix C	Representations from other persons
Appendix D	Conciliation statement and responses
Appendix E	Map of the local area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Dorcas Mills, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	17 November 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
Date final report sent to Constitutional Team		18 November 2016



[Insert name and address of relevant licensing authority and its reference number (optional).]

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 CHAPTER 72 LTD.  
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
72 BERMONDSEY STREET			
Post town	LONDON	Postcode	SE1 3UD
Telephono number at premises (if any)			
Non-domestic rateable value of premises		£ 10,250.00	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

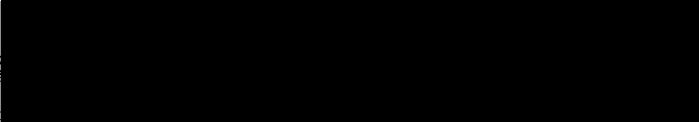
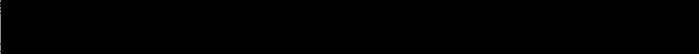


## SECOND INDIVIDUAL APPLICANT (if applicable)

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	CHAPTER 72 Ltd.
Address	72, BERMONDSEY STREET LONDON SE1 3UD
Registered number (where applicable)	10411379
Description of applicant (for example, partnership, company, unincorporated association etc.)	Ltd company.
Telephone number (if any)	
E-mail address (optional)	

## Business - Application for a premises licence to be granted under the Licensing Act 2003

04/10/2016

Business - Application for a premises licence to be granted under the Licensing Act 2003

Ref No. 692257

## Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Elaheh Eslamieh
--	-----------------

## Premises Details

Non-domestic rateable value of premises in order to see your rateable value [click here](#) (opens in new window)

£	10,250
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	72 Bermondsey Street
Address Line 2	
Town	
County	
Post code	SE1 3UD
Ordnance survey map reference	
Description of the location	
Telephone number	

## Applicant Details

Please select the capacity in which you are applying to convert your existing licence

	a person other than an individual (limited company, partnership, etc)
--	---

If you applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the  premises for licensable activities
--	--

Business - Application for a premises licence to be granted under the Licensing Act 2003

## Other Applicants

## Personal Details - First Entry

Name	Elaheh Eslamieh
------	-----------------

## Address - First Entry

Street number or building name	
Street Description	
Town	
County	
Post code	
Registered number ( where applicable )	
Description of applicant ( for example, partnership, company, unincorporated association etc )	Limited Company

## Contact Details - First Entry

Telephone number	
Email address	

## Operating Schedule

When do you want the premises licence to start?

	01/11/2016
--	------------

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

	01/11/2021
--	------------

General description of premises ( see guidance note 1 )

	Coffee Shop
--	-------------

Please select the range of the number of people expected to attend the premises at any one time.

Business - Application for a premises licence to be granted under the Licensing Act 2003

	Less than 5000
If 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

Operating Schedule part 2

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

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

Provision of regulated entertainment

	f) recorded music

Provision of late night refreshment

--	--

Supply of alcohol

	j) Supply of alcohol
--	----------------------

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? ( Please read guidance note 2 )

	Indoors
--	---------

Please give further details here ( Please read guidance note 3 )

	This will be unamplified music and will be used only to play background music.
--	--

## Business - Application for a premises licence to be granted under the Licensing Act 2003

Standard days and timings for Recorded Music ( Please read guidance note 6 )

Day	Start	Finish
Mon	08:00	
		22:30
Tues	08:00	
		22:30
Wed	08:00	
		22:30
Thur	08:00	
		22:30
Fri	08:00	
		22:30
Sat	08:00	
		22:15
Sun	08:00	
		21:30

State any seasonal variations for playing recorded music ( Please read guidance note 4 )

	N/A
--	-----

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 5 )

	N/A
--	-----

## J - Supply of Alcohol

Will the supply of alcohol be for consumption ( Please read guidance note 7 )

	Both
--	------

Standard days and timings for Supply of alcohol ( Please read guidance note 6 )

Day	Start	Finish
Mon	08:00	
		22:30
Tues	08:00	
		22:30
Wed	08:00	
		22:30
Thur	08:00	

## Business - Application for a premises licence to be granted under the Licensing Act 2003

		22:30
Fri	08:00	
		22:30
Sat	08:00	
		22:30
Sun	08:00	
		21:30

State any seasonal variations for the supply of alcohol ( Please read guidance 4 )

	n/a
--	-----

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 5 )

	n/a
--	-----

Please upload the consent form completed by the proposed premises supervisor

	<a href="#">Consent-form.pdf</a>
--	----------------------------------

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Rod
Surname	Eslamieh

Address of proposed designated premises supervisor

Street number or Building name	[REDACTED]
Street Description	[REDACTED]
Town	[REDACTED]
County	[REDACTED]
Post code	[REDACTED]

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number ( if known )	[REDACTED]
Issuing authority ( if known )	Richmond Upon Thames

## Business - Application for a premises licence to be granted under the Licensing Act 2003

K

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

	N/a
--	-----

L - Hours premises are open to public

Hours premises are open to the public ( standard timings Please read guidance note 6 )

Day	Start	Finish
Mon	07:00	
		22:30
Tues	07:00	
		22:30
Wed	07:00	
		22:30
Thur	07:00	
		22:30
Fri	07:00	
		22:30
Sat	07:00	
		22:30
Sun	08:00	
		21:30

State any seasonal variations ( Please read guidance note 4 )

	n/a
--	-----

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, ( Please read guidance note 5 )

	n/a
--	-----

M - Steps to promote four licencing objectives

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

	<p>- We will at all times run our premises in a responsible fashion seeking always to promote the licensing objectives.</p> <p>- All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review and must be made available to a relevant responsible authority when called upon.</p>
--	---

## b) the prevention of crime and disorder

	<ul style="list-style-type: none"> <li>- We will work alongside community police and any neighbourhood watch organisations to always be aware of any dangers or risks in the area.</li> <li>- A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. This register shall record the name of the person responsible for the premises on each given day. The premises daily register shall record all pertinent issues which have a bearing on the licensing objectives. The premises daily register shall be made available for inspection by an authorised person upon reasonable request.</li> <li>- Suitable beverages other than intoxicating liquor including drinking water shall be equally available for consumption with or otherwise as ancillary to meals served on the licensed premises</li> </ul>
--	--

## c) public safety

	<ul style="list-style-type: none"> <li>- An adequate and appropriate supply of first aid equipment and materials shall be kept on the premises.</li> <li>- A fire safety and emergency plan shall be implemented and adhered to.</li> <li>- All electrical equipment shall be maintained and tested regularly to ensure safety.</li> </ul>
--	--

## d) the prevention of public nuisance

	<ul style="list-style-type: none"> <li>- Any music provided on the premises shall be background music only.</li> <li>- Anyone who appears to be drunk and is seeking to purchase alcohol shall be refused service and asked to leave the premises.</li> <li>- Customer behaviour shall be monitored to minimise the potential for public nuisance.</li> </ul>
--	---

## e) the protection of children from harm

	<ul style="list-style-type: none"> <li>- A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised are photographic forms of identification such as drivers licence or passport.</li> <li>- A prominent clear notice shall be displayed on the premises advising customers that they may be asked to provide evidence of their age if seeking to buy alcohol.</li> <li>- All occasions when persons have been refused service shall be recorded in the premises daily register.</li> </ul>
--	--

Please upload a plan of the premises

	<a href="#">72-Bermondsey-Street-Plan2.pdf</a>
--	--

Please upload any additional information i.e. risk assessments

--	--

Checklist



## Business - Application for a premises licence to be granted under the Licensing Act 2003

	I have enclosed the plan of the premises. 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.
--	--

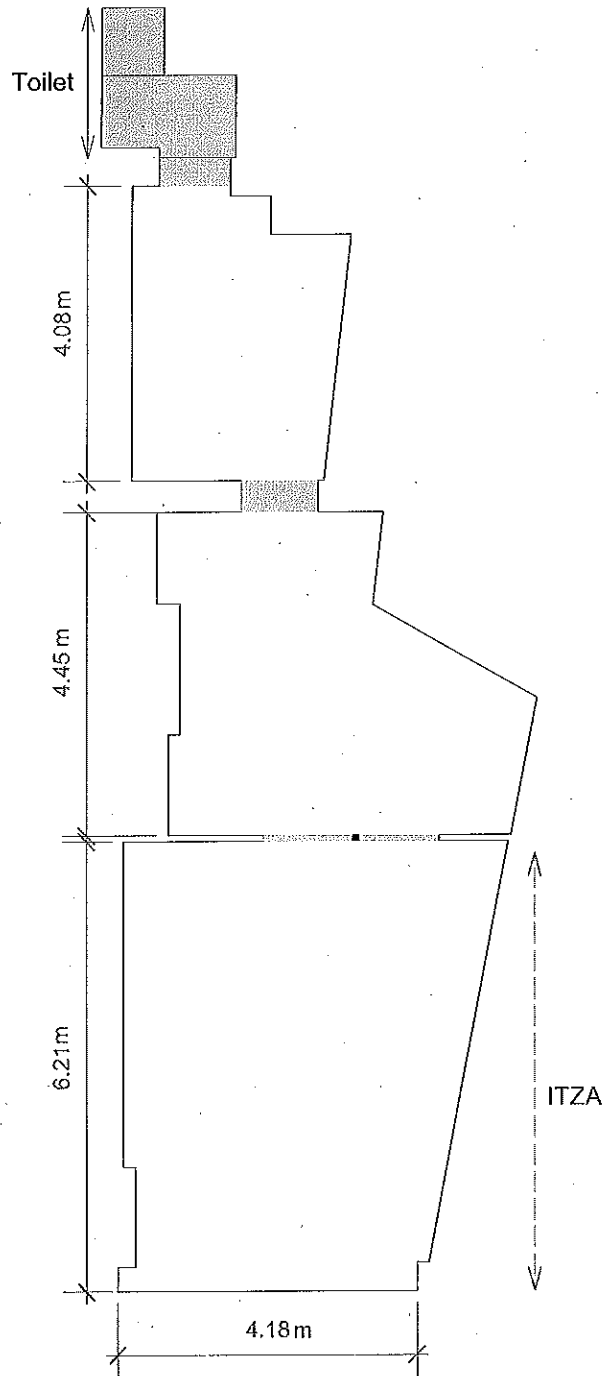
## Declaration

I agree to the above statement

	I agree
PaymentDescription	,
AuthCode	028014
LicenceReference	LPA-94212-248
PaymentContactEmail	

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.


72 Bermondsey Street



Measurements

Total = 630 sq ft NIA

306 sq ft ITZA

 Corridors excluded in NIA (RICS Code of Measuring Practice)

Scale  
1:100



The Following is submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

**Pc Mark Lynch246MD**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756

**From:** Sharpe, Carolyn **On Behalf Of** Public Health Licensing  
**Sent:** Friday, October 28, 2016 10:33 AM  
**To:** Regen, Licensing  
**Cc:** Public Health Licensing  
**Subject:** RE: Consultation New premises Charter72-72 Bermondsey Street LDO 2.11.2016

To whom it may concern:

**Re: 72 Bermondsey Street, London SE1 3UD**

On behalf of the Acting Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

**General Comments**

The applicant requests a new license for the sale of alcohol on and off the premises between the hours of 08:00 and 22:30 between Mondays and Saturdays and 21:30 on Sundays. I have concerns regarding the hours of alcohol sales requested. I would suggest a later start time for alcohol sales. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. The applicant has also not provided justification for their request for off-sales, since this premises is described as a coffee shop.

**Recommendations**

- I recommend the start time for alcohol sales be changed to 11:00 daily
- I recommend a license is granted for on-sales only

If you have any further questions, please do not hesitate to contact me.

Carolyn Sharpe  
*on behalf of Dr Jin Lim, Acting Director of Public Health*

From: mark.A.Lynch@met.pnn.police.uk  
[mailto:mark.A.Lynch@met.pnn.police.uk]  
Sent: Wednesday, November 02, 2016 9:15 AM  
To: Regen, Licensing  
Subject: Chapter 72Ltd 72 Bermondsey Street SE1 3UD

Sir/Madam

The applicant for Chapter 72Ltd 72 Bermondsey Street SE1 3UD has agreed to the police wording of conditions as below and in view of this police would like to withdraw their objections to the application

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and cover the main areas.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

Regards

Pc Mark Lynch 246MD  
Southwark Licensing/NTE  
Southwark Police Station  
323 Borough High Street  
SE1 3JL  
0207 232 6756

From: [REDACTED]  
Sent: 28 October 2016 17:22  
To: Lynch Mark A - MD <mark.A.Lynch@met.pnn.police.uk>;  
licensing@southwark.gov.uk  
Cc: Clements Ian J - MD <Ian.Clements@met.pnn.police.uk>; [REDACTED]  
[REDACTED]  
Subject: Re: Chapter 72Ltd

Dear PC Mark Lynch,

Thank you so much for your email.

I would like to reassure you we have every intention of installing a CCTV system, that fits your requirements.

We will ensure the team is trained on it and footage will be kept for 31 days and available on request.

I will also make sure that the staff are fully trained and records of this will be kept.

We would welcome a visit by you or a member from your team once we open to give us advice on potential dangers to watch out for and how we can best work with your team. It is very important to us that we work proactively with the local community and law enforcement.

If you have any further concerns, please do not hesitate to get in touch with me.

Kind Regards,



Withdrawn public health rep for the above

From: Sharpe, Carolyn  
Sent: Friday, October 28, 2016 2:05 PM  
To: [REDACTED]  
Cc: Orton, Mark  
Subject: RE: FW: Consultation New premises Charter72-72 Bermondsey Street LDO 2.11.2016

Dear Ellie,

Many thanks for your understanding.

Based on your email below, Public Health will formally withdraw our representation.

Best wishes,  
Carolyn

From: [REDACTED]  
Sent: Friday, October 28, 2016 12:49 PM  
To: Orton, Mark; Sharpe, Carolyn  
Subject: Re: FW: Consultation New premises Charter72-72 Bermondsey Street LDO 2.11.2016

Dear Carolyn & Mark

Apologies not sure what happened to the previous email, very strange.

What I wrote was that we are happy to fully co-operate with your requests for an 11am start for the sale of alcohol and that it is for on sales only.

I hope this meets your satisfaction. Please do not hesitate to get in touch if you have any further concerns.

Kind regards  
[REDACTED]

Sent from my Samsung Galaxy S6 Edge - powered by Three



1

From: [REDACTED]  
Sent: Wednesday, October 19, 2016 12:51 PM  
To: Regen, Licensing  
Subject: Licence application 855941

Dear Sirs,

I live close to the applicant's business.

So far we have received no notice from them of their intended business and why they now seek to extend the exiting licence to one including music, a material change for a business which sits at the heart of the most residential part of Bermondsey Street with people living above and to each side as well as immediately behind the premises.

My concern about the application is as follows:

The prevention of crime and disorder:

There are already eight other licenced premises within a 100 metre radius. They cause a lot of noise until late into the night seven days a week. This is a live-work neighbourhood.

People from those premises regularly use Carmarthen Place as a public convenience. There is also an amount of smashed glass.

Public safety

See above. The premises are also located on one of the narrowest parts of the street. It would be inappropriate to have tables outside as that would mean pedestrians having to walk on the road at busy times.

The previous occupants made no adequate provision for waste disposal and left their bins on private land where food waste rotted and became an issue of public health. A robust waste disposal agreement needs to be in place.

Prevention of nuisance

Again, see above. In addition, because of the smoking laws people congregate outside at the entry to Carmarthen Place to smoke despite this being in front of residents' front doors, and leave their litter on the street.

A music licence will potentially lead to greater noise pollution for neighbours.

The protection of children from harm

All of the above plus the fact that young children live next to and behind the premises and additional noise from a music licence potentially affects their sleep.

Yours faithfully.

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

2

**From:** [REDACTED]  
**Sent:** Friday, October 28, 2016 12:04 PM  
**To:** Regen, Licensing  
**Subject:** Premises Licence Application No. 855941 (72, Bermondsey Street)

Dear Sir/Madam,

I am writing to you in order to make representations in respect of the current premises licence application in respect of 72, Bermondsey Street.

My name is [REDACTED] and I live at [REDACTED] Bermondsey Street.

My first representation concerns a discrepancy between the application as shown online and the public notice displayed on the premises. The former includes an application for permission to provide regulated entertainment in the form of recorded music. The public notice displayed on the premises has a section for "regulated entertainment". This has been completed as "n/a". This clearly shows that the applicant is not seeking a licence for any regulated entertainment. I would suggest, therefore, that any grant of a licence for any form of regulated entertainment would not be appropriate as any member of the public who saw only the public notice would not be aware that there was, in fact, an application for regulated entertainment being made. The application in this regard is defective.

In any event, I would object to the grant of any permission for regulated entertainment in the form of the playing of recorded music. Incidental or background music does not require licensing. It follows that the applicant must be seeking something which goes beyond the mere provision of background music to customers. In my view this would be entirely inappropriate in these premises. They are very small and are surrounded by residential premises, which are to be found immediately on either side, above and behind. The provision of anything other than background music is very likely to be audible in neighbouring residential premises and should, therefore, not be permitted.

I should make it clear that there has been no consultation of any kind by the applicant with local residents with regard to the nature and extent of their plans for use of the premises. My representations are, therefore, being made in somewhat general terms as I have no idea quite what the applicant intends to provide.

I am not opposed to the grant of a licence for the supply of alcohol in principle but I consider it necessary in order to promote the licensing objectives that certain conditions should be placed on the licence. I have in mind, in particular, the prevention of public nuisance. I would be happy with licensing conditions which were the same as those imposed on the previous licence granted in respect of these premises.

My property [REDACTED] premises. My house projects slightly forward of the street line and I have windows to both my living room and main bedroom which look directly down at the entrance to 72, Bermondsey Street only a few feet away. I am concerned about the possibility of customers being permitted to consume alcohol outside the front of number 72. This is because the noise of customers sitting outside is very likely to be audible in the living room and bedroom of my home. I would, therefore, wish to prevent consumption of alcohol in the street outside. I appreciate that the premises may wish to make off-sales and I have no objection to this. I would, therefore, propose a condition prohibiting the removal of open containers of alcohol or glasses from the premises as this would still permit off-sales whilst preventing consumption outside. I would also seek a condition restricting customers from standing outside the premises smoking for similar reasons. Also, smokers who leave the premises to stand outside and smoke will be standing directly below my windows. Similar considerations also apply to the residents of the upper parts of No. 72 and the residents of other nearby premises.

I have concerns about the terminal hour proposed as customers will be permitted to purchase alcohol until 10.30pm and yet the application also states that the premises will close at 10.30pm. This suggests that sales of alcohol for consumption on the premises will be made right up until the moment the premises are to close. This provides for no drinking-up time and will only encourage customers to leave with alcohol they have just purchased. I would suggest that the supply of alcohol should not be permitted later than 30 minutes

before the time the premises are to close – ie until 10.00pm on Mondays to Saturdays and 9.00pm on Sundays.

I am also concerned about potential noise and disturbance from customers using the premises, particularly if it is intended to provide anything like a wine bar or pub environment. I would, therefore, wish to see conditions attached to the licence which prevent the premises from being used by “vertical drinkers”. Possible such conditions would be, for instance, restricting sales of alcohol for consumption on the premises only to those who are also consuming food or restricting the sale of alcohol only to those who are seated.

I am also conscious that the current use class of the premises is A1. I have no idea if the proposed use is consistent with this. Whilst I appreciate that this is a matter for the planning authority I would be grateful if you could draw this matter to their attention in their role as a statutory consultee. I would expect to see a proper application for change of use if the proposed use is other than A1.

I would be grateful if you would please acknowledge receipt of my representations.

Yours,

██████████

3

**From:** [REDACTED]  
**Sent:** Saturday, October 29, 2016 11:25 AM  
**To:** Regen, Licensing  
**Subject:** Application 855941 72 Bermondsey St

Dear Sirs

I chair the Bermondsey Street Area Partnership, a local organisation with business and resident members. BSAP and its predecessors has been active in the Bermondsey St area for 20 years working to make the area as good as it can be for people who live here, work here or come to visit.

We are keen that Number 72 come back into active commercial use as it has been empty for some time and empty business premises detract from the attractions of the street. However, this is a really historic corner in this historic street, in a conservation area. What's more, Number 72 is at the heart of the most residential part of the street with homes to either side, above and behind. Licensing conditions need to be appropriate for that environment.

### **Noise**

1 It is inappropriate for loud music to be played at any time as this will reverberate through walls and floors into neighbours' homes. 2 It will also be inappropriate for people to stand outside Number 72 drinking or smoking as the sound of even happy social chat outside can be disturbingly loud inside neighbouring houses and flats, likely to become louder under the influence of alcohol.

3 Emptying of commercial waste must be done in normal working hours and definitely not through the night hours or before 7am.

### **Safety**

1 This part of the street has very narrow pavements, so on safety grounds, people should not be allowed to stand around on the pavement as this will drive pedestrians into the road at risk to themselves and others.

2 Commercial waste bins standing in Carmarthen Place or Bermondsey St in this tight corner would make the area unsafe by providing hiding places for antisocial or criminal behaviour. Therefore waste must be stored on the premises.

### **Litter**

Customers of the proposed business who want to smoke will stand under the arch at the entrance to Carmarthen Place, leaving smoking debris and empty/broken glasses etc on the road surface and pavements. The business on the premises must be responsible for cleaning the mess up at the end of the day, not leaving it till the beginning of the following day's business hours.

If you need any further information, do let me know.

Yours faithfully

[REDACTED]

[REDACTED]

4

From: [REDACTED]  
Sent: Monday, October 31, 2016 10:15 AM  
To: Orton, Mark; Regen, Licensing  
Subject: RE: Licence application 855941 - 72 Bermondsey Street, SE1

Dear Mr Orton

We are writing to make representations about the premises licence application in respect of 72 Bermondsey Street.

We live at [REDACTED] Street. Unlike other areas of the street, the area around 72 is almost entirely residential with homes all around it. The proposed new establishment shares an adjoining wall with the ground floor of our home. We have [REDACTED] young sons [REDACTED]  
[REDACTED]

We should say at the outset that the application has been made without any consultation with neighbours and residents. We are disappointed by this as it does not suggest that the leaseholder or applicant is keen to build constructive relationships with those nearby who will be affected by the new business.

On a practical level, the failure to consult with us means that we have no real idea of the sort of establishment that the applicant intends to set up. We have been told that what is planned is a cafe but the desire for a licence to sell alcohol until 10 pm suggests some kind of wine bar/bar. We understand that the setting up of a wine bar/bar would be in breach of the planning permission currently applicable to the property and no doubt that issue is being considered.

However with that caveat we make the following representations on the application.

The prevention of crime and disorder

There are already a large number of licensed premises very near to the property, many of which have sprung up in the last few years, drawing large crowds of drinkers to Bermondsey Street. What was at one time a vibrant local community of shops, businesses and local residents has rapidly turned into a party zone for groups of rowdy tourist drinkers.

We had been told several years ago that "saturation zone" policies would be applied to Bermondsey Street, so that the number of establishments serving alcohol would be limited, but that does not appear to have occurred.

These licensed premises cause a lot of noise and disorder until late into the night and early hours of the morning seven days a week, despite this part of the street primarily being a residential area.

We cannot see that there is a need for any more licensed establishments in the neighbourhood and believe that another one will add to the level of crime and disorder and anti-social behaviour the

current ones already generate.

We understand that the application has now been varied so that the last sale of alcohol is at 10 pm with the premises closing at 10.30 pm. However if the application is to be granted we believe that further conditions should be set on the sale of alcohol, to mitigate its impact on local residents, namely (i) prohibiting the removal of open containers of alcohol or glasses from the premises, so as to permit off-sales whilst preventing consumption outside; (ii) restricting customers from standing outside the premises drinking or smoking; and (iii) restricting sales of alcohol for consumption on the premises only to those who are also consuming food or to those who are seated.

#### Public safety

In addition to the public safety risks caused by alcohol, we have seen people who have left licensed premises in the area urinating in Camarthen Place (to the side of and behind the property), including recently in front of our 5 year old son, at around 7 pm. We have also seen smashed glass.

72 is on a part of the street with very narrow pavements, and so people should not be permitted to stand outside it drinking or smoking as this will force pedestrians into the road.

We are also concerned that those who previously occupied 72 were very inconsiderate of their neighbours and the environment with respect to waste disposal. They left their overflowing bins on private land where food waste rotted, causing an obvious public health issue. If the application is granted efforts must be made to ensure that the waste is removed during normal working hours.

#### Prevention of nuisance

Noise, disorder, rotting food waste and urination are all elements of nuisance. In addition, users of local licensed premises congregate at the entry to Camarthen Place and smoke, despite this being the area of residents' front doors. They also leave cigarette butts behind.

#### The protection of children from harm

As we have said above our [REDACTED] has witnessed public urination behind our property. Our older son's sleep has been disrupted by the noise and disorder coming from nearby licensed premises.

Overall we are concerned that yet another licensed premises on Bermondsey Street will add to the level of disorder, nuisance etc that we already face, and we believe that if the application is granted conditions must be applied to it as we set out above.

We would be willing to attend a conciliation meeting.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5

From: [REDACTED]

Sent: Monday, October 31, 2016 10:44 PM

To: Orton, Mark; Regen, Licensing  
[REDACTED]

Subject: Licence application 855941 - 72 Bermondsey Street, SE1

Dear Mr Orton

I am writing to let you know our concerns regarding the licence application for 72 Bermondsey St.

We live with [REDACTED] in a property on [REDACTED] adjoining the rear of no. 72.

Our concerns are set out below:

#### The prevention of crime and disorder

In the 10 years we have lived here, Bermondsey St has been increasingly taken over, in the evenings at least, by drinkers, many of whom become rowdy and offensive as the night wears on. We are concerned that the addition of yet another venue serving drinks in the evening will only add to the squalour we witness most evenings including people urinating outside our house, taking drugs and smashing glass.

As an example of the type of incident that we are particularly concerned about, recently we requested some revellers who were outside our house late in the evening to keep the noise down. They responded by throwing a bottle against the wall our our house.

#### Public safety

The previous occupants of the premises made no arrangements for the storage of their waste, other than to leave their bins on other people's property without their permission, usually overflowing, smelly and attracting vermin. Given the lack of space for bins outside the venue, I hope that the incoming tenants will arrange to store their waste inside the premises, to be collected during daytime hours.

If the users of the new business stand outside smoking and drinking, this will create a hazard for other users of the narrow pavement, who will be forced to step into the road to pass. We presume that this issue could be dealt with by additional conditions in the licence preventing removal of open containers of alcohol from the premises.

#### Prevention of nuisance

The previous points contain elements of nuisance, in addition, there is the general nuisance of users of local businesses standing in Carmarthen Place smoking and leaving their cigarette waste on the ground.





6

From: [REDACTED]  
Sent: Tuesday, November 01, 2016 4:19 PM  
To: Regen, Licensing  
Subject: Objecting to licence application 855941

Dear Sir/Madam,

I am writing to you in order to make representations in respect of the current premises licence application in respect of 72, Bermondsey Street.

My name is [REDACTED] and I am the owner of [REDACTED] St.

My first representation concerns a discrepancy between the application as shown online and the public notice displayed on the premises. The former includes an application for permission to provide regulated entertainment in the form of recorded music. The public notice displayed on the premises has a section for "regulated entertainment". This has been completed as "n/a". This clearly shows that the applicant is not seeking a licence for any regulated entertainment. I would suggest, therefore, that any grant of a licence for any form of regulated entertainment would not be appropriate as any member of the public who saw only the public notice would not be aware that there was, in fact, an application for regulated entertainment being made. The application in this regard is defective.

This is an old building with mixed residential and commercial use I would object to the grant of any permission for regulated entertainment in the form of the playing of recorded music. Incidental or background music does not require licensing. It follows that the applicant must be seeking something which goes beyond the mere provision of background music to customers. In my view this would be entirely inappropriate in these premises. They are very small and are surrounded by residential premises, which are to be found immediately on either side, above and behind. The provision of anything other than background music is very likely to be audible in neighbouring residential premises and should, therefore, not be permitted.

No consultation of any kind has been made by the applicant with local residents with regard to the nature and extent of their plans for use of the premises and respect needs to be given to this.

I am concerned about the prevention of public nuisance. I would be happy with licensing conditions which were the same as those imposed on the previous licence granted in respect of these premises.

My property is [REDACTED] the premises. I am concerned about the possibility of customers being permitted to consume alcohol outside the front of number 72. This is because the noise of customers sitting outside is very likely to be audible in the living room of my home. I would, therefore, wish to prevent consumption of alcohol in the street outside. I appreciate that the premises may wish to make off-sales and I have no objection to this. I would, therefore,

propose a condition prohibiting the removal of open containers of alcohol or glasses from the premises as this would still permit off-sales whilst preventing consumption outside. I would also seek a condition restricting customers from standing outside the premises smoking for similar reasons. Also at the front of the building smokers will be standing directly below my windows.

I have concerns about the terminal hour proposed as customers will be permitted to purchase alcohol until 10.30pm and yet the application also states that the premises will close at 10.30pm. This suggests that sales of alcohol for consumption on the premises will be made right up until the moment the premises are to close. This provides for no drinking-up time and will only encourage customers to leave with alcohol they have just purchased. I would suggest that the supply of alcohol should not be permitted later than 30 minutes before the time the premises are to close – ie until 10.00pm on Mondays to Saturdays and 9.00pm on Sundays.

I am also concerned about potential noise and disturbance from customers using the premises, particularly if it is intended to provide anything like a wine bar or pub environment. I would, therefore, wish to see conditions attached to the licence which prevent the premises from being used by “vertical drinkers”. Possible such conditions could be restricting sales of alcohol for consumption on the premises only to those who are also consuming food or restricting the sale of alcohol only to those who are seated.

It is also doubtful if the proposed use is consistent with A1 usage. I appreciate that this is a matter for the planning authority and would be grateful if you could draw this matter to their attention in their role as a statutory consultee. I would expect to see a proper application for change of use if the proposed use is other than A1.

I would be grateful if you would please acknowledge receipt of my representations.

Yours,

██████████

**Idea behind the premises;**

I appreciate there are concerns that we are running a wine bar of sorts, but our primary purpose is selling award winning coffee that also has a small drinks list. Our point of difference is that there are few places where guests can enjoy a hot beverage in the evening unless it is in a bar or restaurant environment. This is why we want to offer something different. Our drinks list will be very restricted to a small amount just to give guests a choice. We will have no 'happy hours', or drink promotions etc. It really is if someone just fancies a glass of wine whilst their friend enjoys a coffee or tea etc.

Any off-sales will be sold in a sealed container and patrons will be discouraged to opening outside the coffee shop.

Also any drinks purchased for consumption 'on the premises' will not be allowed to be brought outside. We will have a clear sign stating this.

It is important for the residents to be aware that the kind of establishment we are wanting to open is one where like-minded people can come together, relax and talk in nice environment whilst enjoying one of our hot beverages. It is just that we are aware in this competitive climate that offering our guests something more helps our business. We would hope the premium look and feel of our venue as well as the focus on our coffee would act as a deterrent for the type of clientele that urinates on the street and smashes bottles etc.

**Public Health have withdrawn as have Police.****Amended operating schedule for the above premises to include;**

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and cover the main areas.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

We will work with the local environmental department to put a suitable waste disposal programme that will reduce the nuisance for the local residents.

**Withdrawal of regulated entertainment. Background music only.****Amended hours of operation:**

11am starting time for alcohol sales. Closing time of 22.30. Our plan is to take last orders at 22.00 with the guests having half an hour to finish their drinks. We feel that in comparison to the other venues in the area this is a reasonable time.

We are aware of the narrow pathway and have no intention of putting tables and chairs outside.

**Table service only**, other than those who want to grab a coffee or other non-alcoholic hot beverage to take away. We are also happy to comply with no patrons outside with an open container.

**Regarding smoking:**

We will of course do everything within our powers to reduce noise, by putting up signs and having staff asking patrons to keep it down. Regards to guests smoking outside, sadly this is a challenge many coffee shops, bar, restaurant are faced with. Our preference of course would be that no one smokes but sadly that is not reality. We will make sure a member of staff clears any cigarette and litter left outside plus we will have notices clearly displayed asking our patrons to keep noise down and to respect our neighbours.

**From:** [REDACTED]  
**Sent:** Wednesday, November 09, 2016 7:21 AM  
**To:** Orton, Mark  
**Cc:** [REDACTED] Mills, Dorcas  
**Subject:** Re: Conciliation statement - 72 Bermondsey Street

Thank you, Mark.

No, I will not withdraw as the applicants gave the impression at the meeting that they would accept a percentage restriction on the sale of alcohol to underline they were running a coffee house and not a bar.

That would be my condition.

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

**From:** [REDACTED]  
**Sent:** Tuesday, November 08, 2016 5:46 PM  
**To:** Orton, Mark; [REDACTED]  
**Cc:** Mills, Dorcas  
**Subject:** RE: Conciliation statement - 72 Bermondsey Street

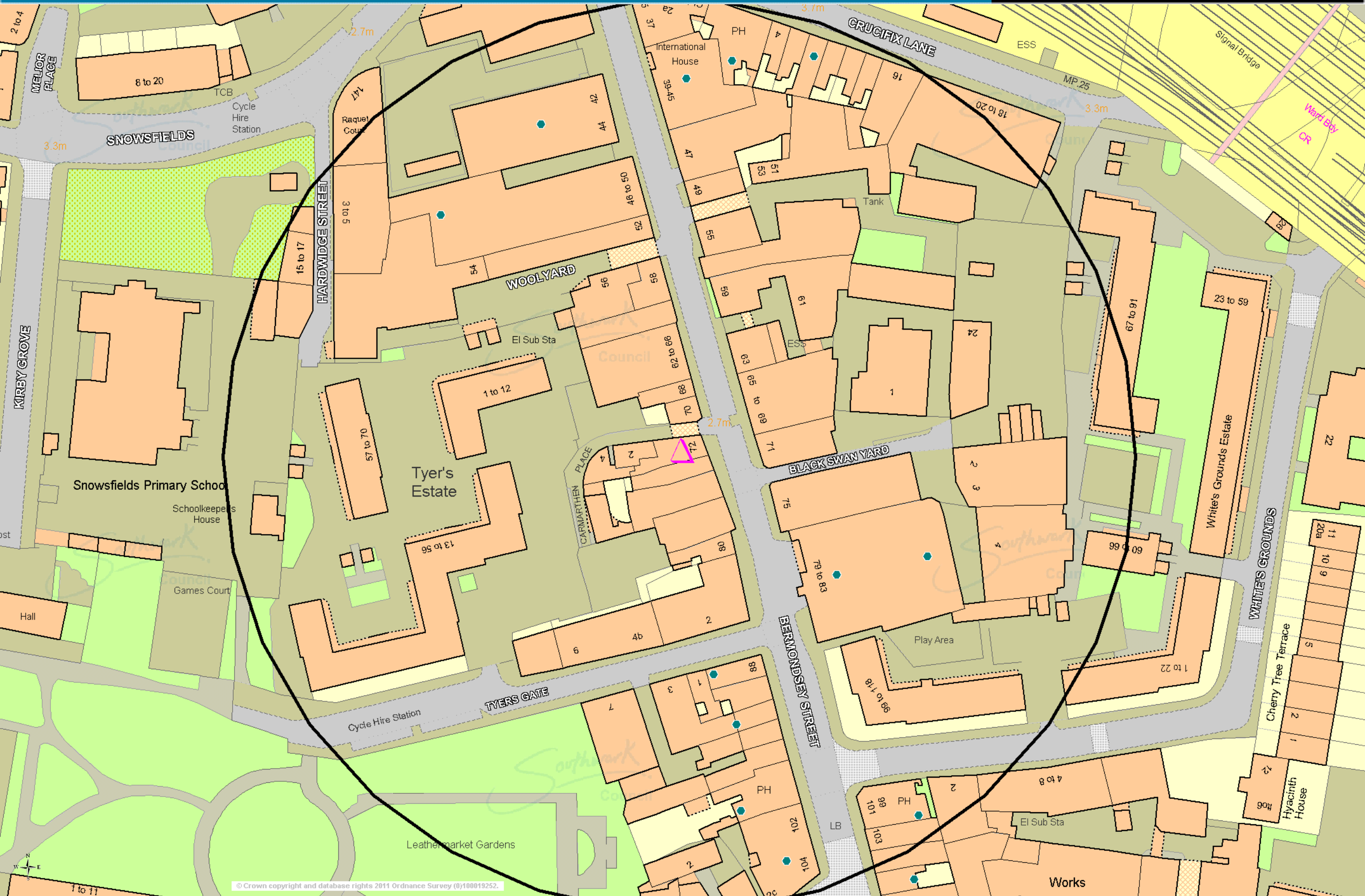
Dear Mr. Orton.

The proposed conditions do not address the issue of whether or not the on sales of alcohol are ancillary to other sales. Without a condition which deals with this the premises could lawfully be used for the sale of nothing but alcohol for consumption on the premises subject only to control under the planning legislation. At the conciliation meeting the objectors proposed a condition that the total gross sales of alcohol for consumption on the premises should not exceed 50%. That condition is not contained in the revised operating schedule. My objections therefore remain.

Please let me know the date of the hearing as I wish to attend.

Regards

[REDACTED]



© Crown copyright and database rights 2011 Ordnance Survey (0)100019252.

**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17**

**NOTE:** Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

Name	No of copies	Name	No of copies
<b>Members</b>		<b>Officers</b>	
Councillor Renata Hamvas (Chair)	1	Debra Allday, Legal team	1
Councillor Eliza Mann	1	Dorcas Mills, Licensing team	1
Councillor Adele Morris	1		
<b>Reserve</b>			
Councillor Sandra Rhule	By Email	Andrew Weir (spares)	5
		<b>Total printed copies: 10</b>	
		<b>Dated: 21 November 2016</b>	