

Licensing Sub-Committee

Monday 23 January 2017

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Adele Morris
Councillor Sunny Lambe

Reserves

Councillor Sunil Chopra

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 13 January 2017



Licensing Sub-Committee

Monday 23 January 2017
10.00 am

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

Order of Business

Item No.	Title	Page No.
	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 interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: PRESCO FOOD AND WINE, 209 ROTHERHITHE NEW ROAD, LONDON SE16 2BA	1 - 27
6.	LICENSING ACT 2003: MCDONALDS, UNIT 16 BUTTERFLY WALK, DENMARK HILL, LONDON SE5 8RW	28 - 66

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

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: 13 January 2017

Item No. 5.	Classification: Open	Date: 23 January 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Presco Food and Wine, 209 Rotherhithe New Road, London SE16 2BA	
Ward(s) or groups affected:		Livesey Ward	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by this council's trading standards service under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Mr Faraz Ahmad in respect of the premises known as Presco Food and Wine, 209 Rotherhithe New Road, London SE16 2BA.
2. Notes:
 - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix A.
 - b) The review application is supported by representations submitted by two responsible authorities. Copies of the representations are attached as Appendix B. Details of the representations are provided in paragraphs 16 and 17.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C.
 - d) 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 licensing 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 applications 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. 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.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday 00:00 to 00:00 (24 hour service of alcohol)
 - There are no restrictions in respect of the premises' opening times (it can therefore be open 24 hours a day)
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is provided for as appendix C.

Designated premises supervisor

11. The current Designated Premises Supervisor (DPS) named on the licence is Hassan Subhani.

The review application

12. On 24 November 2016, an application was submitted by this council's Trading Standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Mr Faraz Ahmad in respect of the premises known as Presco Food and Wine, 209 Rotherhithe New Road, London, SE16 2BA.
13. The review application was submitted in respect of the prevention of crime and disorder and the protection of children from harm licensing objectives and in summary states that the following has been witnessed at the premises and / or taken place:
 - The offer to supply goods that infringes trade marks, in breach of Section 92 of the Trade Marks Act 1992.
 - The offer to supply goods that fails to comply with Cosmetics Products (Enforcement) Regulations 2013.
 - The failure to comply with conditions 100 (the supply of alcohol when no DPS present), 101 (the supply of alcohol to be made by a person holding a personal licence), 289 (CCTV recordings to be kept for 31-days), 327 (signage relating to no sale to under 18), 340 (refusals book) and 341 (minimum of two staff to be present when premises are open) of the premises licence issued in respect of the premises, in breach of Section 136 of the Licensing Act 2003.
 - The failure of the premises licence holder to notify Southwark Council of a change of the premises licence holder's address, in breach of Section 33 of the Licensing Act 2003.
 - The failure to display the summary of premises licence, in breach of Section 57 of the Licensing Act 2003.
14. The trading standards service recommends that the licence be revoked. Full details of the grounds for the review are provided within review the application. The review application is provided in Appendix A.

Representations from responsible authorities

15. The Metropolitan Police Service and this council's licensing responsible authority have submitted representations in support of the review.
16. The representation from the Metropolitan Police Service states that considering the detailed information provided within the review application and the apparent lack of any management structure at the premises the police fully support the recommendation that the licence be revoked.
17. The representation from the licensing responsible authority states that they have no faith in the current management (either the licensee or the DPS) to promote the licensing objectives and fully support the recommendation that the licence be revoked.
18. Copies of the representations are attached as Appendix B.

Representations from other persons

19. No representations have been received by other persons.

Operating History

20. A premises licence was issued in respect of the premises to Yaqoob Khan on 27 Sept 2005. The designated premises supervisor specified in respect of the licence was Zaffar Iqbal.
21. The licence was transferred to Shamoan Ali Chaudhary on 1 March 2011. The DPS specified in respect of the licence was Wasim Akram.
22. The licence was then transferred to Mr Faraz Ahmad on 7 June 2013. The DPS specified in respect of the licence was Hassan Subhani.
23. On 15 November 2016 an application was submitted to transfer the licence to Mr Sohail Khan. Mr Faraz Ahmad signed a form consenting to the transfer. The transfer application form submitted by Mr Khan was not full and proper in that neither the original premises licence nor a statement of the was given for the failure to provide the original premises licence (in accordance with Section 42(4) Licensing Act 2003).
24. Numerous attempts have been made by the licensing unit to contact Mr Khan to inform him of the outstanding matter in respect of the transfer application, however he has not responded. The transfer application has therefore been rejected and Mr Ahmad remains the licensee of the premises. It should be noted that the offences referred to in the review application took place prior to the transfer application submitted on 15 November 2016. Prior to the transfer application submitted on 15 November 2016, Faraz Ahmad has never contacted the licensing unit to either rescind the licence or inform the Licensing Unit that he no longer has an interest in the premises. Although Mr Ahmad remains the licensee of the premises, Mr Khan has also been invited to the hearing to determine the review application should he be able to provide any clarification as to the management of the premises.
25. The premises have not been inspected since 2010, prior to Mr Ahmad becoming the licensee of the premises.
26. No complaints have been received by the licensing unit in regards to the premises since 2006, prior to Mr Ahmad becoming the licensee of the premises.
27. No temporary event notices have been submitted in regards to the premises.
28. A list of licensing night time visits to the premises is attached as appendix D.
29. On 24 November 2016, an application was submitted by this council's Trading Standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Mr Faraz Ahmad in respect of the premises known as Presco Food and Wine, 209 Rotherhithe New Road, London SE16 2BA.

The local area

30. Due to software issues it has not been possible to provide a map of the local area in this report however it can be confirmed that the only licensed premises within 100 metres of the premises is:

Pizza Hot 4 U, 208 Rotherhithe New Road, SE16 3EH:

- Provision of late night refreshment:

Monday to Sunday 23:00 to 01:00 the following day.

Southwark council statement of licensing policy

31. Council assembly approved Southwark's statement of Licensing Policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. 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.
 - 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.
32. 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.
33. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within a residential area. The closing times recommended in the statement of licensing policy for off licences, and grocers or supermarkets with off sales of alcohol, in residential areas is 23:00 hours daily.

Resource implications

34. There is no fee associated with this type of application.

Consultation

35. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

Community impact statement

36. 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

37. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following 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 any other person 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.
38. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

39. Under Section 52 of the Licensing Act, the licensing authority must hold a hearing to determine the review and any relevant representations.
40. The four licensing objectives are:
- The prevention of crime and disorder
 - The protection of public safety
 - The prevention of nuisance
 - The protection of children from harm.
41. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
42. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:

- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
43. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
44. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
45. In deciding what remedial action if any it should take, the authority must direct its 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 an appropriate and proportionate response.
46. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

47. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The applicant
 - Any person who made relevant representations
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

48. 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.
49. This matter relates to the review of the 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

50. 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.
51. 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.
52. 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.
53. 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.

54. 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.
55. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
56. 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.
57. 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

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

Strategic Director of Finance and Governance

59. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 Home Office revised 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 Phone number: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the review application
Appendix B	Copies of the representations submitted by responsible authorities
Appendix C	Copy of the premises licence
Appendix D	List of licensing night time visits to the premises

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	11 January 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	11 January 2017	

[Insert details including name and address of licensing authority and application reference if any (optional)]

Application for the review of a premises licence or club premises certificate 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 Bill Masini (On behalf of Trading Standards)

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Presco Food and Wine 209 Rotherhithe New Road	
Post town London	Post code (if known) SE16 2BA
Name of premises licence holder or club holding club premises certificate (if known)	
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 Southwark Council – Trading Standards Bill Masini Trading Standards Officer Community Safety & Enforcement 3 rd Floor Hub 1 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.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)**Prevention of Crime and disorder –**

- Offer to supply goods that infringed trade marks – s92 Trade Marks Act 1992
- Offer to supply goods that failed to comply with Cosmetics Products (Enforcement) Regulations 2013
- Unauthorised licensable activity – failure to comply with a number of conditions on the premise licence –s136 Licensing Act
- “Overstayer” on premise - Breach of immigration legislation
- Failure of Premise Licence Holder to notify Southwark Council of change of address – s33 Licensing Act
- Failure to display summary of premise licence – s57 Licensing Act

Protection of Children from Harm

- Unauthorised licensable activity - Failure to comply with conditions 327 and 340 on the premise licence about preventing underage sales of alcohol – s136 Licensing Act

On Wednesday 2 November 2016 Trading Standards carried out a joint visit with Police Officers from Southwark's "Night Time Economy" team. The purpose was to check for compliance with the Premise Licence, Trading Standards legislation and other criminality such as employing illegal workers.

Currently the premise licence permits alcohol to be sold 24 hours 7 days a week.

Upon arrival there was one person behind the counter. She gave her name as S [REDACTED]. She said she was a sales assistant and that the manager was out the back in the store room. When officers went to the room they saw a man asleep on a mattress that was on the floor. He said to officers that his ID was in his car and, accompanied by a Police Officer, he went to get it. However, as soon as he was out of the shop he kicked off his "flip flops" and ran off. Police were unable to detain him. Next to where he had been sleeping Police found a driving licence and National Insurance Card with the name of [REDACTED] on both and included a photograph of the man who had absconded.

Trading Standards spoke to [REDACTED] who was able to hand over a tatty short version of the premise licence that was attached to the wall. This was dated 7 June 2013 and showed Faraz Ahmad as the Premise Licence Holder and Hassan Subhani as the Designated Premises Supervisor. She said she had never heard of either men and that the man at the back was the manager. She said she had been working in the shop for about 6 months and the refusals book which was later examined indicated her first refusal to be 2 June 2016, some five months before this visit. A summary of the licence was not displayed

Behind the counter was also another person who was asleep in a chair. [REDACTED] said he was her husband and that he did not work there. He gave his name as [REDACTED]

Alcohol was offered for sale at the shop. A number of breaches of the licence were identified, namely

- Conditions 100 & 101 – Both the premise Licence holder and Designated Premises Supervisor were unknown to Ms [REDACTED]. It follows that the DPS had not authorised her to sell alcohol and played no role in the management

of the premise.

A later check of the Council's records showed mobile telephone number for Mr Ahmad. He was contacted on Monday 7th November and said he had left the premise 3 years ago and that he now lived and worked in Middlesborough. No personal licence holder was on the premise at the time of the visit.

- Condition 289 (CCTV) – no one could operate the CCTV
- Condition 327 (signs about sales to young people) – there were no signs to say alcohol would not be sold to anyone under 18
- Condition 340 (requirements about recording refused sales) – the "refusals record" did not show times and dates of all refused sales to cross reference with the CCTV installed at the premise.
- Condition 341 (minimum of 2 staff when premise open to public) – [REDACTED] was the only person working in the shop at the time of the visit. Her husband, [REDACTED] was sleeping in a chair and the so called manager was also asleep on a mattress in the back room.

Later enquiries about [REDACTED] indicated his immigration status to be an "overstayer" and this would explain, in part at least, why he absconded.

During the visit Trading Standards identified 24 bottles of perfumes for sale on the counter. These infringed various Trade Marks and were duly seized. The offer for sale of these perfumes constituted offences under The Trade Marks Act with the names "Chanel", "Gucci" "Hugo Boss" and "Prada" used. Bottles of perfume are cosmetic products and therefore need to comply with the relevant regulations – The Cosmetic Products (Enforcement) Regulations 2013. These bottles were not labelled in accordance with those regulations and prevented any traceability if any safety issue was identified.

The two remaining people in the shop then tried to empty the cash from the till. Police were not satisfied they had the legal right to be in the shop and asked them to leave. The police then locked and secured the shop and the keys were handed to Southwark Council which owns the property.

The property was let to Mr Yaqoob Khan and sub- letting is not permitted without

express permission from Southwark Council. On Wednesday 16 November the property was repossessed for Southwark Council, primarily for large rent arrears. Entry was gained with the keys in the Council's possession. Locks were changed at the time.

Enquiries were made to find the Premise Licence Holder and Designated Premises Supervisor. Faraz Ahmad was emailed on Monday 7th November. He rang Trading Standards that day in response. He said he left the premise three years ago and now lived in Middlesborough. He was invited for a formal interview under caution since he appeared to still have legal responsibility for the matters that had arisen and if he had left the premise three years earlier he had not complied with his obligations under The Licensing Act. The following day Trading Standards emailed him again suggesting a date for interview on Thursday 17th November. Mr Ahmad said it was too far for him to come and therefore he would not attend. He has been identified as a director of [REDACTED] (company number [REDACTED]) and the address for correspondence given to Companies House is [REDACTED] [REDACTED] and is the Registered Office address since 18 August 2014. The previous registered office address effective from 12 March 2013 was 209 Rotherhithe New Road London SE16 2BA. The nature of the business appears to be Accountancy and Taxation.

There was email correspondence with solicitors acting on Mr Ahmad's behalf about him attending an interview but at the time of submitting this application no dates for interview have been proposed on his behalf. Trading Standards interpret the responses to be delaying tactics with no real intention to engage with the Council.

The sub-committee is invited to revoke the licence.

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

If you have made representations before relating to this premises please state what they were and when you made them

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 23 November 2016

Capacity Trading Standards Officer acting on behalf of Southwark Council

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
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.



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

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

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

Our reference: MD/21/289616
Date: 16th December 2016

Dear Sir/Madam

Re:- Presco Food & Wine 209 Rotherhithe New Road SE16 2BA

Police are in possession of an application for a review of the above premises licence from Bill Masini on behalf of Southwark's Trading Standards.

The application contains a number of alleged offences in contravention of the licensing act 2003 and the Cosmetics Products Regulations 2013.

A majority of the offences relate to a joint visit made to the premises on Wednesday the 2nd November 2016 between Southwark's Trading Standards team and officers from the Police Night Time Economy team.

A number of the alleged breaches of the premises licence relate to the prevention of crime and disorder licensing objectives.

At the time of the visit the premises were under the control of an individual with no training or qualifications in relation to the sale of alcohol, they were unable to operate the CCTV system and had no authorisation to sell the alcohol that was on display.

Considering the detailed information provided within the application and the apparent lack of any management structure at the premises, I support the application to revoke this premises licence.

Submitted for consideration

Ian Clements PC 362MD
Licensing Office
Southwark Police Station
323 Borough High Street
SE1 1JL

MEMO: Licensing Unit

To Licensing Unit **Date** 21 December 2016

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject Re Presco Food & Wine, 209 Rotherhithe New Road, London, SE16 2BA
Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by Southwark Trading Standards Unit as a responsible authority under the Licensing Act 2003.

The application is submitted under the prevention of crime and disorder and the protection of children from harm licensing objectives and the grounds for the review are concerned with:

Prevention of Crime and disorder –

- Offer to supply goods that infringed trade marks – s92 Trade Marks Act 1992
- Offer to supply goods that failed to comply with Cosmetics Products (Enforcement) Regulations 2013
- Unauthorised licensable activity – failure to comply with a number of conditions on the premise licence – s136 Licensing Act
- “Overstayer” on premise - Breach of immigration legislation
- Failure of Premise Licence Holder to notify Southwark Council of change of address – s33 Licensing Act
- Failure to display summary of premise licence – s57 Licensing Act

Protection of Children from Harm

- Unauthorised licensable activity - Failure to comply with conditions 327 and 340 on the premise licence about preventing underage sales of alcohol – s136 Licensing Act

The premises is an off licence/grocery that is currently licensed for supply of alcohol ‘off the premises’ for 24hours 7 days a week. The current licence holder is Faraz Ahmad and the designated premises supervisor (DPS) attached to the licence is Hassan Subhani.

Following the inspection by Trading Standards and the Police on Wednesday 2 November 2016 it transpired that in addition to the breaches mentioned above that the licensee and DPS no longer work at the premises and Sanela Raja Kazlagic one of the staff working at the shop stated that she had never heard of the licensee or DPS. Further more Ms Kazlagic who does not hold a personal licence could not confirm who had authorised her to supply alcohol at the premises.

The Trading Standards Officer managed to contact the licensee Mr Ahmed on Monday 7 November 2016 who also confirmed that he *‘left the premises 3 years ago and now lived and worked in Middlesborough’*.

I have no faith in the current management either licensee or DPS to promote the licensing objectives. I submit this representation under the prevention of crime and disorder and the protection of children from harm as it is clear that there is no responsible licensee or DPS in control of the management of alcohol sales at the premises and as such several breaches of the licensed conditions and other criminal offences have been committed.

I therefore fully support Trading Standards in asking for the licence to be revoked.

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

Licensing Act 2003 Premises Licence



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

Premises licence number

841161

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Presco Food & Wine 209 Rotherhithe New Road London SE16 2BA	
Ordnance survey map reference (if applicable), 178623535169	
Post town London	Post code SE16 2BA
Telephone number [REDACTED]	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

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
Sale by retail of alcohol to be consumed off premises

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

Part 2

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

Faraz Ahmad
[Redacted]

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

Hassan Subhani
[Redacted]

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

Licence No. [Redacted]

Authority [Redacted]

Licence Issue date 07/06/2013

Community Safety Enforcement
Business Unit Manger
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

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

488 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the operating Schedule

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

255a. Fire extinguishers and equipment as approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instance use. They shall be in the charge of a suitable person specially nominated for the purpose.

b. Portable fire extinguishers shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an antifreeze agent shall be examined and recharged in compliance with manufacturer's instructions.

c. Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.

d. All testing of fire extinguishers and equipment shall be at the expense of the licensee.

288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

289 That any recording(s) taken by the CCTV system installed at the premises shall be kept for thirty one (31) days and be made available on request to authorised officers.

327 That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required

334 That a proof of age scheme shall be adopted and implemented at the premises requiring that all staff involved in the sale or supply of alcohol at the premises request valid photographic identification (comprising of a valid passport, full driving licence or proof of age standards scheme (PASS) accredited card) from any person attempting to buy alcohol who appears to be under 18 years of age.

340 A refusal book shall be kept at the premises. The details of every instance that the sale of alcohol is refused to a person because that person is under 18 years of age or appears to be under 18 years of age and is not able to produce identification to prove that he / she is over 18 years of age shall be logged in the refusal book. The times and dates of all refused sales shall be cross referenced with the CCTV installed at the premises

341 That there shall be a minimum of two staff members present at the premises at all times that it is open to members of the public.

342 That there shall be a 'rep care' alarm system installed at the premises that is connected to the local police.

343 That only two unaccompanied school children shall be permitted on to the premises at a time.

Annex 4 - Plans - Attached

Licence No. 841161

Plan No. N/A

Plan Date 28 July 2005

APPENDIX D

Date	Time	Officer	Notes
13/12/2014	20:00	Mark Orton	Premises closed ATOV, being refurbished as it had been broken into and stock stolen. New staff in place, but no changes to licensee or DPS. I went through licence conditions with them so that they were aware of what is expected.
13/12/2014	00:30	Mark Orton	Premises closed ATOV.

Item No. 6.	Classification: Open	Date: 23 January 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London SE5 8RW	
Ward(s) or groups affected:		Camberwell Green	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Manor Restaurants (UK) Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London SE5 8RW.
2. Notes:
 - This application was originally scheduled for hearing by the licensing sub-Committee on 20 December 2016. A request was made by the applicant to adjourn the hearing due to ill-health and it is now being heard on 23 January 2017.
 - The application seeks to vary the premises licence in respect of the premises known as: McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London SE5 8RW under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and / or other persons and is therefore referred to the sub-committee for determination.
 - Paragraphs 10 to 12 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 B. A map showing the location of the premises is attached as Appendix F.
 - Paragraphs 14 to 17 of this report deal with the representations submitted in respect of the application. Copies of the relevant representation and related correspondence are attached in Appendix C and Appendix D.
 - Paragraph 27 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix F.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment

- The provision of late night refreshment.
4. Within Southwark, this council wholly administers the licensing responsibility.
 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 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 current premises licence

8. The current premises licence issued in respect of the premises known as McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London, SE5 8RW was issued on 7 July 2016 and allows the following licensable activities:
 - **Late night refreshment:**

Monday to Wednesday	between 23:00 and 00:00
Thursday	between 23:00 and 05:00 the following day
Friday and Saturday	between 23:00 and 05:00 the following day
Sunday	between 23:00 and 00:00
 - **Opening hours:**

Monday to Wednesday	between 06:00 and 00:00
Thursday	between 06:00 and 05:00 the following day
Friday and Saturday	between 05:00 and 05:00 the following day
Sunday	between 05:00 and 00:00.
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. Manor Restaurants (UK) Limited have applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London SE5 8RW.
11. The application is summarised as follows:
 - To extend the provision of late night refreshment on Sundays to Wednesdays from 00:00 to 05:00.
 - To amend the opening hours of the restaurant to allow the premises to open 24 hour seven days per week.
12. The premises licence application form provides the applicant's operating schedule. Part M sets out the proposed operational control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. A copy of the application is attached to this report as Appendix B.

Designated premises supervisor

13. No designated premises supervisor (DPS) is required.

Representations from responsible authorities

14. This council's environmental protection team (EPT) have made comments for consideration by the licensing sub-committee. These comments have not been submitted as an objection to this application.
15. The Metropolitan Police Service (MPS) have submitted a representation in relation to the application.
16. The Metropolitan Police Service representation states the current closing times fall outside of the suggested closing times in the council's statement of licensing policy. The police state the application has given no reason to deviate from the policy. The police also state that the police crime and incident reporting system has been checked and in the last six months McDonald's restaurants in Southwark have 85 reports where an incident has been reported inside, outside or close to each venue. These reports may not be directly attributed to each restaurant but indicate that they are located in areas that have a crime and disorder problem.
17. The environmental protection team's comments state the requested hours of extension fall outside of the recommendation of the statement of licensing policy. EPT note that the licence holders are 'content to put measures in place to limit noise', shall be considered to include controls on deliveries, collections and waste disposal activities such that they occur during the hours of 08:00 to 20:00. EPT have no objection to the application but submit comments for clarity and for the consideration of the Licensing Committee.
18. Note: Takeaways are not subject to the Camberwell cumulative impact policy, and so the policy must not be taken into consideration when determining the application. Therefore there is a presumption to grant the application, pending consideration of any representations received.

19. Copies of the above representation and related correspondence are attached in Appendix C and Appendix D.

Representations from other persons

20. No representations in regards to this application have been submitted by other persons.

Conciliation

21. The applicant was sent one objection received from the police responsible authority. The applicant was advised to contact the police directly to facilitate conciliation of their objection. The police however maintain their objection that 'Every application should be treated on its own merits, however no exceptional circumstances have been shown with in the application to give reason to deviate from the policy'.

Operating history

22. The premises licence in respect of the premises was issued on 2 December 2009.
23. On 7 August 2013 a variation application was made to extend the opening hours and late night refreshment on Thursday, Friday and Saturday nights to 02:00 and Sunday nights to 00:00. Also to amend opening hours on Friday, Saturday & Sunday morning from an earlier times of 05:00, enabling the premises to remain open from 06:00 Thursdays until 00:00 on Sundays.
24. On 16 June 2016 a minor variation application was made to change the plans of the premises following a refurbishment of the restaurant.
25. Manor Restaurants (UK) Limited have applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London SE5 8RW.
26. A list of all night time visits to the premises by licensing officers is attached in Appendix E.

Map

27. 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 several licensed premises within this 100 metre radius.

- **Co-op, 28 - 32 Denmark Hill, London SE5 8RZ** licensed for:
 - The sale of alcohol to be consumed off the premises on Monday to Sunday between 07:00 and 23:00
- **The Tiger, 18 Camberwell Green, London SE5 7AA** licensed for:
 - The sale of alcohol to be consumed on and off the premises on Monday to Thursday between 09:00 and 01:30, on Friday and Saturday between 09:00 and 03:30 and on Sunday 09:00 and 00:30
 - The provision of films on Monday to Sunday between 12:00 and 00:00

- The provision of live music on Monday to Thursday between 09:00 and 02:00, Friday and Saturday between 09:00 and 04:00 and on Sunday 09:00 and 01:00
- The provision of recorded music on Monday to Sunday between 09:00 and 02:00, Friday and Saturday between 09:00 and 04:00 and on Sunday 09:00 and 01:00
- The provision of late night refreshment on Monday to Thursday between 09:00 and 01:30, Friday and Saturday between 09:00 and 02:30 and on Sunday between 09:00 and 00:30
- **Morrisons, Butterfly Walk, Denmark Hill, London SE5 8RW** licensed for:
 - The sale of alcohol to be consumed off the premises on Monday to Sunday between 06:00 and 23:00.

Southwark council saturation policy for Camberwell

28. Council assembly approved the introduction of a special policy for Camberwell on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2015-2020 statement of licensing policy.
29. 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.
30. 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.
31. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

32. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. 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.
 - 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.
33. 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.
34. Within Southwark's statement of licensing policy, the premises are identified as being within the Camberwell District Town Centre Area. The premises are described as an outlet for food and non-alcoholic drink. The closing times recommended in the statement of licensing policy for a take-away in Camberwell district town centre are as follows:
- Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.
35. Takeaways are not subject to the Camberwell cumulative impact policy.

Resource implications

36. A fee of £315.00 being the statutory fee payable for premises within non-domestic rateable value band A has been paid by the applicant company in respect of this application.

Consultation

37. 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 at the premises for a period of 28 consecutive days.

Community impact statement

38. 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

39. The sub-committee is asked to determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.
40. The principles which sub-committee members must apply are set out below.

Principles for making the determination

41. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
42. The general principle is that applications for variation 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.
43. 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 other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
44. 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:
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation

Conditions

45. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, 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.
46. The four licensing objectives are
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.

47. 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.
48. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence 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.
49. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force: age verification policy and smaller measures for alcoholic drinks.
50. Members are also referred to the Home Office revised guidance on conditions.

Reasons

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

Hearing procedures

52. 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
53. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.

60. 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

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

Strategic Director of Finance and Governance

62. 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 revised 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	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of existing premises licence
Appendix B	Copy of the application
Appendix C	Police representation
Appendix D	Environmental protection team comments
Appendix E	List of night time visits to the premises by licensing officers
Appendix F	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Natasha O'Donoghue, Licensing Officer	
Version	Final	
Dated	11 January 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		11 January 2017

Licensing Act 2003 Premises Licence

39



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

852747

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
McDonalds Restaurant Ltd 16 Butterfly Walk Denmark Hill London SE5 8RW	
Ordnance survey map reference (if applicable), 176630532588	
Post town London	Post code SE5 8RW
Telephone number [REDACTED]	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Late Night Refreshment - Indoors

The opening hours of the premises	
For any non standard timings see Annex 2	
Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 05:00
Friday	05:00 - 05:00
Saturday	05:00 - 05:00
Sunday	05:00 - 00:00

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

The times the licence authorises the carrying out of licensable activities

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

Late Night Refreshment - Indoors

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 05:00
Friday	23:00 - 05:00
Saturday	23:00 - 05:00
Sunday	23:00 - 00:00

Part 2

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

Manor Restaurants (UK) Limited



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

06039094

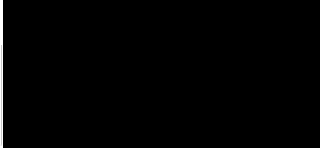
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

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.

Authority

Licence Issue date 07/07/2016



Head of Regulatory Services
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

Annex 2 - Conditions consistent with the operating Schedule

- 288** A digital motion activation CCTV system where images are retained on a hard drive system shall be installed at the premises.
- 340** The CCTV equipment shall be of a standard suitable to record images of a proper quality; it will meet the industry standard and have Kalagate Certification.
- 341** As part of the CCTV system and alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene.
- 342** The CCTV system shall be regularly serviced by qualified maintenance technicians
- 343** Access to the CCTV system shall be provided to Police Officers at their request.
- 344** The CCTV policy implemented at the premises shall ensure compliance with Data Protection Legislation
- 345** Appropriate signage reflecting information regarding the CCTV installed shall be displayed at the premises.
- 346** All shift running managers shall be trained in safety and security.
- 347** Safety systems shall be in place to protect the safety of customers and staff at all times, these systems shall be regularly reviewed and updated where appropriate.
- 348** Inspections from McDonalds own safety and security teams shall be carried out to ensure that safety systems are being maintained.
- 349** All restaurant staff shall be provided with comprehensive safety training.
- 350** A 'NO OPEN ALCOHOL CONTAINERS' policy shall be implemented at the premises.
- 351** Emergency contact mobile telephone numbers shall be listed in the business manager's office.
- 352** Litter patrols concerning McDonalds packing and other litter from the premises shall be carried out within a certain radius of the restaurant.
- 353** All of McDonalds packing shall contain the 'BIN IT' symbol.
- 354** A 'REDUCING LITTER CAUSED BY FOOD ON THE GO' voluntary code of practice shall be adopted at the premises.
- 355** Doors at the premises shall be self-closing.
- 356** Customers shall be encouraged to be considerate to neighbours both when ordering food and on leaving the local area.

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

Annex 4 - Plans - Attached

Licence No. 852747

Plan No. EX/0214/001

Plan Date May 2016

APPENDIX B

The Lakes
Northampton
NN4 7SH
DX 712280 Northampton

Delivered: by post

London Borough Of Southwark
The Licensing Service
Regulatory Services
3rd Floor Hub 1
PO Box 64529
London
SE1P 5LX

SPECIAL DELIVERY

Your Ref

Our Ref

(PLEASE QUOTE ON ALL CORRESPONDENCE)

Date

31st October 2016

Dear Sirs

**MANOR RESTAURANTS (UK) LIMITED T/A MCDONALD'S
UNIT 16 BUTTERFLY WALK DENMARK HILL CAMBERWELL LONDON SE5 8RW
APPLICATION TO VARY A PREMISES LICENCE**

We act on behalf of Manor Restaurants (UK) Limited t/a McDonald's. Please find enclosed:-

1. Application to vary a Premises Licence;
2. Original Premises Licence and Premises Licence Summary;
3. Cheque in the sum of £315.00.

We should be grateful if you would acknowledge safe receipt.

Yours faithfully

**McDonald's Licensing Team at
SHOOSMITHS LLP**

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

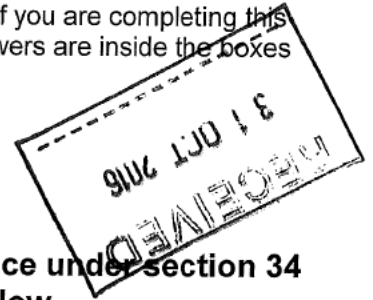
London Borough Of Southwark
Regulatory Services
3rd Floor Hub 1
PO Box 64529
London
SE1P 5LX

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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



XWe Manor Restaurants (UK) Limited
(Insert name(s) of applicant)

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

Premises licence number
852747

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description McDonald's Restaurants Unit 16 Butterfly Walk Denmark Hill	
Post town Camberwell	Post code SE5 8RW
Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 63,000.00

Part 2 - Applicant Details

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

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

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

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The premises currently have a premises licence which allows the provision of late night refreshment on Sundays to Wednesdays from 23:00 to 00:00 and Thursdays to Saturdays from 23:00 to 05:00.

The proposed variation is to extend the provision of late night refreshment on Sundays to Wednesdays from 00:00 to 05:00. In addition the application is also to amend the opening hours of the restaurant to allow the premises to open 24/7.

Part 4 - Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for the exhibition of films (please read guidance note 5)	
Thur					
Fri					
Sat				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>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</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Both	<input type="checkbox"/>	<u>Please give further details here</u> (please read guidance note 4)
Tue					
Wed					<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)
Thur					
Fri					<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for the performance of live music (please read guidance note 5)	
Thur					
Fri					
Sat				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 6)	
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur					
Fri					
Sat				Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			<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 3)	Indoors	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 4)	Outdoors
Tue			Both		<input type="checkbox"/>
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<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 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises. State any seasonal variations for the provision of late night refreshment (please read guidance note 5) Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Mon	23:00	05:00			
Tue	23:00	05:00			
Wed	23:00	05:00			
Thur	23:00	05:00			
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input 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 5) Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

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 9).

The premises will operate as an outlet of food and non-alcoholic drink and does not provide any adult entertainment or service that gives rise to a concern in respect of children

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	00:00	00:00	<p><u>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</u> (please read guidance note 6)</p>
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

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

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

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

M

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

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

Please see attached Operating Schedule.

- b) The prevention of crime and disorder**

Please see attached Operating Schedule.

c) Public safety

Please see attached Operating Schedule.

d) The prevention of public nuisance

Please see attached Operating Schedule.

e) The protection of children from harm

Please see attached Operating Schedule.

Checklist:

Please tick to indicate agreement

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

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

Operating Schedule

General

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonald's restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptacles.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

Prevention of Crime and Disorder

This restaurant is keen to work in partnership with the local police service to prevent crime and disorder.

CCTV

McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.

McDonald's operate digital motion activated CCTV systems where images are retained on a hard drive system. All CCTV equipment is of a standard suitable to record images of a proper quality, it meets the industry standard and has LGC Forensics or Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request.

Staffsafe

A Staffsafe™ system with both audio and visual monitoring capability will be installed in the restaurant, this system, can be activated by either fixed or mobile panic buttons. Once activated the system links the restaurant to an external monitoring centre capable of intervening to resolve crime and disorder issues and/or provide the appropriate advice or instruction to support and protect the restaurant's staff and customers.

At this restaurant all shift managers have safety and security training; including Maybo SIA accredited Conflict Management Training.

Public Safety

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

This restaurant has safety systems in place to protect the safety of customers and staff at all times (such as Staffsafe). We work with the local Environmental Health Office and local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is also subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff receive comprehensive safety training to ensure that safe working methods are adopted and all staff are trained on the restaurant's evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area.

Public Nuisance

Litter

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. McDonald's is committed to carry out litter patrols collecting both McDonald's packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable.

All of McDonald's packaging displays the "Bin It" symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website:
<http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml>

Noise

Where it is practical to do so we are content to put measures in place to limit noise. All McDonald's restaurant doors are self-closing and we try to encourage our customers to be considerate to our neighbours and to limit noise both when ordering their food and on leaving the local area.

The Protection of Children from Harm

McDonald's do not anticipate that unaccompanied children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

Part 5 - Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	31st October 2016
Capacity	Solicitor / Authorised Agent for the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature		
Date		
Capacity		
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) Shoosmiths LLP [REDACTED]		
Post town	[REDACTED]	Post code [REDACTED]
Telephone number (if any)	[REDACTED]	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]		

Notes for Guidance

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

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



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

Metropolitan Police Service
Licensing Office
 Southwark Police Station
 323 Borough High Street
 LONDON,
 SE1 2ER
 Tel: 020 -7232 6756
 SouthwarkLicensing@met.police.uk

Our reference: MD/2887/16
 Date: 29th November 2016

Dear Sir/Madam

McDonalds, 16 Butterfly Walk, London SE5 8RW

This application for a licence variation to a Restaurant/Take away licence was received by Southwark Council on the 20th October 2016.

The current application is for the following extension of hours

Opening Hours-	Sunday – Wednesday	24hrs
Late night refreshment -	Sunday – Wednesday	23.00hrs to 05.00hrs

The Venue currently has 24 hour opening 06.00hrs Thursday to 00.00 Sunday night. This was granted prior to the introduction of the current Statement of Licensing Policy.

This policy details a schedule of closing times for licensed premises depending on their geographical location and the business type.

The guidance suggests for this location being a District Town Centre and the venue being a restaurant the latest terminal hour is 0100hrs Friday and Saturday and Midnight Sunday to Thursday, therefore the premises current opening hours are very generous and in excess of the current policy.

Every application should be treated on its own merits, however no exceptional circumstances have been shown with in the application to give reason to deviate from the policy.

Camberwell is situated between various other town centres and attracts a contrasting customer base. Any increase in hours may lead to an increase of public nuisance and crime and disorder created by customers attracted to the longer hours traveling from other areas.

I have checked the police crime and incident reporting system and in the last six months McDonald's Restaurants on Southwark borough have 85 reports where an incident has been reported either inside outside or close to the venue. These reports may not be a directly attributed to each restaurant but indicate that they are located in areas that have a crime and disorder problem.

Submitted for consideration

PC Graham White 288MD
Southwark Police Licensing Unit

From: Fox, Roy

Sent: Monday, November 07, 2016 12:07 PM

To: Regen, Licensing

Cc: 'Elaine.Rayner@shoosmiths.co.uk'

Subject: McDonalds, Unit 16 Butterfly Walk, Denmark Hill, SE5

Re: Licensing Act 2003 - Application to Vary a Premises Licence dated 31/10/2016 - McDonalds, Unit 16 Butterfly Walk, Denmark Hill, SE5

This consultation response is in connection with the consideration of public nuisance arising from this application, which relates to the extension of licenced hours of an existing licence, ref. 852747, to include the hours of 00:00 to 05:00 from Sundays to Wednesdays.

The requested hours of extension fall outside of the recommendations of the Southwark Statement of Licensing Policy 2016/2020. However, these hours are already currently permitted for Thursdays to Saturdays (i.e. Sunday early hours) for this establishment, which are busier periods in which impacts and/or cumulative impacts are considered to be more likely. We have no records of any adverse public nuisance that has arisen since these extended hours commenced in mid-2013.

Additionally, following extensive public consultation by the Planning Department on the opening of these premises 24/7, which resulted in permission being granted in September 2016, no responses were received other than positive agreement to the proposals by the police and by EPT.

Consequently, I have no objection to the application. Note, however, that the statement in the operating schedule that the licence holders are 'content to put measures in place to limit noise', shall be considered to include controls on deliveries, collections and waste disposal activities such that they occur during the hours of 08:00 to 20:00 hours.

Regards,

Roy Fox

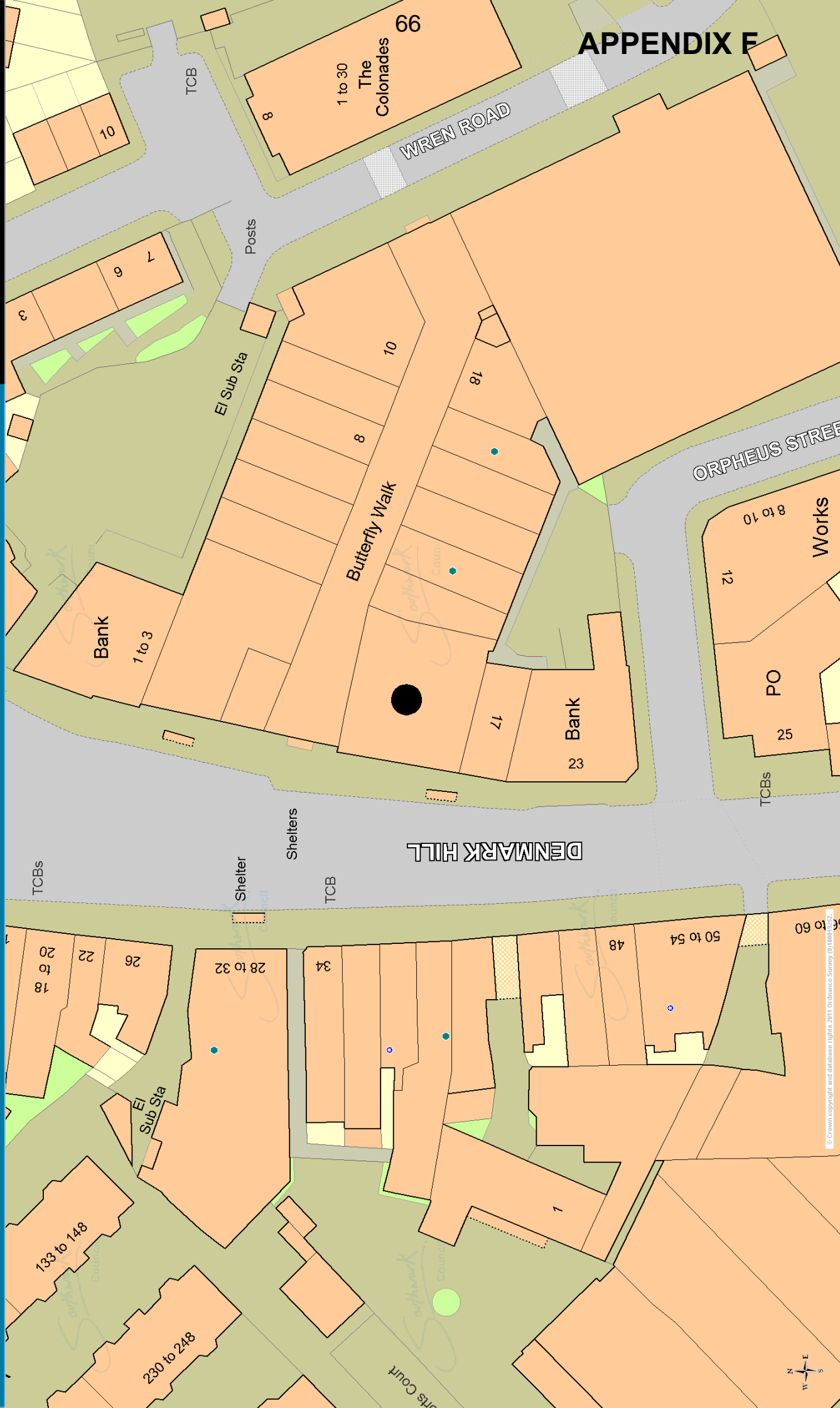
Principal Environmental Protection Officer

Southwark Council | Environmental Protection Team | Regulatory
Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX

020 7525 2458

www.southwark.gov.uk

Date	Time	Officer	Notes
17/08/2013	18:37	Kristie Ashenden	H&S revisit. Fire exits obstructed by trolleys of hamburger buns. Fire doors kept propped open - advised manager of this and explained reasons for fire doors.
11/10/2013	19:39	Kristie Ashenden	H&S revisit
30/08/2014	22:15	Jayne Tear	Spoke to the manager [REDACTED], he had not seen the WSC Letter that had been sent out. I gave him a copy of the letter and asked if any one will be attending the meeting. He said that he will attend and that he will ask the manager in Walworth Road branch if he wants to attend also, as he may be interested. He said that he will email on Monday concerning this
12/11/2016	00:32	Richard Kalu	Blue Site Notice Check with [REDACTED]. Blue Site Notice on display no issues of concern noted.



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

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		Dorcas Mills, Licensing team	1
		Bill Masini, Trading standards team	1
Reserve			
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