

Licensing Sub-Committee

Friday 24 February 2017

10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas
Councillor David Hubber
Councillor Sandra Rhule

Reserves

Councillor Sunny Lambe

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: 14 February 2017



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Licensing Sub-Committee

Friday 24 February 2017
10.00 am

Ground Floor Meeting Room G02C - 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 - 30
6.	LICENSING ACT 2003: LEON, 2 - 4 SOUTHWARK STREET, LONDON SE1 1TQ	31 - 63

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

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.”

Date: 14 February 2017

Item No. 5.	Classification: Open	Date: 24 February 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	
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, or a statement (in accordance with Section 42(4) Licensing Act 2003) giving the reason for the failure to provide the original premises licence was provided with the application.
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.
30. On 19 January 2017 Mr Ahmad submitted a Notice of Surrender of Premises Licence in respect of the licence. A copy of the Notice of Surrender is attached to this report as Appendix E. Under section 50 of the Act a premises licence has interim effect for 28 days from the day after a notice of surrender has been submitted, during this time the surrendered licence can be transferred to an appropriate person and be reinstated immediately upon receipt of a full and proper transfer application. Therefore the premises licence is not entirely stopped until 17 February 2017, and then only if a full and proper transfer application has not been submitted.
31. On 23 January 2017 a hearing was held to determine the review application. At the hearing the Trading Standards service requested that the hearing be adjourned until after the 28 interim period detailed above has elapsed. The council's licensing sub-committee decided that it would be in the public interest to adjourn the hearing until 24

February 2017. The hearing was adjourned in accordance with regulations 11 and 12 of The Licensing Act 2003 (Hearings) Regulations 2005 which permit that the time permitted to determine applications may be extended if it is in the public interest to do so. This council's Legal department contacted Mr Ahmad via letter to inform him of the adjournment and the reasons for the adjournment. A copy of the letter is attached as Appendix F.

The local area

32. 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

33. 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.
34. 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.
35. 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 licence, grocers or supermarkets with off sales of alcohol in residential areas is 23:00 hours daily.

Resource implications

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

Consultation

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

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

Principles for making the determination

41. Under Section 52 of the Licensing Act, the licensing authority must hold a hearing to determine the review and any relevant representations.
42. 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.

43. 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.
44. 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 another person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
45. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
46. 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.
47. 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.
48. 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

49. 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

50. 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.

51. 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

52. 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.
53. 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.
54. 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.

55. 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.
56. 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.
57. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
58. 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.
59. 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

60. 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

61. 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 and 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
Appendix E	Copy of Notice of Surrender submitted by the licensee
Appendix F	Copy of the letter sent to the licensee with details of the hearing adjournment

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	10 February 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		8 February 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

[Empty response box for representations]

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.

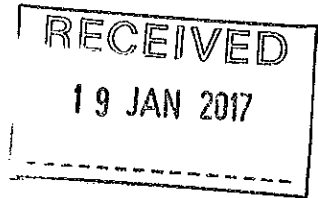
Annex 4 - Plans - Attached

Licence No. 841161

Plan No. N/A

Plan Date 28 July 2005

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.



LICENSING ACT 2003

NOTICE OF SURRENDER OF PREMISES LICENCE

Please read the notes overleaf before completing this notice.

I/we (Full name/company name of all premises licence holder(s)) FARAZ AHMAD

of (each home/registered office address of holders) [Redacted]

being the premises licence holder(s) of (name and full address of premises) RESCO FOOD AND WINE 209 ROTHERHITHE NEW ROAD LONDON SE16 2BA

hereby give notice that I/we wish to surrender the above licence with immediate effect.

I enclose the original Premises licence YES (NO)

If No, please provide full details as to why you have not enclosed the original premises licence.

THE LICENCE WAS GIVEN TO [Redacted] I BELIEVE BY THE LANDLORD OF THE PREMISES MR [Redacted]

Signed: [Redacted] Date: 15/1/2017

Print Name: FARAZ AHMAD

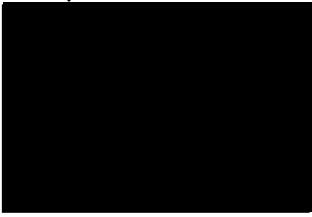
Signed: Date:

Print Name:

Please return this completed form to JAYNE TGAR

I Faraz Ahmad of [REDACTED] hereby authorise [REDACTED] solicitor to deal with my matter of the Licencing Act with Southwark Council.

Signed



Dated

15-1-2017



Mr Faraz Ahmad
Presco Food and Wine
209 Rotherhithe New Road
London
SE16 2BA

Licensing Unit
Direct Line: 020 7525 5779
Direct Fax: 020 7525 5705
Our Ref: L1U 856835

By post and email

████████████████████
23 January 2017

Dear Mr Ahmad,

Licensing Act 2003

Re: Presco Food and Wine, 209 Rotherhithe New Road, London, SE16 2BA

I refer to the application for the review of the premises licence, issued in respect of the above premises, made under the Licensing Act 2003 by this council's Trading Standards service.

At the hearing held on 23 January 2017 to determine the application the Trading Standards service requested that the review hearing be adjourned until after the 28 interim period following your surrender of the licence has elapsed. The council's licensing sub-committee decided that it would be in the public interest to adjourn the hearing until 24 February 2017. The hearing has been adjourned in accordance with regulations 11 and 12 of The Licensing Act 2003 (Hearings) Regulations 2005 which permit that the time permitted to determine applications may be extended if it is in the public interest to do so.

The hearing will only take place should the licence be transferred to another party. If the licence is not transferred to another party during the interim period then the licence will have been stopped and there will be no requirement for a hearing.

If the licence is transferred to another party and so the hearing is required you will not be expected or required to attend the hearing.

If you require clarification of the above please contact me.

Yours sincerely

D. Allday

Debra Allday
debra.allday@southwark.gov.uk

Item No. 6.	Classification: Open	Date: 24 February 2017	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Leon, 2 – 4 Southwark Street, London SE1 1TQ	
Ward(s) or groups affected:		Cathedrals	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Leon Restaurants Ltd, for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Leon, 2 – 4 Southwark Street, London SE1 1TQ.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and other persons and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 19 of this report deals with the representations received regarding the premises licence application. Copies of the representations from the responsible authorities and the representation from other persons are attached as Appendices B and C.
 - d) Paragraph 20 deals with licensed premises within a 100m radius of the premises. A map of the area is attached as Appendix D.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 30 December 2016, Leon Restaurants Ltd. applied to this Council for the grant of a new premises licence in respect of the premises known as Leon, 2 - 4 Southwark Street, London SE1 1TQ.

9. The premises is described as a restaurant located in a mixed retail, leisure and business area. It will trade predominately as a restaurant serving food for consumption on and off the premises.

10. The application is summarized as follows:
 - Late night refreshment (indoor and outdoors)
Sun – Wed from 23:00 to 23:30
Thurs – Sat from 23:00 to 00:30.

 - The supply of alcohol (for consumption on and off the premises)
Sun – Wed from 07:00 to 23:00
Thurs – Sat from 23:00 to 00:00.

 - Operating hours
Sun – Wed from 07:00 to 23:30
Thurs – Sat from 07:00 to 00:30.

11. The premises licence application form provides the applicant operating schedule. Parts I, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003.

Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

12. The proposed designated premises supervisor of the premises is Gary David Marriott who holds a personal licence issued by Dartford Council.

Representations from responsible authorities

13. Three representations were submitted by the Metropolitan Police, Trading Standards and Public Health.
14. The Police representation is concerned with crime and disorder and state that although the applicant has offered a number of control measures as part of the operating schedule, the wording is brief and lacking in sufficient detail to work as conditions on a premises licence. They have therefore suggested a number of conditions to the applicant for consideration.
15. The Trading Standards representation state that there is no reference to operating a delivery service and the representation is made on the understanding there is not to be a delivery service, or if there is, no alcohol will be supplied by this means. Trading Standards have recommended conditions to be considered by the application and suggested that the applicant considers amending the operating schedule to reflect issues that were raised in the representation.
16. The Public Health representation have concerns regarding the hours of alcohol sales requested and suggest a later start time for alcohol sales. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. Public Health usually recommends a start time for alcohol sales of 11:00 daily. They also state that the premises falls within Borough and Bankside CIP area and the applicant has not adequately rebutted the presumption that these early morning alcohol sales will add to the cumulative impact of alcohol related harms in the local area.
17. The representations are attached as Appendix B.

Representations from other persons

18. One representation was submitted by another person (the trustees of Borough Markets). They state the restaurant falls within the Borough and Bankside Alcohol Saturation Zone, and although the Borough Market is supportive, they believe that additional alcohol licences should not be granted in the immediate vicinity of the market, but that the future development of the areas should be taken into account.
19. A copy of the representation is attached as Appendix C.

Conciliation

20. The applicant was forwarded the representations. The licensing committee shall be updated at the hearing on 24 February 2017.

The local area

21. A map of the area is attached to this report as Appendix D. The premises are 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 100m radius.
- Honest Burgers, 5 - 7 Basement, Southwark Street SE1 (Sun – Thurs till 00:00; Fri and Sat till 00:30)
 - The Trustees of Borough Market, 8 Borough Market, Southwark Street, London SE1 (Mon - Sun till 00:00)
 - The Market Hall, 16 - 26 Market Hall, Borough Market, Southwark Street SE1 (Mon - Sun till 00:00)
 - The Wheatsheaf, 24 The Wheatsheaf, The Hop Exchange, Southwark Street SE1 (Mon - Sun till 01:00)
 - Wagamama, Unit R2, Bankside 1, Southwark Street SE1 (Mon - Sat till 00:30; Sun till 00:00)
 - The Southwark Tavern, 22 Southwark Street SE1 (Sun – Wed till 00:30; Thurs, Fri and Sat till 01:30)
 - The Breakfast Club, 11 - 13 Southwark Street SE1 (Mon – Wed till 00:30; Thurs, Fri and Sat till 01:30; Sun till 23:00)
 - Padella, 6 Southwark Street SE1 (Sun till 23:00, Mon – Wed till 23:30; Thurs, Fri and Sat till 00:00)
 - Tapas Brindisa, 18 - 20 St Margarets House, Southwark Street SE1 (Mon – Sat till 00:30; Sun till 00:00)
 - Taste Croatia Food and Travel Ltd, 6 - 8 3 Three Crown Square, Southwark Street SE1 (Mon – Sat till 18:00)
 - Bunch of Grapes, 2 St Thomas Street SE1 (Mon – Sun till 00:30)
 - Heel Tap and Bumper, Chaucer House, White Hart Yard SE1 (Mon – Sun till 02:30)
 - Bompas & Parr, 1 Cathedral Street, London SE1 (Mon – Sun to 23:00) expiring on 21 February 2016)
 - Southwark Cathedral, Montague Close SE1 (open 24 hours, licensing activities finish at 23:00)
 - Old Kings Head, 45 Borough High Street SE1 (Sun – Thurs to 00:30; Fri and Sat till 01:30)
 - Cafe Brood, 1 - 6 Green Dragon Court Bridge Arcade SE1 (Sun to 20:00)

- The Luncheonette and Giuseppe's Ristorante Italian, 47 - 49 Borough High Street SE1 (Mon – Sun to 04:30)
- Fish! Borough Market, Cathedral Street, London SE1 (Mon – Sat to 01:00; Sun to 00:30)
- Applebee's, 5 Stoney Street SE1 (Mon – Sat 00:30 and Sun to 23:00)
- Silka Restaurant, 6 - 8 Southwark Street SE1 (Mon – Sat till 00:30; Sun till 00:00)
- Mac & Wild, 1B Southwark Street SE1 (Mon – Sat till 00:30; Sun till 00:00)
- The Globe, 8 Bedale Street, London SE1 (Mon – Sat 10:00 to 23:00; Sun 12:00 to 22:30)
- Rabot 1745, 2 - 4 Bedale Street, London SE1 (Mon – Sat 07:00 – 02:00; Sun 08:00 – 23:00)
- Bedales, 5 Bedale Street, London SE1 (Mon – Sun 08:00 – 00:00)
- Elliots, 12 Stoney Street, London SE1 (Mon – Sun 07:00 to 00:00)
- Feng Sushi, 13 Stoney Street, London SE1 (Mon – Sat 10:00 to 00:00; Sun 12:00 – 22:30)
- Old Kings Head, 45 Borough High Street SE1 (Sun – Thurs to 00:30; Fri and Sat till 01:30)
- The Luncheonette and Giuseppe's Ristorante Italian, 47 - 49 Borough High Street SE1 (Mon – Sun to 04:30)
- The Saucy Pasta Co, 59 - 61 Borough High Street SE1 (Mon – Sun to 01:00)
- Tito's Latin Club, 4 - 6 London Bridge Street SE1 (Mon – Wed to 00:30; Thurs and Fri to 03:30; Sat to 04:00; Sun to 02:00)

Late night refreshment:

- Cafe Rossi, 57 Borough High Street SE1 (Mon – Sun to 05:00)

Off licence:

- News Studio, 21 Borough High Street, SE1 (Mon - Sun 07:00 to 22:00)
- Brindisa Ltd, Units 9 and 10, Floral Hall, Borough High Street SE1 (Tue – Thurs to 17:30, Fri to 18:00 and Sat to 17:00)
- The Drinks Cage, Unit 24 Borough Market SE1 (Mon – Sat to 23.00; Sun to 22.30)
- Le Marche Du Quartier, 8 Southwark Street SE1 (Mon – Sat to 23.00; Sun to 22:30)

Deregulation of entertainment

22. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 – 23:00 on any premises
 - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
23. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Borough and Bankside cumulative impact zone

24. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 5 November 2008, and extended the area in April 2011. This application falls within the policy area.
25. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late-night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
26. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
27. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark Statement of Licensing Policy

28. This premises is situated within the Bankside Borough and London Bridge strategic cultural area and there are no restrictions of opening hours for residents of the hotel under the Southwark Statement of Licensing Policy 2016 – 2020.
29. Council assembly approved Southwark's Statement of Licensing Policy 2016 - 20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 – Determining Applications for Premises Licences and Club Premises Certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.

- Section 6 – Local Cumulative Impact Policies. This sets out this authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 – Hours of Operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification. To be read in conjunction with Appendix B to the policy.
 - Section 8 – The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public Safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
30. 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.
31. Within the Southwark Statement of Licensing Policy 2016 – 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
- Closing times for restaurants and cafes are Sunday to Thursday at 00:00, and for Friday and Saturday at 01:00.
 - Closing times for public houses wine bars or other drinking establishments are Sunday to Thursday at 23:00 and for Friday and Saturday at 00:00.

Resource implications

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

Consultations

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

Community impact statement

34. 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

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

Principles for making the determination

37. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
38. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
39. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- to grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - to exclude from the scope of the licence any of the licensable activities to which the application relates
 - to refuse to specify a person in the licence as the premises supervisor
 - to reject the application.

Conditions

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

41. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. 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.
43. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
44. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

46. 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.

47. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

48. 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.

49. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

50. As a quasi-judicial body the licensing sub-committee is required to consider the 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.

51. 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.

52. 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.

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

54. 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.
55. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations from responsible authorities
Appendix C	Representation from other person
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	10 February 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	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		10 February 2017

Southwark London Borough Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Leon Restaurants Ltd

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Leon 2 - 4 Southwark Street			
Post town	London	Post code	SE1 1TQ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		Not yet rated	

Part 2 - Applicant Details

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

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	Leon Restaurants Ltd
Address	4th Floor St Margarets House 18-20 Southwark Street SE1 1TJ
Registered number (where applicable)	05018441
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company
Telephone number (if any)	0207 089 7070
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A
P		

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

Day	Month	Year

A

Please give a general description of the premises (please read guidance note1)

The premises are located in a mixed retail, leisure and business area.

The premises will trade predominantly as a restaurant, serving food, soft drinks and alcohol for consumption on the premises. The premises may also sell products for consumption off the premises as part of a takeaway meal.

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

N/A

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

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

Provision of regulated entertainment

Please tick yes

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Sale of hot food and drink		
Mon	23:00	23:30			
Tue	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23:00	23:30			
Thur	23:00	00:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	23:00	00:30			
Sat	23:00	00:30			
Sun	23:00	23:30			

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	07:00	23:00			
Tue	07:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed	07:00	23:00			
Thur	07:00	Midnight			
Fri	07:00	Midnight			
Sat	07:00	Midnight			
Sun	07:00	23:00			

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

Name Gary David Marriott

Address [REDACTED]	
Postcode	[REDACTED]
Personal Licence number (if known) [REDACTED]	
Issuing licensing authority (if known) Dartford Borough Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	00:30	
Fri	07:00	00:30	
Sat	07:00	00:30	
Sun	07:00	23:30	

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

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

We are aware that the premises are with the cumulative impact area and have considered the licensing objections and are confident that the nature of these premises, the hours they operate and the conditions offered will not impact on the area.

- All staff will undergo regular training in relation to food hygiene, health and safety, fire safety and sale of age restricted items.

2. b) The prevention of crime and disorder

3. Staff training includes details of offences relating to the sale and supply of alcohol.
4. Suitable beverages other than intoxicating liquor, including drinking water shall be available at the premises.

5. c) Public safety

6. All alcohol purchased for consumption off the premises will be in sealed containers and as part of a takeaway meal other than drinks purchased for consumption in any outside seating area.
7. Staff will undergo regular training in relation to accidents to staff and customers on the premises and the requirement to detail such problems. Food hygiene training will be given and reinforced by general safety notes.

8. d) The prevention of public nuisance

9. The supply of alcohol for consumption on the premises shall be to customers who will be seated at tables.
10. The supply of alcohol shall be by counter staff, waiter / waitress service.

11. e) The protection of children from harm

12. Persons under the age of 18 are allowed on the premises and staff will be suitably trained to ensure that there is no provision of alcohol to persons under 18 years.


Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	30 December 2016
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

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

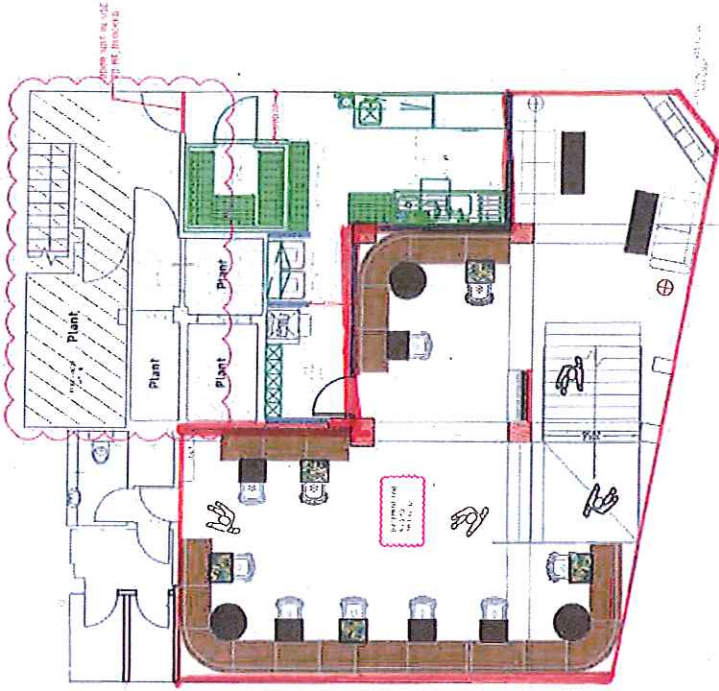
Craig Barwell
 Poppleston Allen Solicitors 37 Stoney Street
 The Lace Market

Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349170		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

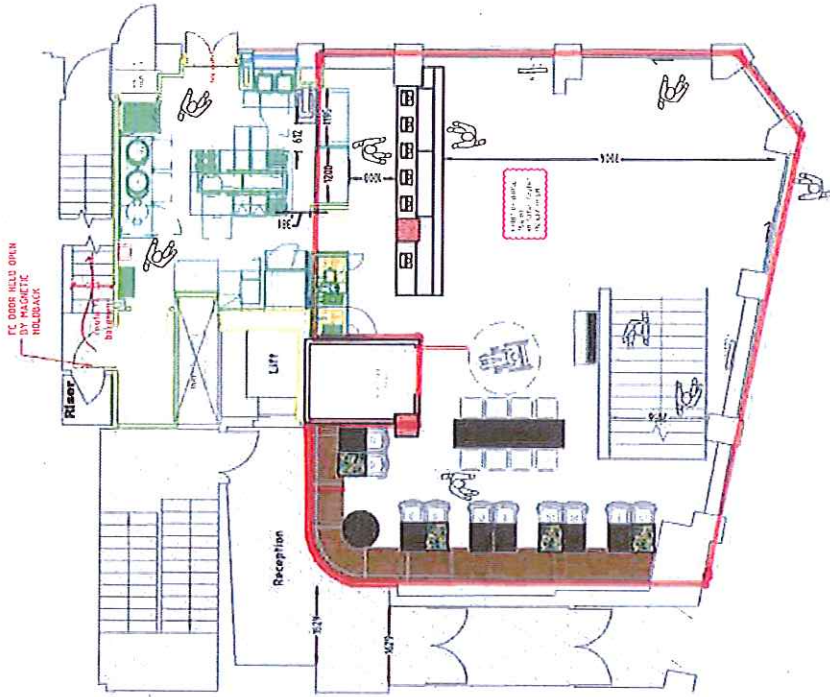
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you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

NOTES



SOUTHWARK STREET

PROPOSED BASEMENT PLAN
SCALE 1:100@A3



SOUTHWARK STREET

PROPOSED GROUND FLOOR PLAN
SCALE 1:100@A3

L.A. Deadman's Street

DESCRIPTION	ISSUED FOR INFORMATION	REVISIONS	DATE
ISSUED FOR INFORMATION	A	16.05.16	16.05.16
ISSUED FOR INFORMATION	B	18.06.16	18.06.16
ISSUED FOR INFORMATION	C	01.07.16	01.07.16
ISSUED FOR INFORMATION	D	04.07.16	04.07.16
ISSUED FOR INFORMATION	E	20.09.16	20.09.16
ISSUED FOR INFORMATION	F	22.09.16	22.09.16
ISSUED FOR INFORMATION	G	23.09.16	23.09.16
ISSUED FOR INFORMATION	H	16.12.16	16.12.16
ISSUED FOR INFORMATION	I	16.12.16	16.12.16

STATUS	CONCEPT
ISSUED FOR INFORMATION	CONCEPT

PROJECT	DATE	SCALE
2-4, SOUTHWARK STREET, SET	16.12.16	1:100@A3

PROPOSED GROUND FLOOR PLAN E. RASCENT	
DATE	16.12.16
SCALE	1:100@A3
PROJECT	2-4, SOUTHWARK STREET, SET



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/ 2908/17

Date: 24th January 2017

Re:- Leon Restaurants Ltd 2-4 Southwark Street SE1 1TQ

Dear Sir/Madam

Police are in possession of an application from the above for a new premises licence, the application is for use as a restaurant style premises between the following hours

Opening Hours

Sun–Wed 0700hours-2330hours / Thu-Sat 0700hrs to 0030hrs

Late Night Refreshment

Sun-Wed 2300hours-2330hours / Thu-Sat 2300hrs to 0030hrs

Supply of alcohol

Sun-Wed 0700hours-2300hours / Thu-Sat 0700hrs to Midnight.

The applicant has offered a number of control measures as part of the operating schedule, however the wording is brief and lacking in sufficient detail to work as conditions on a premises licence.

The following is a list of conditions I consider sufficient for the promotion of the licensing objectives. I ask the applicant to consider the following as conditions on the new premises licence.

1/ That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and cover the main areas.

2/ All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request immediately.

3/ That all staff are trained in their responsibilities under the licensing act 2003 and training records should be kept and signed, these records shall be updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council

4/ Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to their meal, save for the sealed containers of alcohol sold to persons as part of a take away meal.

5/ Consumption of alcohol outside the premises shall only be by persons seated at tables and ancillary to their meals

6/ Signage on entrance/exit requesting customers to respect neighbours and leave quietly

7/Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette.

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

Yours Sincerely

PC Ian Clements 362MD

Southwark Police Licensing Unit

Tel: 0207 232 6756

From: Masini, Bill
Sent: Friday, January 27, 2017 12:23 PM
To: Regen, Licensing
Cc: Tear, Jayne
Subject: Application for new Premise Licence - Leon Restaurants Ltd - 2-4 Southwark Street SE1 1TQ

Trading Standards are in receipt of an application for a Premise Licence for Leon Restaurants Ltd at Arch 2-4 Southwark Street London SE1 1TQ and respond under the Licensing objective of The Protection of Children from Harm.

The application seeks to allow for the supply of alcohol on and off the premise. There is no reference to operating a delivery service and this representation is made on the understanding there is not to be a delivery service, or if there is, no alcohol will be supplied by this means. Reference is made to these in the application but for clarity, Trading standards would therefore like the following conditions to be on the licence:

843 - That no alcohol shall be supplied if a home delivery service is operated.

841 - That off-sales are limited to collection of substantial meals from the premises and all persons collecting are subject to the Challenge 25 scheme.

362 - That alcohol for consumption off the premises will only be supplied in sealed containers.

Trading Standards welcome the statements made in Section M (Steps to promote Four Licensing objectives) but for clarity would request the following conditions to be put on the licence to address the Protection of Children from Harm objective.

- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the

register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

- After 20.00 hours any children must be accompanied and supervised by a responsible adult.
- There shall be no children on the premise after 10pm

Bill Masini - Trading Standards Officer

Southwark Council Trading Standards | Environment & Leisure

3rd Floor Hub 1, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 2629 | Fax 020 7525 5735 | Call Centre 020 7525 2000

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From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Thursday, January 26, 2017 10:49 AM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: RE: Leon , 2-4 Southwark Street LDO - 27/01/17

To whom it may concern:

Re: 2-4 Southwark Street, London SE1 1TQ

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

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

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

General Comments

Public Health are in receipt of an application from the above for a new premises licence to be granted under the licensing act 2003 for the following hours:

Premises open to the public	Mon-Sun	07:00 – 00:30 daily
Sale of alcohol on and off the premises	Sun-Wed	07:00 – 23:00
	Thu-Sat	07:00 – 00:00

I have concerns regarding the hours of alcohol sales requested. I would suggest a later start time for alcohol sales. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. Public health usually recommends a start time for alcohol sales of 11:00 daily.

This premises falls within Borough Bankside CIP area. In my opinion, the applicant has not adequately rebutted the presumption that these early morning alcohol sales will add to the cumulative impact of alcohol related harms in the local area.

Recommendations

- I recommend the start time for alcohol sales be changed to 11:00 daily

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

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



Borough Market
8 Southwark Street
London SE1 1TL

020 7407 1002
info@boroughmarket.org.uk
www.boroughmarket.org.uk

🐦 @boroughmarket
📍 /boroughmarket
📘 /boroughmarket

Licensing Service
Southwark Council
PO Box 64529
London
SE1P 5LX

BY EMAIL TO: licensing@southwark.gov.uk

27 January 2017

Dear Sirs,

**Objection: Licence Application [ref: 857328]
Leon Restaurants Ltd, 2-4 Southwark Street**

I write on behalf of the Trustees of the Borough Market (Southwark) (hereinafter the Trustees) to object to the application by Leon Restaurants in relation to 2-4 Southwark Street, SE1 1TQ [ref: 857328]. As Director of Development and Communications for Borough Market, I am authorised to make this objection on behalf of the Trustees. For the avoidance of any doubt though, evidence of my authority to object on behalf of the Trustees, in the form of an instructing email from the Chair of the Trustees, Donald Hyslop, is attached.

This new restaurant falls within the Bankside and Borough Alcohol Saturation Zone. Borough Market has always been extremely supportive of the existence of this zone, and the consideration it gives of the cumulative impact of alcohol sales on the character of the area. Partly as a result of the Market's popularity, this part of Southwark has developed a vibrant night-time economy, but what is currently a congenial atmosphere could easily be undermined by the presence of many more licensed premises.

Borough Market has always worked assiduously to maintain a careful balance across its estate: one that reflects its dual status as a major visitor attraction and a highly responsible participant in the local community. Strict management of the availability of alcohol has always played an important part in maintaining this balance. For the sake of our wide constituency of tenants and neighbours, Borough Market's own licensed properties are carefully controlled, timings are conservative, off-sales are restricted to specialist retailers, and outdoor drinking is limited to spaces that don't impact upon the flow of pedestrians. Acceptance of the Leon application would result in the presence of an additional licensed premises that does not fit with these tenets.

Our position is not that additional alcohol licenses should never be granted in the immediate vicinity of the Market, but that the future development of the area should be taken into account. Given that the Market works so hard to provide food and drink offerings that are distinctive, individual and independent, we are concerned that—given the nature of the Alcohol Saturation Zone—granting an alcohol license to a chain restaurant which already has multiple branches nearby might limit the chances of a future retailer or restaurant more in keeping with this ethos to be successful in a potential licensing application.

Cont'd/

Furthermore, while Borough Market is not the owner of this particular unit, its location means that there is likely to be a widespread perception that the new Leon restaurant is part of the Market estate: the Padella restaurant next door is part of the estate, as are many of the units on Bedale Street. Any disruption, any noise, any anti-social behaviour and any litter resulting from this licensing application will not only impact upon the Market's traders, visitors, staff and tenants but—quite unfairly—upon the Market's wider reputation as a responsible steward of this important London asset.

Beyond these broad objections to the application, we do have a couple of more specific concerns:

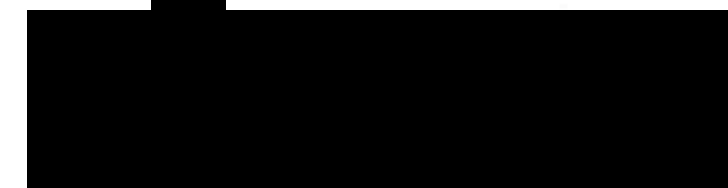
Sale by retail of alcohol to be consumed off premises

We are particularly alarmed by the application to sell alcohol for off-premises consumption. Our Market Hall - a public space designed to provide visitors to the Market with a place to rest, watch cookery demonstrations, listen to music and consume food purchased from the Market traders - is only metres away from the Leon unit. As a result, we are extremely concerned that the presence of an off-premises alcohol vendor in the immediate vicinity could irrevocably change the character and broad appeal of this quiet, atmospheric and widely-used community facility.

Late night refreshment – indoors and outdoors

The application relating to late-night outdoor refreshment is also a major concern. Firstly, consideration needs to be given to the close proximity of the residential property at 8 Southwark Street, and the risk of noise disturbing the tenants. Perhaps even more pressingly, thought must be given to the narrowness of the pavement and the position of the Leon unit on the corner of an exceptionally busy and rather dangerous junction. It is our opinion that any outdoor seating at this particular location will create an unacceptable hazard at any time of day or night, but especially if alcohol consumption is added to the mix. The safety of pedestrians accessing Borough Market from Borough High Street has long been a concern, and one that we have worked closely with the Council to address. The presence of outdoor dining and drinking facilities at this essential junction could undermine some of that good work.

Yours faithfully

A large black rectangular redaction box covers the signature area.

Kate Howell
Director of Development & Communications
on behalf of The Trustees of Borough Market (Southwark)

Enc.

Maria Budgen

Subject: FW: Planning Application 857328 2-4 Southwark Street

From: Donald Hyslop <[REDACTED]>
Date: 27 January 2017 09:20:38 GMT
To: Kate Howell <[REDACTED]>
Cc: Darren Henaghan <[REDACTED]>
Subject: Planning Application 857328 2-4 Southwark Street

Dear Sir / Madam

Please accept this mail as authorisation for Kate Howell Director of Development and Communications, Borough Market to make representations on the above application on behalf of the Trustees.

Yours faithfully
Donald Hyslop
Chair of Trustees
Borough Market

Sent from my Samsung Galaxy smartphone.

Please note that any information sent, received or held by Tate may be disclosed under the Freedom of Information Act 2000

LEON, 2 - 4 SOUTHWARK STREET, SE1 1TQ



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