

Licensing Sub-Committee

Thursday 4 May 2017

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Bill Williams

Reserves

Councillor Eliza Mann

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: 25 April 2017



Licensing Sub-Committee

Thursday 4 May 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: VAL'S STORE, 387 LORDSHIP LANE, LONDON SE22 8JN	1 - 56
6.	LICENSING ACT 2003: BEST FOOD AND WINE, 171 QUEENS ROAD, LONDON SE15 2ND	57 - 99
7.	LICENSING ACT 2003: BELUSHI'S AND ST CHRISTOPHER'S VILLAGE, 161 - 165 BOROUGH HIGH STREET, LONDON SE1 1HR	100 - 175

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 25 April 2017

Item No. 5.	Classification: Open	Date: 4 May 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Val's Store, 387 Lordship Lane, London SE22 8JN	
Ward(s) or groups affected:		East Dulwich	
From:		Strategic Director of Environment and Social Regeneration	

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 Sudath Ratnayake in respect of the premises known as Val's Store, 387 Lordship Lane, London SE22 8JN.
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 responsible authorities. Copies of the representations are attached as Appendix B. Details of the representations are provided in paragraphs 16 – 19.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C. A map of the area that the premises are located in is attached as Appendix E.
 - 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 new 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 Saturday	08:00 to 23:00
Sunday	10:00 to 22:30
 - There are no restrictions in respect of the premises' standard 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 attached as Appendix C.

Designated premises supervisor (DPS)

11. The current designated premises supervisor (DPS) named on the licence is Sudath Ratnayake. Sudath Ratnayake is also the licensee of the premises.

The review application

12. On 7 March 2017, 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 SudAth Ratnayake in respect of the premises known as Val's Store, 387 Lordship Lane, London SE22 8JN.
13. The review application was submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and / or taken place at the premises:
 - Breach of premises licence conditions (namely conditions 841, 842, 843, 8AA, 8AB & 8AI) in contravention of the Licensing Act 2003
 - Failure to pay the minimum wage in contravention of the National Minimum Wage Act 1998
 - Making false entries in a 'refusals book' in contravention of the Forgery and Counterfeiting Act 1981
 - Offer for sale of unsafe goods in contravention of the Consumer Protection Act 1987.

The trading standards service point out that the premises were the subject of a review on 5 November 2015, and that subsequent to that review various conditions were imposed by the licensing sub-committee on the premises licence issued in respect of the premises. The trading standards service does not have confidence that the licensee can run a legally compliant business and do not propose any new conditions in the review application. The trading standards service suggests that the licensing sub-committee considers the revocation of the premises licence.

14. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as Appendix A.

Representations from responsible authorities

15. The Metropolitan Police Service, this council's Director of Public Health and this council's licensing responsible authority have submitted representations in support of the review application.
16. The Metropolitan Police Service's representation notes that the premises were the subject of a review on 5 November 2015 which resulted in conditions being imposed on the premises licence issued in respect of the premises. The representation notes that the current review cites similar alleged offences to those that were the cause of the review application submitted in 2015. The police fully support the review application. The police have no confidence that any additional conditions would solve the issue of non-compliance (in respect of licence conditions) and therefore recommend the revocation of the premises licence.
17. The Director of Public Health's representation is submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation expresses concerns over the offences alleged in the review application. The Director of Public

Health fully supports that the premises licence be reviewed by the Licensing Sub-Committee.

18. The licensing responsible authority's representation is submitted in respect of the prevention of crime and disorder and the protection of children from harm licensing objectives. The representation notes that the current review cites similar alleged offences to those that were the cause of the review application submitted in 2015 and includes minutes taken at the review hearing of 2015. The representation also notes that the licensee was provided with an induction during which all existing and new licence conditions were explained and advice in respect of compliance was given. The representation includes a copy of an induction record that was signed by the licensee. The licensing responsible authority are of the opinion that the licensee is not capable of running a licensed premises and therefore supports the review application and requests that the premises licence be revoked as a reasonable, appropriate and proportionate action to take.
19. Copies of the representations are attached as Appendix B.

Representations from other persons

20. No representations have been received by other persons.

Operating History

21. A premises licence was issued in respect of the premises on 7 September 2005.
22. The licence was transferred to the current licensee, Sudeth Ratnayake, on 4 January 2012. Sudeth Ratnayake was also specified as the premises' DPS on this date.
23. On 21 September 2012 a licensing inspection of the premises were undertaken. It was noted that the premises licence summary was not displayed at the premises in breach of section 57 of the Licensing Act 2003. A warning letter was sent to the premises in regards to this matter. On 9 October 2012 a re-visit of the premises was undertaken and the premises were found to be being operated compliantly.
24. On 11 January 2014 a licensing inspection of the premises were undertaken and the premises were found to be being operated compliantly
25. On 10 September 2015 this councils Trading Standards service submitted an application for the review of the premises licence issued in respect of the premises. A Licensing Sub-Committee hearing was held on 5 November 2015 to determine the application. The Licensing Sub-Committee suspended the premises licence for 8 weeks and modified the licence by imposing 9 conditions and amending 1 condition. A copy of the minutes detailing the decision made by the Licensing Sub-Committee is attached to this report as part of the Licensing Responsible Authority's representation in Appendix B.
26. On 12 September 2015 a licensing inspection of the premises were undertaken. It was noted that the premises licence summary was not displayed at the premises in breach of section 57 of the Licensing Act 2003. A warning letter was sent to the premises in regards to this matter. On 9 October 2015 a re-visit of the premises was undertaken and the premises were found to be being operated compliantly.
27. No TEN's have been submitted in regards to the premises.

28. A list of night time visits made to the premises by licensing officers is attached as Appendix D.
29. On 7 March 2017, 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 Sudeth Ratnayake in respect of the premises known as Val's Store, 387 Lordship Lane, London SE22 8JN.

The local area

30. A map of the local area is attached as appendix E. The following premises are shown on the map and are licensed as stated below.

Dulwich Grocers, 373 Lordship Lane, SE22 8JJ:

The sale of alcohol to be consumed off the premises:

Monday to Saturday 08:00 to 23:00

Sunday 10:00 to 22:30

Eastern European Food, 353 Lordship Lane, SE22 8JJ:

The sale of alcohol to be consumed off the premises:

Monday to Sunday 10:00 to 21:00

Rajah Rowing Team Ltd, 340 Lordship Lane, SE22 8LZ:

The sale of alcohol to be consumed on the premises:

Monday to Saturday 17:00 to 23:00

Sunday 17:00 to 22:30

Costcutter Express Supermarket, 393-395 Lordship Lane, SE22 8JN:

The sale of alcohol to be consumed off the premises:

Monday to Sunday 06:00 to 02:00 the following day

Victus & Bibo, 377 Lordship Lane, SE22 8JJ:

Provision of late night refreshment:

Monday to Saturday 23:00 to 00:30

Sunday 23:00 to 23:30

The sale of alcohol to be consumed on the premises:

Monday to Saturday 11:00 to 23:30

Sunday 11:00 to 22:30

The Plough, 381 Lordship Lane, SE22 8JJ:

The sale of alcohol to be consumed on & off the premises, live music, recorded music, films & indoor sporting events:

Monday to Sunday 10:00 to 00:00

Late night refreshment
Monday to Sunday 23:00 to 00:00

Dulwich Kebab House, 342 Lordship Lane, SE22 8LZ:

Provision of late night refreshment:
Monday to Sunday 23:00 to 01:00 the following day

Southwark council statement of licensing policy

31. Council assembly approved Southwark's Statement of Licensing Policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 - Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 - Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 - Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 - The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 - Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
32. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
33. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within a residential area. The closing time recommended in the

Statement of licensing policy for off licences, and grocers or supermarkets with off sales of alcohol in a residential area is 23:00 hours daily.

Resource implications

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

Consultation

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

37. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
38. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

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

42. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
43. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
44. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
45. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
46. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

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

Hearing procedures

48. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:

- Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant:
 - To the particular application before the committee, and
 - The licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
49. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

50. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
51. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
52. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
53. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises

being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

54. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
55. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
56. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
57. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copies of the representations submitted by a responsible authorities
Appendix C	Copy of the premises licence
Appendix D	Details of night time licensing visits to the premises
Appendix E	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment & Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	13 April 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	21 April 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 Val's Store 387 Lordship Lane	
Post town London	Post code (if known) SE22 8JN

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known) 836533

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 2 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 –**

- Breach of Premise Licence condition 842 - maximum alcohol content of beers
- Breach of Premise Licence condition 841 – no personal licence holder on premise
- Breach of Premise Licence condition 843 – before employing anyone at the premises there was a failure to carry out sufficient checks of their bona fides of individuals to ensure they were legally entitled to employment in the UK.
- Failure to pay employee the minimum wage as required by The National Minimum Wage Act 1998
- Forgery and Counterfeiting Act 1981 – S1 and S3 – making false entries in Refusals Book and knowing them to be false, with the intention of inducing Southwark Council Officers to accept the book as genuine, and by reason of so doing, Officers then accepting the book to not show a breach of condition 4AI
- Offer for sale unsafe “Apple style” phone chargers – contrary to The Consumer Protection Act 1987

Protection of children from harm –

- Failure to adopt Challenge 25 – breach of condition 8AA
- Failure to properly operate refusals register - breach of condition 8AI
- Failure to produce training records for member of staff – breach of condition 8AB

Trading Standards made an application to review this premise licence in late 2015 for the following reasons:

1. Sale of alcohol to 15 year old girl
2. Sale of alcohol after permitted hours of 23:00 hours
3. Offering for sale of duty evaded cigarettes
4. A failure to pay those working in the shop the minimum wage as required by The National Minimum Wage Act 1998

The hearing was on 5 November 2015 and as a result, the Licensing Sub-Committee decided to impose extra conditions to the licence and to suspend the licence for 4 weeks. Included in those conditions were:

1. Requirements around age verification (training, adoption of "Challenge 25" and use of a refusal book)
2. a ban on the sale of a super strength beers, lagers and ciders above 6% ABV
3. a requirement for there to be a personal licence holder on the licensed premise in order to supervise the sale of alcohol
4. additional requirements relating to the verification of people to be able to legally work in the UK
5. Improved CCTV
6. An Introduction of an EPOS system (Electronic Point of Sale)

Late morning on 15 July 2016 Trading Standards visited the premise with the Police Officers from Night Time Economy Team and officers from UK Border Force. The purpose was to check that the business was now operating in compliance with the modified Premise Licence. The man behind the counter said he would get the boss and went to the back of the shop. It soon became clear that he had exited from the premise from a first floor kitchen window. Of note is that despite there being rooms above the shop and people living in them, the only safe means of leaving was via the shop front door. The shop is permitted to trade between 8am and 11pm and outside those hours a metal shutter on the outside comes down to secure the shop, thereby leaving no means of escape in the case of an emergency. This was reported to Southwark's Residential Housing Team and The London Fire Service for them to take appropriate action.

With regard to the worker who left the shop, Mr Ratnayake, who later came to the shop, said he knew him as [REDACTED] and apart from a mobile telephone number that was subsequently never answered, he had no details and had failed to comply with

condition 843 about employment of workers which had been imposed at the previous Review hearing. Trading Standards say it is highly probable that this worker had breached Immigration laws and for that reason did not want to wait for UK Border Force to discover this and take appropriate action which usually starts with someone's arrest.

The issue of so called super strength beers, lagers and ciders is a serious problem in many areas including Southwark. As well as leading to crime and anti-social behaviour, they are a matter of grave concern to the health of those who consume these drinks. Under the prevention of Crime and Disorder objective, in consultation with the Premise Licence Holder's representative and advisor at the time of the previous Review, it was agreed for there to be a ban on the sale of these drinks with an ABV of more than 6%.

When the downstairs stock area was checked during this visit, cans of Skol Super, Tennents Super, some bottles of White Ace cider (2 and 3 litres – 7.5% ABV) and a few bottles of Guinness Extra (7.5% ABV) were found. These were in opened trays or on the shelves. The Skol Super cans were labelled as 8% ABV (see photo 1) and this indicated to Trading Standards that these cans were fairly new. The reason for saying this was because these particular beers had always been 9% ABV but the manufacturers had reduced the strength because one can alone had contained more than the (then) recommended number of daily units of alcohol for both men and women. Mr Ratnayake said he had bought these drinks before the maximum strength condition had come into force and they were not for sale. To check this, Trading Standards took details from the cans and checked these with Carlsberg, the manufacturer of Skol Super. It became evident that the last batch of 9% Skol Super was manufactured on 17 November 2015 and the first batch of 8% Skol Super was produced on 20 November 2015.

One tray of Skol Super (and cans) had a code: 13/04/17 19:14 LGB01A106A.
Carlsberg confirmed this was canned on 15 April 2016

Another tray of Skol Super (and cans) had a code: 25/12/16 01:38 LGB01A362A.
See photo 2 – base of can
Carlsberg confirmed this was canned on 26 December 2015.

Whilst inspecting the premise Trading Standards identified four "Apple Style" chargers for sale which were known within the profession to be unsafe and contravene safety legislation – The Consumer Protection Act 1987. These were

seized. Mr Ratnayake was unable to provide any purchase invoices for these items.

On 12 October 2016 Trading Standards made another visit to the shop with the Night Time Economy Police. They arrived at about 11.20 hours. Once again this visit was to check for compliance with the Premise Licence. There was a young Latvian man working behind the counter in the shop. He was the only person on the premise. However he said he did not work there and was "looking after the shop" while the owner was at the bank. He said he did not have a personal licence and there was no written authorisation for him to sell alcohol which because he had been selling alcohol was in breach of conditions 101 and 841 of the Premise Licence. He did however say he was not selling alcohol. So in view of that statement he was asked to print off the mornings takings and to allow the officers to view the CCTV footage for that morning – as per condition 789 of the Premise Licence. He was unable to do either and so a telephone call was made to Mr Ratnayake. He explained to the police how to access the CCTV and it became apparent the worker, Mr [REDACTED] had been working at the premises on his own. A print off of the sales for the morning revealed he had sold 16 items of alcohol during this period. See document 3. Mr [REDACTED] then said to the Trading Standards Officer that he did work there and did not want to get into trouble. He then handed the officer a red lined book that had written on the front "Staff". The book appeared to have its first entry dated 6 August 2015. It showed the hours he had worked and confirmed he had worked there for a couple of months. The book also showed the working hours for other members of staff by the names of "[REDACTED]" as well as "[REDACTED]". Trading Standards say the reference to "[REDACTED]" relates to the man who absconded via a first floor kitchen window on 15 July. References to "[REDACTED]" go back to the beginning of the book – 11 August 2015 – some 15 months earlier. The first page in the book for "[REDACTED]" shows he was paid £3.50/hour and this continues up to the last entry for "[REDACTED]" on 11 July 2016. The same applies to "[REDACTED]" though by October 2016 he was paid £4.00/hour. "[REDACTED]" was paid £4.00/hour. This is contrary to the national legal minimum hourly rate of £7.20 which came into force on 1st April 2016. Prior to that date the minimum hourly rate was £6.70. It is a crime for an employer to pay its employees below the specified amount by virtue of The Minimum Wage Act 1998. Of note is that the previous Licence Review application made reference to an interview with Mr Ratnayake under caution dated 30 July 2016 – 7 days before the red staff book appeared to be first used. In that interview he said his staff were paid £5.00/hour and he was unable to tell the interviewing officer what the legal minimum hourly rate was at that time. Mr Ratnayake was told the legal minimum at that interview but continued to pay barely half that amount even after that and had lied in

interview. Further reference will be made to this when Mr Ratnayake was interviewed.

An extract from this book accompanies this review and is marked "4". The original will be produced at the hearing.

Still dealing with Mr [REDACTED] when asked he could not explain what Challenge 25 was, nor was he able to say what were acceptable forms of ID or say what a refusals book was. No training records or refusals book could be located behind the till area. These indicated breaches of Premise Licence conditions 8AA (Challenge 25), 8AB (training & records thereof) and 8AI (refusals register). The Trading Standards Officer explained to Mr [REDACTED] and Mr Ratnayake alcohol could not be sold whilst there was no personal licence holder on the premise. The Police served a section 19 Notice indicating the breaches that also included the failure to produce a premise licence or a certified copy, contrary to section 57(7) of The Licensing Act. Mr Koslovskis signed the notice acknowledging receipt. Officers left at 12.30 hours.

Not confident due notice had been taken of this visit, the Trading Standards Officer returned to the shop two hours later at 14:30 hours with a colleague. That officer, not known to Mr [REDACTED] who was still in the shop, attempted to make a test purchase of alcohol. He bought a bottle of cider for £2.69. The seller was Mr [REDACTED] who was still on his own in the shop. Again the same Trading Standards Officer who had made the earlier visit issued a notice about not selling alcohol.

Mr Ratnayake and Mr [REDACTED] were interviewed under caution on 18 October. Mr Ratnayake said he had run the business since September 2011. He said he had not bought any super strength beer since the review decision [5 November 2015]. He also said [REDACTED] had not been on a training course and there were no training records for him though he had told him not to sell to anyone under 18. He was asked about people working in the shop. After a long discussion, with Mr Ratnayake giving evasive answers, he said did not have any one employee on the Payroll. An extract from the interview:

Officer: So, has anybody paid any taxes?

Ratnayake: Yes, but...

Officer: Not yes, but

Other Officer: The answer is yes or no

Ratnayake: No, no

Other officer: Nobody who has worked there?

Officer: So, in five years that you have been running that business, just literally over five years, you have never paid any tax or national insurance for people who have worked for you?

Ratnayake: No, no.

Mr Ratnayake has never had any officially registered employees so long as he has had his business.

Mr Ratnayake said he paid staff £7.20 per hour (the minimum wage) but could not account for why the book said otherwise other than to say:

"He living in my old room and I give him food, everything, room and dress money. I give in hand, like that. I give room, everything free, more than other, that's why they work with me."

Ratnayake was unable to say who lived on the premise or demonstrate any checks that he carried out in accordance with condition 843.

With regard to the issue of workers, Trading Standards say Ratnayake knew or at the very least, closed his eyes to the legality of any workers and this suited him so he could pay between £3.50 and £4.00 an hour, (in cash) and allowed him to not register any worker with HMRC to avoid paying employee contributions. It may also have suited the worker who accepted the low hourly rate because he/she either was an illegal immigrant, had no right to work or was in receipt of other state benefits and did not want to be shown on the "system" as earning money from Ratnayake.

By doing this, apart from the issues of tax and immigration laws and worker rights, Trading Standards say this gave Ratnayake an unfair commercial advantage over any similar business that was legally compliant.

Dealing with [REDACTED] and others selling alcohol, when he (Ratnayake) is the only Personal Licence holder, once again Mr Ratnayake sought to avoid or deflect questions asked during interview. Eventually he said [REDACTED] was not authorised to sell alcohol despite he leaving him on his own in the shop. He said "Not really, no" to the question of there being any staff training records.

Asked about a Refusals book that had not been available for inspection on 12 October, Mr Ratnayake produced it at the interview. This was the same book that had been examined on the 15 July visit. It would appear Mr Ratnayake had forgotten that book had been taken on the first visit, photocopied and returned. An extract of

the photocopy is produced with this review and marked 5. The complete document will be produced at the hearing. An extract of that book is produced with this review and marked 6. The complete book will be produced at the hearing. The following will be noted:

- The officer mistakenly wrote 16/7/2016 when he signed it when the date of the visit was Friday 15 July.
- The entry immediately before the officer's signature is 26/11/15 - there being no entries for nearly 7 months and yet apparently in run up to the previous review the book showed:
 - 38 refusals in August 2015,
 - 12 refusals in September 2015
 - and 17 refusals in October 2015
- Immediately **after** the officer's signature there are seven entries indicating refusals for
 - 06/02/16 at 18.45
 - 16/02/16 at 19.01
 - 18/03/16 at 21.10
 - 29/03/16 at 20.30
 - 24/05/16
 - 18/08/16

Mr Ratnayake was asked about the Refusals book and he said it is a record of all his refusals.

Asked how soon after [the refusal] he would write it in [the book] he said:

“Yes, thirty minute something. Customer going out and you take the book and write... Yes, same day, same day, yes because sometime we can't write same time”.

At a later interview on 17 November under caution, Mr Ratnayake said he had made all the entries but sought to give the impression he could not understand the point officers were driving at when they seeking an explanation as the why entries were made apparently for refused sales many months after they occurred. Trading Standards say Mr Ratnayake sought to use the book as an instrument of fraud in order induce other to believe it to be a genuine record of refused sales and thereby satisfy the requirements of his premises licence relating to recording Refused sales (condition 8AI). However, he had failed to see the officer's signature and date in July

2016. To make such false entries in a Refusals Book and knowing them to be false with the intention of inducing Southwark Council to accept the book as genuine, and by so doing, officers then accepting the book to not show a breach of condition 8A1 are prima facie offences under The Forgery and Counterfeiting Act 1981. Trading Standards are also concerned that at the previous hearing the Licensing Sub-Committee may well have been misled because this book was produced to them and they were invited to consider the book to demonstrate how diligent Mr Ratnayake was in relation to underage sales when it is now shown to be a fabrication. Mr Ratnayake sought to totally undermine the purpose of a Refused Sales Book and mislead others.

The day after the first interviews (19 October), whilst out with Police Officers from the Night Time Economy Team, Police and Trading Standards decided to visit the shop again. The purpose was to see whether previous advice had been heeded, whether the absconder Jay and from a public safety perspective whether people were now living upstairs. (Both Police and Trading Standards were aware that The London Fire Service had served an enforcement order preventing anyone from living upstairs until a safe and proper exit had been installed).

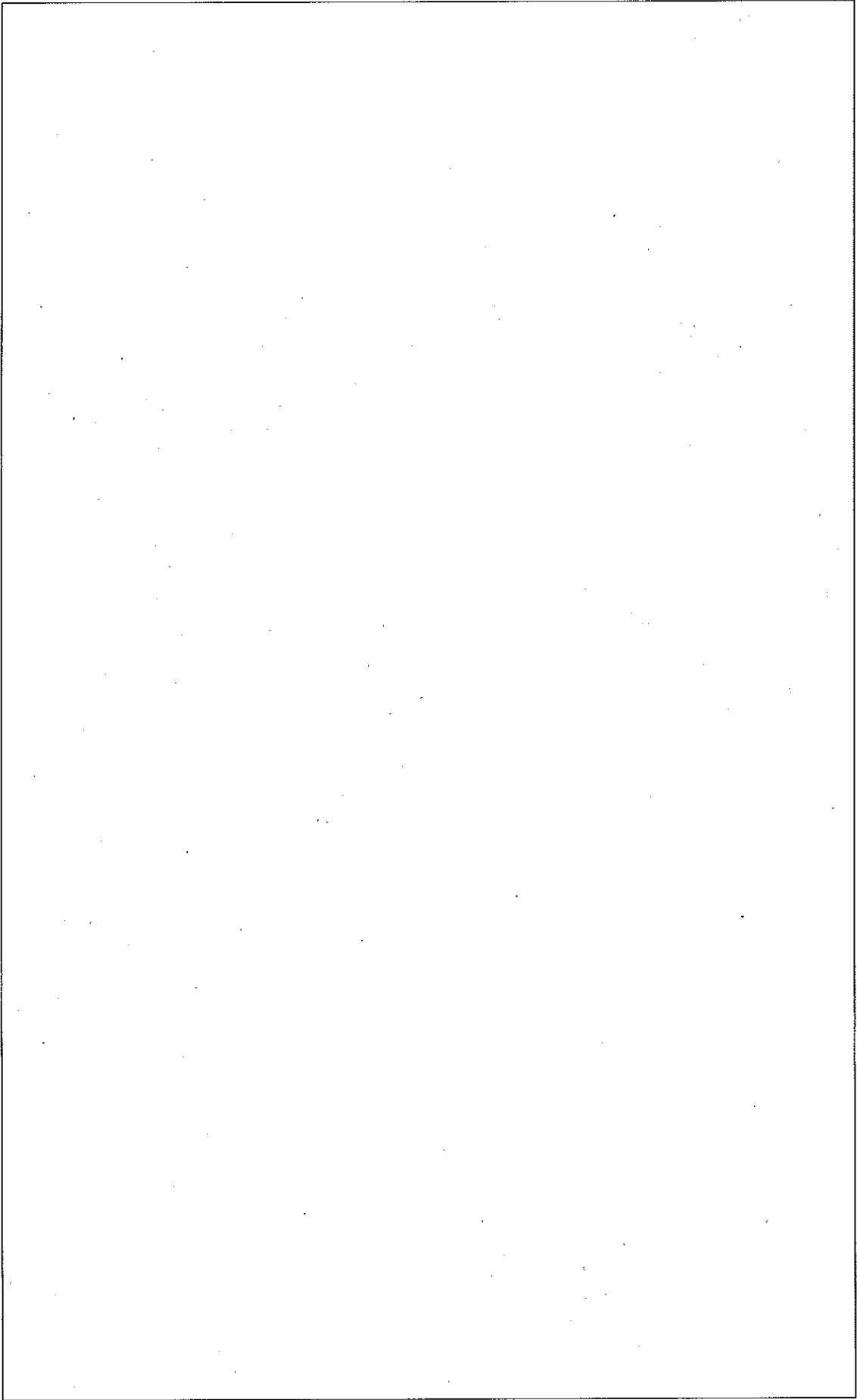
Before entering the premise, a further test purchase of alcohol was made using a young looking male Southwark Council employee who had just turned 21 years of age. He was sold a bottle of Heineken lager with no questions asked to verify his age, this being in breach of condition 8AA about operating a Challenge 25 policy. The person who had made the sale was Mr Koslovskis and once again he was on his own in the shop, thereby in breach yet again of condition 841 (Personal Licence holder requirement). When officers entered the premise they spoke to Mr Koslovskis who said Mr Ratnayake was upstairs. Police went upstairs where there they spoke to him. Mr Ratnayake said he thought it was ok to sell alcohol because he was on the premise. He had not appreciated he was not on the Licensed Premise. There was also another man upstairs who said he was not living there; merely collecting some of his clothes. No remedial work had yet been carried out with regards to a safe exit.

Mr Ratnayake was interviewed again under caution on 17 November and in addition to matters outlined earlier in this review application, he was asked about the beers, lagers and ciders on the premise in excess of 6% ABV. He gave some details of the Cash and Carry's that he used and some weeks later he provided Trading Standards with his account details. He said he had not bought any such drinks from these businesses since the review. When pressed about the code markings indicating production *after* the date of that Review he said one delivery driver had made a

mistake and made a wrong delivery of such drinks. When challenged as to which Cash and Carry he identified one and said they had not charged him. Trading Standards pointed out to him the trays were incomplete, were no longer sealed and the dates of production were several months apart [indicating probable separate dates for delivery]. He had no reason to open sealed trays of drinks that he could not legally sell. Asked for an explanation as to why this was the case he said he did not really know.

Trading Standards decided that it was in all parties' best interests to check the validity of Mr Ratnayake's explanation. It therefore carried out checks with the Cash and Carry's. Some were helpful but the one Mr Ratnayake had said was the one that had probably made the "wrong delivery" (outside Southwark's jurisdiction) proved to be obstructive and unhelpful. As at late February 2017, it had not supplied the information requested. Other unrelated matters had subsequently come to light and Trading Standards was not confident it could have relied on any information supplied anyway. This is the main reason why there appears to have been a delay in submitting this application to review this premise licence.

Trading Standards say the business continues to be run in a casual and illegal manner where numerous breaches of the licence have been identified. The conditions put on the Premise Licence at the previous Review Hearing do not appear to have been heeded. Mr Ratnayake has sought to run a business as a sole trader and Trading Standards understand and appreciate the difficulties involved in running such a business. However Trading Standards do not have confidence that he can run a legally compliant business and therefore no new conditions are proposed in this review. The Sub- Committee is invited to consider revocation of this Premise 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

1	0	8	1	1	0	9	2	0	1	5
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If you have made representations before relating to this premises please state what they were and when you made them

Application to review licence was submitted on 10 September 2015. Licence was reviewed because the following licensing objectives had been undermined:

Prevention of Crime and disorder –

- Sale of alcohol to 15 year old child
- Sale of alcohol after permitted hours of 23:00
- Offer for sale duty evaded paid cigarettes
- Failure to pay employee the minimum wage as required by The National Minimum Wage Act 1998

Protection of children from harm –

- Sale of alcohol to 15 year old child

Prevention of Public Nuisance

- Sale of alcohol after permitted hours of 23:00

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

4 March 2017

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.

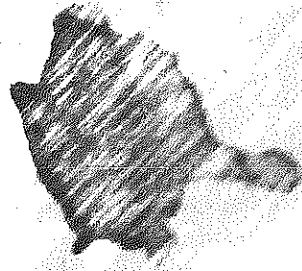
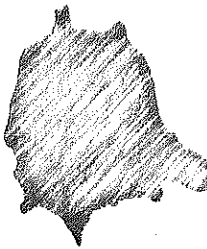
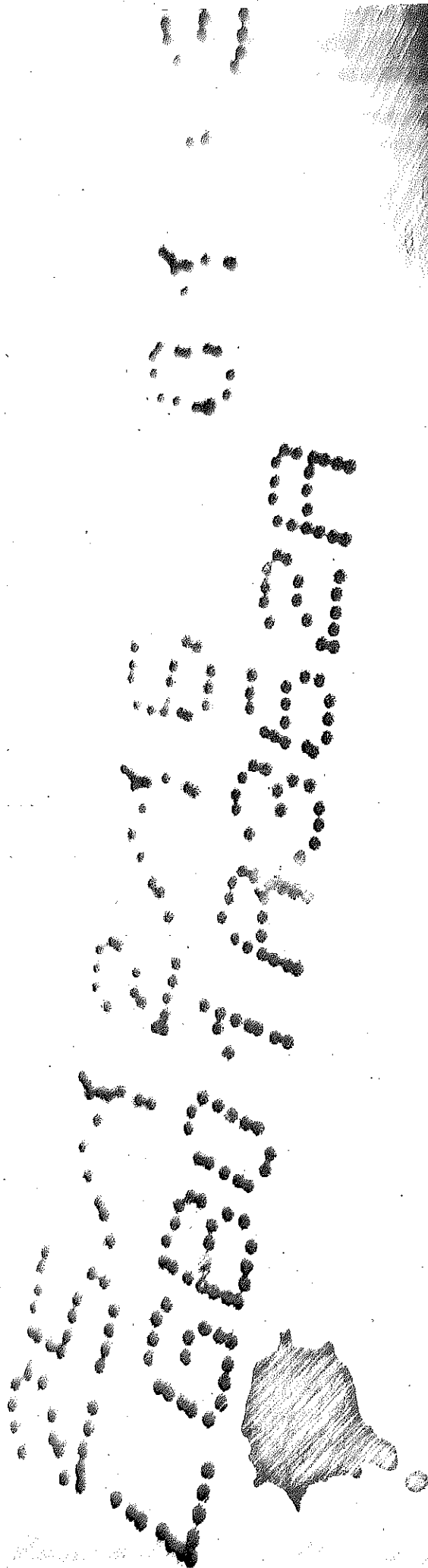
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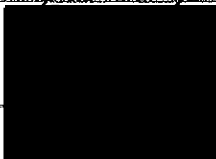
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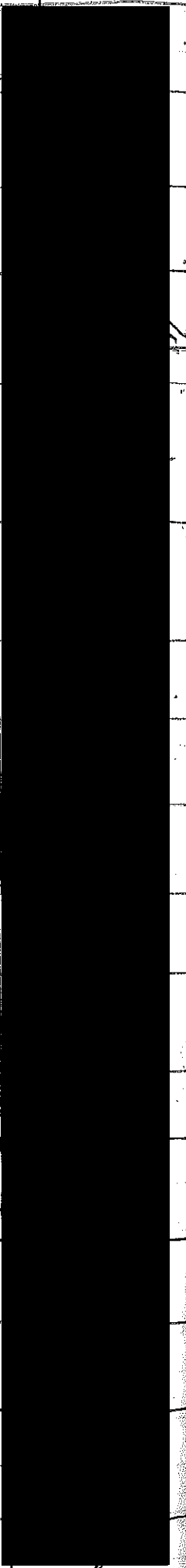
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REFUSALS
BOOK

31/10/15 17:00	He Don't Have ID	No serve	
31/10/15 19:00	Not serve	No ID	
31/10/15 22:00	No ID	No Selling	
01/11/15	No ID	STOP serve	
11/11/15 18:30	young face Ask ID	No ID	
18/11/15 16:00	Buying Ask for Young tobacco	No ID	
19:45	Ask cigarette	No ID	
26/11/15	Look young	16/7/2018	

REFUSALS
BOOK

31/10/15 17:00	He Don't Have ID	No Serve
31/10/15 19:00	Not Severe	No ID
31/10/15 22:00	No ID	No Selling
01/11/15	No ID	STOP Serve
11/11/15 18:30	Young face Ask ID	No ID
18/11/15 16:00 19:45	Buying Ask for Young tobacco Ask cigarette	No ID
26/11/15	Look young	No ID
		16/7/2016
12/12/15	No ID	No Selling
18.45 06/02/16	look young	No ID No Selling
19.01 16/02/16	No ID too young	No Selling
18/03/16 21:10	look young No ID	refuse Selling
29/03/16 20:30	ask cigarette No ID look young	refuse Selling
24/05/16	look young No ID	refuse Sell
08/08/16	young boys Any one No ID	refuse Sell



APPENDIX B



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 MD/21/2935/17
reference:

Date: 4th April 2017

Re:- Val's Store 387 Lordship Lane SE22 8JN

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

Police have the following comments to make:

As detailed in the application made by Mr Bill Masini, this premises was taken to review back on the 5th November 2015.

A number of additional conditions were added to the licence for the promotion of the licensing objectives and a 4 week suspension of the licence imposed.

I find it difficult to comprehend how a premises with such a recent history of poor compliance, and one which has been given ample opportunity to amend its operating practices is once again coming before the licensing sub committee.

The offences alleged in this application are similar to some of those detailed in the 2015 application, and are in breach of those conditions detailed in the notice of decision from that review.

When granting an individual or a company a Premises licence, the licensing committee must have trust in that individual or company that they will run the premise well and comply with the operating schedule as agreed when applied for.

The premises licence holder has failed to do this in 2015 when the licence was suspended and additional conditions added. It would appear that they have chosen to ignore the warnings and recommendations from this review and have continued to operate in contravention of the premises licence.

The conditions are there for the promotion of the licencing objectives, in particular for me are the conditions relating to the prevention of crime and disorder. Not only do we have a premises allegedly operating in contravention of these conditions, but it alleged that the premises themselves are actually committing acts of criminality.

In my opinion there is no place for a premises that is operated in such a way, one that is putting children at harm, putting the public's health at risk and quite possible having a negative impact on anti-social behaviour and crime and disorder.

Police fully support the application by Trading Standards for the review of the premises licence. We would have no confidence that any additional conditions would solve the issue of non-compliance and therefore support the recommendation for the revocation of the premises licence.

Yours Sincerely

PC Ian Clements 362 MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

From: Sharpe, Carolyn On Behalf Of Public Health Licensing
Sent: Monday, April 03, 2017 4:25 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Review for Vals Store 387 Lordship Lane

To whom it may concern:

Re: Val's Store, 387 Lordship Lane, London, SE22 8JN

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

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

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to express my concerns over the alleged issues with the management of the above premises. These include:

- Breach of Premise Licence condition 842 – maximum alcohol content of beers.
- Breach of Premise Licence condition 841 – no personal licence holder on premises.
- Breach of Premise Licence condition 843 –failure to carry out sufficient checks of their bona fides of individuals to ensure they were legally entitled to employment in the UK.
- Failure to pay employee the minimum wage as required by The National Minimum Wage Act 1998.
- Offer for sale unsafe phone chargers – contrary to The Consumer Protection Act 1987.
- Failure to adopt Challenge 25 – breach of condition 8AA.
- Failure to properly operate refusals register - breach of condition 8AI.
- Failure to produce training records for member of staff – breach of condition 8AB.

Public health fully supports this licence is reviewed by the Licensing Sub-Committee.

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

Yours faithfully,

Carolyn Sharpe

on behalf of Professor Kevin Fenton, Director of Health and Wellbeing
(incorporating the role of Director of Public Health)

MEMO: Licensing Unit

To Licensing **Date** 04 April 2017

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject Vals Store, 387 Lordship Lane SE22 8JN

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Vals Store, 387 Lordship Lane SE22 8JN.

My representation is based on the licensing objective for the prevention of crime and disorder and protection of children from harm.

The premises licence has been previously reviewed by the Licensing Sub Committee on 05 November 2015 by application from the Trading Standards where the premises had failed an underage sales test for alcohol, selling alcohol after their permitted hours, offering for sale duty evaded cigarettes and paying staff under the minimum wage. I attached a copy of the minutes/notice of decision dated 29 June 2011.

An induction meeting with Sadath Udaya Ratnayake, the premises licence holder and DPS of the premises, by a licensing officer on 18 January 2016 who explained all the existing and new conditions of the premises licence and advice on compliance. I attach a copy of the signed induction record document.

Mr Sadath Udaya Ratnayake has been premises licence holders since November 2015 and the DPS since 2012 .

The latest findings by the Trading Standards seem to show a disregard for legislation created to control the sale of alcohol and I am therefore of the opinion that Mr Ratnayake is not capable of running a licensed premises, additionally while the premises are owned by Mr Ratnayake and plays a significant part in the running of the premises and are the controlling factors and I would have not doubt that changing the DPS will not resolve these issues.

I therefore support the Trading Standards review and their request for revocation of the premises licence as the reasonable, appropriate and proportionate action to take.

David Franklin
Licensing Authority as a Responsible Authority



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 5 November 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH.

PRESENT:	Councillor Renata Hamvas (Chair) Councillor David Hubber Councillor Sunny Lambe
OTHERS PRESENT:	Mr Sudath Udaya Ratnayake, representative from Val's Stores Mr N S Fernanda, representative from Val's Stores Debra Silvester, licensing agent representing Val's Stores
OFFICER SUPPORT:	Debra Allday, legal officer Bill Masini, trading standards officer Richard Kalu, licensing officer Gerald Gohler, constitutional officer (observing) Andrew Weir, constitutional officer (observing) Tim Murtagh, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: VAL'S STORES, 387 LORDSHIP LANE, LONDON SE22 8JN

The licensing officer advised that all parties had conciliated.

The sub-committee were satisfied with the conciliation agreement.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application made under Section 51 of the Licensing Act 2003 by the Southwark Council trading standards team for a review of the premises licence issued in respect of the premises known as Val's Stores, 387 Lordship Lane, London SE22 8JN and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Suspend the licence for a period of 8 weeks
- b) Modify the conditions of the licence as follows:

That the following additional conditions as agreed by the premises licence holder and the trading standards team shall apply:

1. That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.
2. That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
3. That agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.
4. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.
5. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is

scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

6. That there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales.
7. That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6% will be displayed, sold or offered for sale from the premises.
8. That before any person is employed at the premises sufficient checks will be made of their bona fides to ensure that they are legally entitled to employment in the UK. Such checks will include:
 - Proof of identity (such as copy of their passport)
 - Nationality
 - Current immigration status
 - Details of their full name and address
 - Date of birth
 - Employment history
 - Education
 - Criminal convictions
 - Permission to contact the current/previous employer will be sought
9. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a 31 day recording facility and will be maintained in full working order at all times. Images recorded by the CCTV system shall, on request, be made immediately available to the police and/or authorised officers from Southwark Council.
10. That condition 101 be amended to read: "Every supply of alcohol under the premises licence must be made, or authorised by, a person who holds a Personal Licence. That authorisation must also be in writing and displayed on the premise adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it.

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the licensing officer that all parties had conciliated as set out above.

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

Appeal rights

This decision is open to appeal by either:

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

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

This decision does not have effect until either:

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

Meeting ended at 11.00 am.

CHAIR:

DATED:

Licensing Unit induction checklist for new licensees / management.

Premises Name: Vals Store

Address: 387 Lordship Lane, London, SE22 8JN

Licensee: Sudath Udaya Ratnayane

DPS: Sudath Udaya Ratnayane

1. INTRODUCTION

- Who staff are.
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the Annexes.
- Explain the mandatory conditions in Annex 1.
- Explain the special conditions in Annex 2 and 3.
- Give details of what happens if the conditions are breached.
- Explain about responsible authorities or interested parties, what their role is and how they can call a review. Give full details of what is involved with a review and what the outcomes can be.
- Explain that there is an annual maintenance fee to be paid for the licence.
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary
- Explain in detail about when you need to apply for a variation, what is involved and what the procedure is. Also about varying the dps.
- Advise them that if they leave about surrendered the licence and the consequences for the licensee and the dps if they leave without surrendered the licence.
- Door Supervisors requirements that must be SIA registered.
- Drugs Misuse, drug policy.
- Challenge 25, suitable identification.
- Covert inspections by police, licensing and trading standards.
- Noise nuisance.

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Early inspection(s) conducted and thereafter risk-assessed. Give details of what we look for and what documents we will need to see. Also the outcome if we find things wrong – what happens next?

- Will conduct additional inspections where problems found and complaints made.
- Will listen to proposals for putting right. Will give timescale for matters that cannot be rectified easily.
- Explain inspections aim to help but that continually to operate outside of the terms of the licence will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation
- Make sure any special arrangements at premises are understood (i.e. lobby door arrangements / removal of bolts / numbers control etc)

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss

Provided the following:

Licence and summary,
 Fire risk assessment advice booklet,
 Age signage - 18 & challenge 25,
 Trading standards training pack, refusal log and pass accredited sample cards.

Officer(s) Attending: (Sign) 

(Print) Richard Kahi

Persons Present: (Sign) 

(Print) Sudath Udaya Ratnayake

Date of Meeting: 18/01/2016

Licensing Act 2003 Premises Licence

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APPENDIX C



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

Premises licence number

849709

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Val's Store 387 Lordship Lane London SE22 8JN	
Ordnance survey map reference (if applicable), 173980533941	
Post town London	Post code SE22 8JN
Telephone number	

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 08:00 - 23:00
Tuesday 08:00 - 23:00
Wednesday 08:00 - 23:00
Thursday 08:00 - 23:00
Friday 08:00 - 23:00
Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licenceSudath Udaya Ratnayake
**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**Sudath Udaya Ratnayake
**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**Licence No. 
Authority L.B. 

Licence Issue date 05/11/2015

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

Annex 1 - Mandatory conditions

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. That authorisation must also be in writing and displayed on the premise adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it.

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

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

The above restrictions do not prohibit:

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

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence:

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

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

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

The above restrictions do not prohibit:

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

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

127 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

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

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

8AA That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card

8AB That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

8AC That agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.

8AI That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

840 That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

841 That there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales.

842 That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6% will be displayed, sold or offered for sale from the premises

843 That before any person is employed at the premises sufficient checks will be made of their bona fides to ensure that they are legally entitled to employment in the UK. Such checks will include:

- Proof of identity (such as copy of their passport)
- Nationality
- Current immigration status
- Details of their full name and address
- Date of birth
- Employment history
- Education
- Criminal convictions
- Permission to contact the current/previous employer will be sought

788 That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products.

789 The CCTV system shall have a 31 day recording facility and will be maintained in full working order at all times. Images recorded by the CCTV system shall, on request, be made immediately available to the police and/or authorised officers from Southwark Council.

Annex 4 - Plans - Attached

Licence No. 849709

Plan No. N/A

Plan Date August 2005

Appendix D – Night time licensing officer visits to the premises

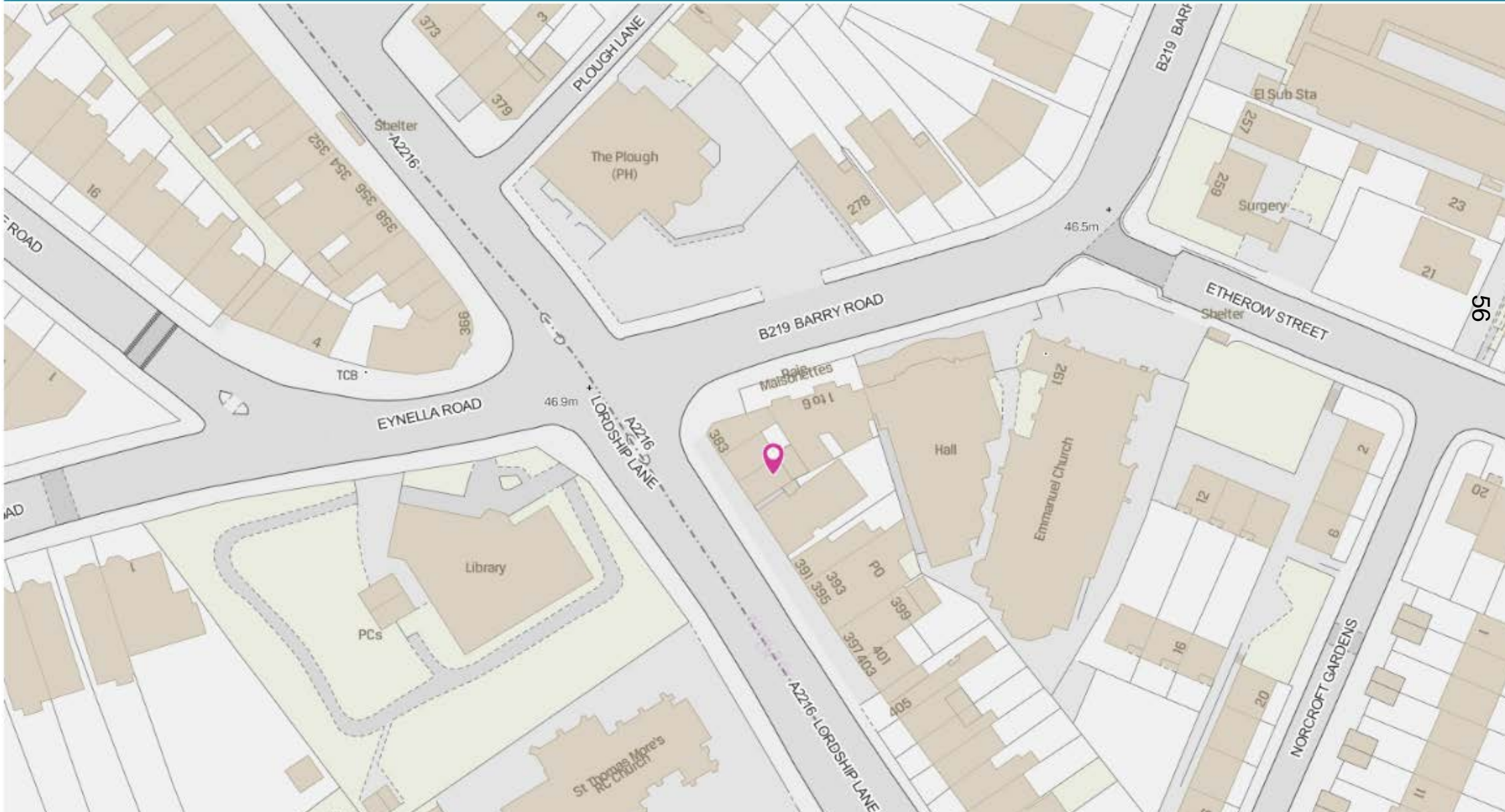
Date	Time	Officer	Notes
31/01/2014	20:00	Jayne Tear	Visited premises following to carry out a programmed inspection following a compliant and induction meeting. Was assisted by the licensee and DPS Mr Ratnayake. Found the premises to be fully compliant.
25/07/2015	23:15	Richard Kalu	Visit to premises with Farhad Chowdhury. Test purchase attempted and sale of alcohol refused. Premises compliant.
12/09/2015	21:05	Jayne Tear	Carry out a full inspection assisted by Mr Ratnayake the licensee and DPS. The full premises licence was not available at the shop, although hardly any conditions on the premises licence. I discussed the review that had been submitted and Mr Ratnayake seemed confused. I explained what a review was and that he would have to attend a hearing, he was still confused and asked what the blue signs were for. I took him to the sign and showed him I told him when the hearing was (5 November) and that he would receive a hearing invite at least 14 days before the hearing. He asked me what to do. I told him that he should seek the advice of a solicitor who expertise is Licensing Act 2003 or a licensing consultant. Mr Ratnayake said that the officer that came the other day said that he did not need a solicitor. I told him that it was my strong advice that he seek the advice before the hearing as his licence was at stake. I checked that he had received a copy of the review application and he had. I told him to take that and a copy of his licence to the solicitor or consultant and that they would advise him further. He said that he will. I noted that there was a refusal log at the premises and CCTV installed although not conditions. Whilst we were in the Clarissa noted that there was a crowd of young women/girls outside the shop whispering and two of the women came in and the other 2 girls disappeared. All of the young girls looked under25. I watched as they picked up quite a few bottles of alcohol and took it to the till. Mr Ratnayake asked for and checked there ID and sold them the alcohol. Once he had done this I approached the young women before they left the shop. I id myself and said that I noticed that they had produced ID and bought alcohol and that I had also seen them with some other young girls outside before they entered the shop. I said that if they had of bought alcohol for any underage person they would have be committing an offence (a proxy sale) under the Licensing Act 2003. They said the girls had asked them to buy them alcohol and they had refused and the alcohol was for themselves. I said that I had told them as I was not sure whether they knew it was an offence. I spoke to Mr Ratnayake about what I had said to the girls and he was grateful that I had, I did however say to him that I know it is difficult to tell but if he suspects that a person is buying alcohol for and underage person that he should bar the person that bought the alcohol from his shop and not serve them any more and that it would be better to refuse the sale rather than have the implications of loosing his licence. He agreed. When we came out of the shop Clarissa saw the other girls waiting on the corner and the girls that had bought alcohol walked towards them and they disappeared round the corner.
19/09/2015	02:10	Richard	Visit to premises with Farhad Chowdhury. Premises was closed ATOV.

		Kalu	
09/10/2015	20:10	Jayne Tear	Observed premises initially from the library opposite to see if any young people waiting outside and asking adults to buy them alcohol. Entered premises and spoke to Mr Ratnayake - premises now compliant. Mr Ratnayake told me that he had now managed to find a consultant to help him with the review against the premises and that they would be coming to the hearing (named Debra). Left at 20:20. ACTION – COMPLIANCE LETTER – LET CASE OFFICER KNOW THAT APPLICANT BEING REPRESENTED AT REVIEW HEARING.
21/10/2016	22:35	Richard Kalu	Visit to premises with Natasha Donoghue and accompanied by NTE Police. Identified ourselves and requested that the Premises Licence Holder [REDACTED] show me evidence first that he could operate the CCTV onsite. After 6 attempts and at great length of time the premises licence holder was finally able to use the CCTV. I asked if the CCTV was operational and without defects or issues and was advised that this was the case. I explained to the Premises Licence Holder that I would need to seize the hard drive for his CCTV. I was advised that the hard drive was in the ceiling and that we would not be able to get it down and that he would need to call an engineer out to retrieve and obtain the hard drive from the ceiling. The NTE police also confirmed this to be the case. I was advised by the Premises Licence Holder that he would call his engineer on Monday and ask him to take out the hard drive from the ceiling. I confirmed with the Premises Licence Holder that I would call him on Monday to arrange a time to collect the hard drive from his CCTV.

APPENDIX E



387, LORDSHIP LANE, SE22 8JN



Item No. 6.	Classification: Open	Date: 4 May 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Best Food and Wine, 171 Queens Road, London SE15 2ND	
Ward(s) or groups affected:		Nunhead	
From:		Strategic Director of Environment and Social Regeneration	

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 Sawindar Singh and Naresh Kumar in respect of the premises known as Best Food and Wine, 171 Queens Road, London, SE15 2ND.
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 responsible authorities. Copies of the representations are attached as Appendix B. Details of the representations are provided in paragraphs 15 – 18.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C. A map of the area that the premises are located in is attached as Appendix D.
 - 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 new 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 Saturday	08:00 to 23:00
Sunday	10:00 to 22:30
 - There are no restrictions in respect of the premises' standard 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 attached as Appendix C.

Designated premises supervisor (DPS)

11. The current Designated Premises Supervisor (DPS) named on the licence is Naresh Kumar. Naresh Kumar is also the joint licensee of the premises.

The review application

12. On 7 March 2017, 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 Sawindar Singh and Naresh Kumar in respect of the premises known as Best Food and Wine, 171 Queens Road, London SE15 2ND.
13. The review application was submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and / or taken place at the premises:
 - Duty evaded alcohol for sale in contravention of The Customs and Excise Management Act 1979
 - Duty evaded alcohol for sale bearing counterfeit trademarks and "Duty Stamp" in contravention of the Trade Marks Act 1994 and Duty Stamp Regulations 2006
 - Offer to supply alcohol that cannot legally be sold in contravention of the Consumer Protection from Unfair Trading Regulations 2008
 - Offer for sale of unsafe goods in contravention of the Consumer Protection Act 1987.

The premises were the subject of a review on 29 June 2011 for alleged offences including the sale of counterfeit wine. Trading standards say that the licensees have learnt nothing since the last review of the premises licence. The trading standards service does not have confidence in Mr Kumar's (joint licensee and DPS of the premises) management of the business. The option of a change of DPS is not recommended because Mr Kumar acts as a sole trader and would still retain control of the premises. The trading standards service suggests that the licensing sub-committee considers the revocation of the premises licence.

14. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as Appendix A.

Representations from responsible authorities

15. This council's Director of Public Health, The Metropolitan Police Service, and this council's licensing responsible authority have submitted representations in support of the review application.
16. The Director of Public Health's representation is submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation expresses concerns over the offences alleged in the review application. The Director of Public Health fully supports that the premises licence be reviewed by the Licensing Sub-Committee.
17. The Metropolitan Police Service's representation expresses concerns over the offences alleged in the review application. The representation notes that the alleged offences are all considered acts of criminality and are allegedly being committed by an individual who has been entrusted to operate licensed premises. The police fully

support the review application and recommend that consideration be given to the revocation of the premises licence.

18. The licensing responsible authority's representation is submitted in respect of the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The representation notes that the premises were the subject of a review on 29 June 2011 and includes the notice of decision in regards to that review. The representation also refers to a licensing inspection of the premises on 28 March 2013 where breaches of the premises licence issued in respect of the premises, and a potential breach of section 57 of the Act were noted. The representation includes a copy of a warning letter sent in respect of the licensing inspection of 28 March 2013. The licensing responsible authority is of the opinion that the licensees are not capable of running a licensed premises and that the changing of the premises' DPS would not resolve the issues cited in the review application. The Licensing Responsible Authority therefore supports the review application and requests that the premises licence be revoked as a reasonable, appropriate and proportionate action to take.
19. Copies of the representations are attached as Appendix B.

Representations from other persons

20. No representations have been received by other persons.

Operating history

21. A premises licence was issued to Naresh Kumar and Sawindar Singh in respect of the premises on 2 October 2005. Mr Kumar was specified, and remains, the DPS of the premises.
22. On 9 May 2011 this council's Trading Standards service submitted an application for the review of the premises licence issued in respect of the premises. A Licensing Sub-Committee hearing was held on 29 June 2011 to determine the application. The Licensing Sub-Committee modified the licence by imposing 4 conditions on the premises licence. A copy of notice of decision in regards to the hearing of 29 June 2011 is attached to this report as part of the Licensing Responsible Authority's representation in Appendix B.
23. On 9 October 2008 a licensing inspection of the premises were undertaken. It was noted that the premises licence summary was not displayed at the premises and the premises licence was not available at the premises in breach of section 57 of the Licensing Act 2003. A warning letter was sent to the premises in regards to this matter. On 7 November 2008 a re-visit of the premises was undertaken and the premises were found to be being operated compliantly.
24. On 8 October 2009 a licensing inspection of the premises was undertaken and the premises were found to be being operated compliantly.
25. On 4 February 2010 a licensing inspection of the premises was undertaken and the premises were found to be being operated compliantly.
26. On 3 February 2011 a licensing inspection of the premises was undertaken and the premises were found to be being operated compliantly.

27. On 22 June 2011 a licensing inspection of the premises was undertaken and the premises were found to be being operated compliantly.
28. On 28 March 2013 a licensing inspection of the premises was undertaken. Various breaches of the premises licence issued in respect of the premises and a potential breach of section 57 of the Act were noted.
29. No TEN's have been submitted in regards to the premises.
30. On 7 March 2017, 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 Sawindar Singh and Naresh Kumar in respect of the premises known as Best Food and Wine, 171 Queens Road, London, SE15 2ND.

The local area

31. A map of the local area is attached as Appendix D. The following premises are shown on the map and are licensed as stated below.

Bahar Kebab, 157 Queens Road, SE15 2ND:

The sale of alcohol to be consumed on and off the premises:

Sunday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 02:00 the following day

Late night refreshment

Sunday to Thursday	23:00 to 00:00 (midnight)
Friday and Saturday	23:00 to 02:00 the following day

Lions Fried Chicken, 165 Queens Road, SE15 2ND:

Late night refreshment

Sunday to Thursday	23:00 to 03:00 the following day
Friday and Saturday	23:00 to 05:00 the following day

Tesco Stores Ltd, 151-155 Queens Road, SE15 2ND:

The sale of alcohol to be consumed on and off the premises -

Monday to Sunday	06:00 to 23:00
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Lucky Gin and the Beautiful Pizza Boy, 169 Queens Road, SE15 2ND:

Late night refreshment

Monday to Thursday	23:00 to 00:00
Friday and Saturday	23:00 to 01:00 the following day

The sale of alcohol to be consumed on and off the premises

Monday to Thursday	10:00 to 00:00
--------------------	----------------

Friday and Saturday 10:00 to 01:00 the following day
 Sunday 10:00 to 23:00

Golden Noodle, 175-177 Queens Road, SE15 2ND:

Late night refreshment

Monday to Sunday 23:00 to 00:00

Mamma Dough, 179 Queens Road, SE15 2ND:

The sale of alcohol to be consumed on the premises

Monday to Sunday 12:00 to 23:30

Morley's Fried Chicken, 189 Queens Road, SE15 2ND:

Late night refreshment

Sunday to Thursday 23:00 to 02:00 the following day
 Friday and Saturday 23:00 to 02:30 the following day

Queens Café, 193a Queens Road, SE15 2NG:

The sale of alcohol to be consumed on & off the premises

Monday to Sunday 11:00 to 22:30

Southwark council statement of licensing policy

32. Council assembly approved Southwark's Statement of Licensing Policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
- Section 5 - Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 - Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
- Section 7 - Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.

- Section 8 - The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 - Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
33. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
34. Within Southwark's Statement of Licensing Policy 2016 - 2020, the premises are identified as being within Peckham Major Town Centre Area. The closing time recommended in the Statement of Licensing Policy for off licences, and grocers or supermarkets with off sales of alcohol in Peckham Major Town Centre Area is 00:00 hours daily.

Resource implications

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

Consultations

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

Community impact statement

37. 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

38. 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.
39. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

40. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
41. 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.
42. 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.
43. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
 - Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
44. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
45. 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.
46. 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.
47. 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

48. 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

49. 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.

50. 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

51. 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.

52. 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.
53. 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.
54. 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.
55. 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.
56. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
57. 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.
58. 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

59. 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

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

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copies of the representations submitted by a responsible authorities
Appendix C	Copy of the premises licence
Appendix D	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment & Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	13 April 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	21 April 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 Best Food and Wine 171 Queens Road	
Post town London	Post code (if known) SE15 2ND

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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)**Prevention of Crime and disorder –**

- Duty evaded alcohol offered for sale – Customs and Excise Management Act 1979
- Duty evaded alcohol bearing counterfeit trade marks and “Duty stamp” – Trade Marks Act 1994 and Duty Stamp Regulations 2006
- Offer to supply alcohol that cannot be legally sold – Consumer Protection from Unfair Trading Regulations 2008

Since 1 January 2007 it has been a requirement of The Duty Stamp Regulations 2006 that retail bottles of alcohol of proof 30% ABV and higher and packaged in sizes of 35cl and larger have to carry a duty stamp to be legal for retail sale. The term “fake UK duty stamp” is used to describe a stamp that appears to comply with the design specification in the regulations but is not produced on behalf of HMRC or the product’s manufacturer or distributor. Where in the case of a manufacturer which has its trade mark on this label, the trade mark is also infringed because it has been used without the manufacturer’s consent and authorisation. This is an offence under The Trade Marks Act 1994.

The term “duty diverted” is used to describe alcohol produced in the UK for export but illegally placed on the UK market. Spirits produced for export are not subject to duty and must not have labels incorporating duty stamps. Duty diversion takes place when alcohol for export is relabelled with fake labels bearing fake UK duty stamps.

On 9 December 2016 Trading Standards carried out an inspection at the premise. This was for the purposes of inspecting goods for sale to ensure they complied with legislation enforced by Trading Standards and also to ensure there was also compliance with the conditions on the Premise Licence and The Licensing Act.

On close examination a large quantity of what is commonly referred to as “duty diverted spirits” were on offer for sale.

On the shelf at eye level behind the counter were:

- 7 x 70cl bottles of Glen’s vodka (37.5% ABV). The rear labels on all the bottles had been replaced with a fake label bearing a fake UK duty stamp.

On the lowest shelf behind the counter were:

- 2 x 70cl bottles of Glen’s vodka (37.5% ABV). The rear labels on both bottles had been replaced with a fake label bearing a fake UK duty stamp.

On another shelf were:

- 4 x 70cl bottles of High Commissioner blended Scotch whisky (40% ABV). The rear labels on all the bottles had been replaced with a fake label bearing a fake UK duty stamp.

On another shelf were:

- 2 x 70cl bottles of High Commissioner blended Scotch whisky (40% ABV). The rear labels on both bottles had been replaced with a fake label bearing a fake UK duty stamp

On another shelf were:

- 5 x 70cl bottles of Smirnoff vodka (37.5% ABV). The rear labels on all the bottles had been replaced with a fake label bearing a fake UK duty stamp

On another shelf was:

- 1 x 1 litre bottle of Smirnoff vodka (37.5% ABV). The rear label on the bottle had been replaced with a fake label bearing a fake UK duty stamp

On another shelf were:

- 2 x 70cl bottles of Bells blended Scotch whisky (40% ABV). The rear labels on both bottles had been replaced with a fake label bearing a fake UK duty stamp.

In the basement of the shop was:

- 1 box containing 6 x 1 litre bottles of Glen's vodka. The box had the words "**UK DUTY STAMP**" printed on the side to indicate it was manufactured for the UK market. These words had been inked out with a black pen. This is an indication that an outer box of UK market stock was sold for export. The box also had evidence of having been opened and resealed with clear tape.(see photograph 1). On examination, it was evident the rear labels on bottles inside had been replaced with fake labels bearing fake UK duty stamp
- 1 box containing 12 x 70cl bottles of Glen's vodka. The box had the words "**UK DUTY STAMP**" printed on the side to indicate it was manufactured for the UK market. Once again these words had been inked out with a black pen. This is an indication that an outer box of UK market stock was sold for export. The box also had evidence of having been opened and resealed with clear tape. On examination, it was evident the rear labels on bottles inside had been replaced with fake labels bearing fake UK duty stamp.
- 2 boxes each containing 6 x 70cl bottles of Bells blended Scotch whisky. The box had the words "**UK DUTY STAMP**" printed on the side to indicate it was manufactured for the UK market. Again, these words had been inked out with a black pen. This is an indication that an outer box of UK market stock was sold for export. The box also had evidence of having been opened and resealed with clear tape. On examination, it was evident the rear labels of bottles inside had been replaced with fake labels bearing fake UK duty stamp. The box was very tatty indicating to anyone exercising any diligence that there were questions to be asked about the box's history (see photographs 2 and 3).

UK market alcohol sold for export is required to have any associated duty stamp

obliterated; this is done by exporters using either a non-removable round sticker or by the physical removal (scratching out) of the duty stamp. Having done this it is normal for the outer box to have the words “**UK DUTY STAMP**” obliterated, or simply not applied to the box in order to differentiate it from the regular UK market stock. This is relevant to the following stock also in the basement:

- 2 boxes each containing 6 x 70cl bottles of Smirnoff vodka. The boxes did NOT have the words “**UK DUTY STAMP**” printed on the outer box of alcohol. This is an indication that it was manufactured for the export market. The outer boxes also had evidence of having been opened and resealed with clear tape. The rear labels of the bottles had been replaced with fake labels bearing a fake UK duty paid stamp. (see photographs 2 & 3)

In total, seized for being non-duty paid duty diverted alcohol (and therefore illegal to be sold) were

- 21 x 70cl bottles of Glen’s vodka
- 17 x 70cl bottles of Smirnoff vodka
- 14 x 70cl bottles of Bells whisky
- 6 x 70cl bottles of High Commissioner whisky
- 1 x 1 litre bottle of Smirnoff vodka
- 6 x 1 litre bottles of Glen’s vodka

The rate of alcohol duty on a 70cl 37.5% ABV spirit was £7.41 (£8.89 inc VAT) up to 23 March 2015 and is currently £7.26 (£8.71 inc VAT).

The rate of alcohol duty on a 70cl 40% ABV spirit was £7.90 (£9.48 inc VAT) up to 23 March 2015 and is currently £7.74 (£9.29 inc VAT)

The rate of alcohol duty on a 1 litre 37.5% ABV spirit was £10.58 (£12.70 inc VAT) up to 23 March 2015 and is currently £10.37 (£12.45 inc VAT)

The rate of alcohol duty on a 1 litre 40% ABV spirit was £11.29 (£13.55 inc VAT) up to 23 March 2015 and is currently £11.06 (£13.27 inc VAT)

The duty and VAT therefore evaded for these spirits (taking the current lower duty rates) totals:

38 x 8.71 = £330.98 [Glens & Smirnoff 70cl bottles]

20 x 9.29 = £185.80 [Bells & High Commissioner 70cl bottles]

1 x 13.29 = £13.29 [1 litre Smirnoff]

6 x 12.45 = £149.40 [1 litre Glen’s]

Total = £679.47

These items were seized because it was not legal for them to be sold. It is not clear how many other similar such items had been previously sold. Bottles that were legitimate, as can be seen in the photographs, were left in the shop

Also offered for sale were so called super strength beers. These drinks are almost exclusively consumed by people who have a serious alcohol addiction problem and contain a high number of units of alcohol per can. These people often have mental health issues and live a chaotic lifestyle. This in turn can mean they become so called "street drinkers". In doing so they may create a public nuisance and commit anti-social behaviour type offences such as aggressive begging and urinating in public places.

The duty payable including VAT on these beers with an ABV of 8% sold in 500ml cans is £1.15. This premise had quantities of such beers (Tennents Super, Skol Super, Carlsberg Special Brew and Kestrel Super) priced for sale at £1.50 (see photograph 4); a difference of 35 pence to account for all the manufacturers' costs, their transportation costs and profit, the wholesalers' mark up and the retailer's mark up. Suspicious these drinks were also subject to some form of evaded duty or other illegality, Trading Standards required the owner to produce his invoices for these drinks. Invoices that were later produced showing drinks of these brands purchased, indicated a price of £36.99 plus Vat (i.e £44.39) or £1.85 per can.

The premise licence holder was required to produce his purchase invoices for the spirits seized and the super strength beers. It is an offence to fail to produce traceable invoices (alcohol falling within the definition of food) under The General Food Hygiene Regulations 2013.

On 30 January 2017 Nuresh Kumar was interviewed under caution and in accordance with the requirements of The Police and Criminal Evidence Act. He brought with him purchase invoices stating these related to the products he had sold or had offered for sale, presumably expecting Trading Standards to simply accept these to be the complete records for his purchases.

Those invoices indicated the following purchases in 2016 up to the date of the visit:

- Glen's vodka (70cl) - 60 bottles

30 January 2016 – 12

27 February 2016 – 18

21 October 2016 – 12

19 November 2016 – 18

- Smirnoff vodka (70cl) – 36 bottles

20 February 2016 – 12 [price marked £13.79]

21 February 2016 – 12 [price marked £13.79]

19 November 2016 – 12

- Bells whisky (70cl) – 12 bottles

19 November 2016 – 12

- High Commissioner whisky – 6 bottles

19 November 2016 – 6

- Smirnoff (1 litre) – 0

- Glen's (1 litre) – 6 bottles

19 November 2016 – 6

Taking into account items seized and legitimate products left in the shop, this indicated at face value that in 2016 Mr Kumar had sold very few of these brands. Trading Standards say he had sold a significant but unknown quantity because he bought the items seized (and sold an unknown number before the inspection) from an unauthorised source either knowing they were illegal in some form or simply closed his eyes to that fact. Trading Standards say it is important to note the time gaps between when legitimate drinks were purchased.

For example the invoices show no 70cl bottles of Smirnoff appear to have been purchased over a 9 month period between 21 February and 19 November.

The paperwork indicates no 70cl bottles of Glen's vodka were bought over an eight month period between 27 February and 21 October.

During a long interview, Mr Kumar stated that a man [purporting to be] from a Cash & Carry in East London had visited the shop around mid/late August. He had not previously heard of that Cash & Carry. He went on to say the man offered him the alcohol that was subsequently seized. The man had apparently shown him a business card from this Cash and Carry which Mr Kumar (who said he does all the buying for the business) took to confirm he was from this particular Cash and Carry. Apparently this man was unable to give an invoice or paperwork to show this Cash

and Carry to be the seller of these items and what Mr Kumar had paid (including VAT of course). Mr Kumar said he paid cash and the seller assured him that these items would be shown on a future invoice when he made future purchases from that business. Mr Kumar said he has bought goods from that Cash & Carry direct in later months but no one ever put these items on any future invoice.

Mr Kumar was not able to say exactly what he bought from this person back in August 2016 and could offer no explanation as to how he was going to account for these items when completing his business records for the likes of HMRC.

Asked how much he paid for the alcohol on that occasion he said it was "£300 to £400 or something like that". It is not clear how much alcohol he bought but as stated earlier, the duty evaded alone of the seized drink came to nearly £700. Trading Standards say, assuming Mr Kumar has given a true account of how the alcohol came to be in the shop, that in itself indicates Mr Kumar must have known he was buying illegal alcohol.

Throughout the interview, not unreasonably, Mr Kumar said he found the competition from the National supermarket chains near to him had made it very difficult for him to compete. With that in mind in relation to the "Super Strength Beers", Trading Standards question the legitimacy of why he would then seek to sell these drinks for below his cost price and barely above the duty payable. Trading Standards does not accept an explanation that it is a "loss leader" in the same way a product such as milk or bread may be. People who buy these drinks typically just buy these and very little else. Trading Standards believe that whilst some product has been bought legitimately (with paperwork to demonstrate this), other such drinks have been acquired from a similar or indeed perhaps the same source as the spirits referred to in this review. Somewhere along the supply chain duty has been evaded. The paperwork for the legitimate product makes it appear that he has sold the drinks below cost whereas he has sold an unknown quantity for an unknown profit.

Trading Standards say Mr Kumar has learnt nothing since the last review of his Premise Licence. The facts this time are very similar to when he offered for sale a significant quantity of counterfeit Jacobs Creek Wine. He was not able to demonstrate where he had bought that wine from and produced no paperwork. Once again he took the same gamble of buying from an unreliable and unknown source and failed to ensure he obtained proper paperwork on receipt of those goods. If his account is true, he took the previously unknown "white van man" at face value by accepting him to be from a Cash and Carry somewhere in East London that, at the

time, he had never heard of. Mr Kumar is an experienced retailer and has previous dealings in counterfeit alcohol. Whilst this alcohol was not counterfeit, he did not know that at the time and took the risk of potentially exposing his customers to the dangers of cheap and dangerous alcohol. Trading Standards say it is through good luck that he did not buy alcohol that could have been highly injurious to health.

Further, whilst never recommended to buy from such a source, Trading Standards say an experienced shopkeeper like Mr Kumar, could (and should) have carried out simple checks to prevent this problem. The cardboard boxes were either very tatty in appearance and/or the **“UK DUTY STAMP”** writing had been crossed through with a black marker pen thereby indicating something was illegal about the products. It would appear the purchase price was too tempting for him.

In view of this matter and the previous Premise Licence review (which also included underage sales of alcohol to children), Trading Standards does not have confidence in Mr Kumar’s management of the business. The option of a change of DPS is not recommended because Mr Kumar acts as a sole trader, does all the buying and would still retain control. The Licensing sub- committee is therefore invited to revoke the Premise Licence.

Please tick yesHave you made an application for review relating to this premises before

If yes please state the date of that application

May 2011**If you have made representations before relating to this premises please state what they were and when you made them****Protection of children from harm –**

Alcohol and cigarettes sold on two separate occasions over a 6 month period to 15 year old children. Between the first and second sales the premise licence holder attended free training given by Southwark Trading Standards. The seller on both occasions was the Premise Licence Holder.

Prevention of Crime and disorder –

41 bottles of counterfeit Jacob's Creek wine offered for sale.

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

.....

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.







From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Monday, April 03, 2017 4:20 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Consultation BEST FOOD AND WINE 171 Queens Road

To whom it may concern:

Re: Best Food and Wine 171 Queens Road, London SE15 2ND

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

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

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to express my concerns over the alleged issues with the management of the above premises. These include; duty evaded alcohol offered for sale, duty evaded alcohol bearing counterfeit trade marks and offer to supply alcohol that cannot be legally sold. The sale of counterfeit alcohol is a public health concern. Since the products may not be genuine their contents can potentially be very harmful.

Public health fully supports this licence is reviewed by the Licensing Sub-Committee.

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

Yours faithfully,

Carolyn Sharpe
on behalf of Professor Kevin Fenton, Director of Health and Wellbeing (incorporating the role of Director of Public Health)



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 MD/21/2936 /17
reference:

Date: 4th April 2017.

Re:- Best Food & Wine 171 Queens Road SE15 2ND

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

Police have the following comments to make:

The application details a number of incidents that give me cause for concern in relation to the premises and their dedication to promoting the licensing objectives.

It is alleged that the premises have been offering Duty Evaded alcohol for sale contrary to Customs & Excise management Act 1979.

Duty evade alcohol bearing counterfeit trade marks and " Duty Stamp Trade Marks Act 1994 and Duty Stamp Regulations 2006

Offering to to supply alcohol that cannot be legally sold –contrary to the consumer protection from unfair trading regulations 2008.

These are all considered as acts of criminality which are being committed by an individual in whom we have trusted to operate a licensed premises in Southwark, and one that we would expect to be promoting the prevention of crime and disorder licensing objectives.

Police fully support the application for review and would also recommend that the consideration is given to the revocation of the premises licence. The premises have already had ample opportunity to make good the issues identified through the stepped approach. I would have difficulty in believing any additional conditions would be adhered to.

Yours Sincerely

PC Ian Clements 362 MD
 Southwark Police Licensing Unit

MEMO: Licensing Unit

To Licensing **Date** 04 April 2017

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject Best Food & Wine 171 Queens Rd SE15 2ND

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Best Food & Wine 171 Queens Rd SE15 2ND.

My representation is based on the licensing objective for the prevention of crime and disorder and prevention of public nuisance.

The premises licence has been previously reviewed by the Licensing Sub Committee on 29 June 2011 by application from the Trading Standards where the premises had failed an underage sales test cigarettes, failed a second underage sales test cigarettes and alcohol and officers found and seized 41 bottles of counterfeit wine being offered for sale. I attached a copy of the notice of decision dated 29 June 2011.

An inspection of the premises by a licensing officer on 28 March 2013 found three breaches of the premises licence and potential offences under section 136 of the Licensing Act 2003 as follows:

1. 8AB - Staff training records with regards the 'Challenge 25' age identification policy established at the premises where not available for inspection.
2. 81A - A register of refused sales with regards to the age identification policy established at the premises could not be produced.
3. 836 - A personal Licence holder was not on the premises when licensable activities were being undertaken.

A fourth potential offence of section 57 the licensing Act 2003 was also witnessed as follows:

4. The Premises Licence (or certified copy) was not available at the premises.

As a result a warning letter was sent to Mr Sawinder Singh and Mr Naresh Kumar and I submit a copy of the warning letter dated 31 March 2013.

Mr Sawinder Singh and Mr Naresh Kumar have been joint premises licence holders since 2005 and Mr Naresh Kumar has been the DPS.

The latest findings by the Trading Standards of;

- Duty evaded alcohol offered for sale – Customs and Excise Management Act 1979

- Duty evaded alcohol bearing counterfeit trade marks and “Duty stamp” – Trade Marks Act 1994 and Duty Stamp Regulations 2006
- Offer to supply alcohol that cannot be legally sold – Consumer Protection from Unfair Trading Regulations 2008

Seem to show a continued pattern over the years of disregard for legislation created to control the sale of alcohol and I am therefore of the opinion that both Mr Sawinder Singh and Mr Naresh Kumar are not capable of running a licensed premises, additionally while the premises are owned by Mr Sawinder Singh and Mr Naresh Kumar and they play a significant part in the running of the premises and are the controlling factors and I would have not doubt that changing the DPS will not resolve this these issues.

I therefore support the Trading Standards review and their request for revocation of the premises licence as the reasonable, appropriate and proportionate action to take.

David Franklin
Licensing Authority as a Responsible Authority



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 29 JUNE 2011

LICENSING ACT 2003 – BEST FOOD & WINE, 171 QUEENS ROAD, LONDON SE15 2ND

1. The council's licensing sub-committee, having had regard to the application by Trading Standards for a review of the premises licence granted under the Licensing Act 2003 in respect of the premises known as Best Food & Wine, situated at 171 Queens Road, London SE15 2ND and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the licence as follows:

Add the 4 additional conditions proposed by Trading Standards in their submissions which are listed below and also to add one further condition (see 5th bullet point below):

- The premises shall operate an age-check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card;
- All staff involved in the sale of alcohol shall be trained in the age-check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection on request by the council's authorised officers or the Police;
- Age-check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age-check 'Challenge 25' policy applies and proof of age may be required;
- A register of refused alcohol and cigarettes sales, which is clearly marked with the details of the premises, address and name of licence holder, shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the Police.
- A personal licence holder shall be present on the premises at all times when licensable activities are undertaken.

2. **Reasons**

The sub-committee heard evidence from trading standards that on 1 occasion sale of cigarettes were made to a minor and on another occasion sale of cigarettes and alcohol were made to a minor. The sub-committee further heard evidence that when the premises were visited by trading standards following the sale in February that 41 counterfeit bottles of wine were found at the premises. Trading standards submitted that the investigation in respect of the counterfeit wine was still ongoing with Mr Kumar's cooperation and that trading standards at this stage could not say with certainty that Mr Kumar knew that the wine was counterfeit. The Sub-Committee further heard from trading standards that 4 conditions should be added to the licence as per page 41 of the agenda.

The sub-committee found this conduct of selling age restricted products to a minor to be unacceptable and in clear breach of the protection of children from harm objective in the Licensing Act 2003 and view such breaches very seriously.

The sub-committee heard from the licensee that he accepted there was a failure on his part and the part of management which resulted in breaches of the licensing objective. The sub-committee also heard evidence from the licensee that he bought the counterfeit wine in good faith from suppliers and was not aware that the wine was counterfeit.

In the circumstances the sub-committee found it is necessary and proportionate to add to the license the 4 conditions proposed by trading standards (referred to above) and necessary to amend the proposed condition 4 to read "a Register of refused alcohol and cigarettes sales, which is clearly marked with the details of the premises, address and name of licence holder, shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council's authorised officers or the police."

The sub-committee also found it necessary to add a further condition whereby " A personal licence holder shall be present on the premises at all times when licensable activities are undertaken."

3. **Appeal Rights**

This decision is open to appeal by either

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

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

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

Issued by the Constitutional Team on behalf of the Strategic Director of Communities, Law & Governance.

Date: 30 June 2011



Mr Sawinder Singh &
Mr Naresh Kumar
BEST FOOD AND WINE
171 Queens Road
London
SE15 2ND

Licensing Unit
Direct Line: 0207525 0396
Direct Fax: 020 7525 5705

31 March 2013

Dear Mr Singh & Mr Kumar

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(BEST FOOD AND WINE, 171 Queens Road, London, SE15 2ND)**

On 28 March 2013 at 18:53 hours a Licensing Enforcement Officer carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officer also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. The Premises Licence (or certified copy) was not available at the premises.
Breach of Section 57(3) of the Licensing Act 2003.

If you have lost or damaged your Premises Licence you can order a new one by writing to the Licensing Unit at the address given below, and including a cheque (made payable to the London Borough of Southwark) or postal order for £10.50.

If you have your Premises Licence (or certified copy) please ensure that it is kept at the premises to be made available to authorised officers should they request to see it.

2. Staff training records with regards the 'Challenge 25' age identification policy established at the premises where not available for inspection. **This is in breach of condition 8AB on the premises licence.**
3. A register of refused sales with regards to the age identification policy established at the premises could not be produced. **This is in breach of condition 81A on the premise licence.**

Licensing Unit – Environmental Health & Trading Standards, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH **Switchboard** - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

4. A personal Licence holder was not on the premises when licensable activities were being undertaken. **This is in breach of condition 836 on the premises licence.**

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

It was also noted that a Fire Risk Assessment had not been devised in regards to the premises. In accordance with the **Regulatory Reform (Fire Safety) Order 2005** a Fire Risk Assessment is required in respect of the premises. Please find enclosed a booklet which gives guidance on how to undertake a Fire Risk Assessment.

Whilst it is not an offence under the Licensing Act 2003 not to have a Fire Risk Assessment, it is an offence under the Regulatory Reform (Fire Order) 2005. Please submit a Fire Risk Assessment to this office within 14 days.

If I do not receive a copy of the assessment within fourteen days from the date of this letter I will be notifying the Fire Brigade of this offence

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 0396 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Jayne Tear
Principal Licensing Officer
licensing@southwark.gov.uk

ENC: Age ID Training pack, refusal log, signage & Fire Risk Assessment advice booklet

Licensing Act 2003 Premises Licence



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

Premises licence number

834717

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
BEST FOOD AND WINE 171 Queens Road London SE15 2ND	
Ordnance survey map reference (if applicable), 176749535067	
Post town London	Post code SE15 2ND
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 08:00 - 23:00

Tuesday 08:00 - 23:00

Wednesday 08:00 - 23:00

Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

Part 2

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

Sawindar Sandhu Singh

[REDACTED]

Naresh Kumar

[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**

Naresh Kumar

[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 21/07/2011

.....
 Community Safety Enforcement
 Business Unit Manger
 Chaplin Centre
 Thurlow Street
 London SE17 2DG
 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

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

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

The above restrictions do not prohibit:

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

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

127 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

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

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

8AA The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

8AB All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

8AC Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

8AI A register of refused sales of alcohol and cigarettes sales, which is clearly marked with the details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police

836 A personal licence holder shall be on the premises at all times licensable activities are undertaken.

Annex 4 - Plans - Attached

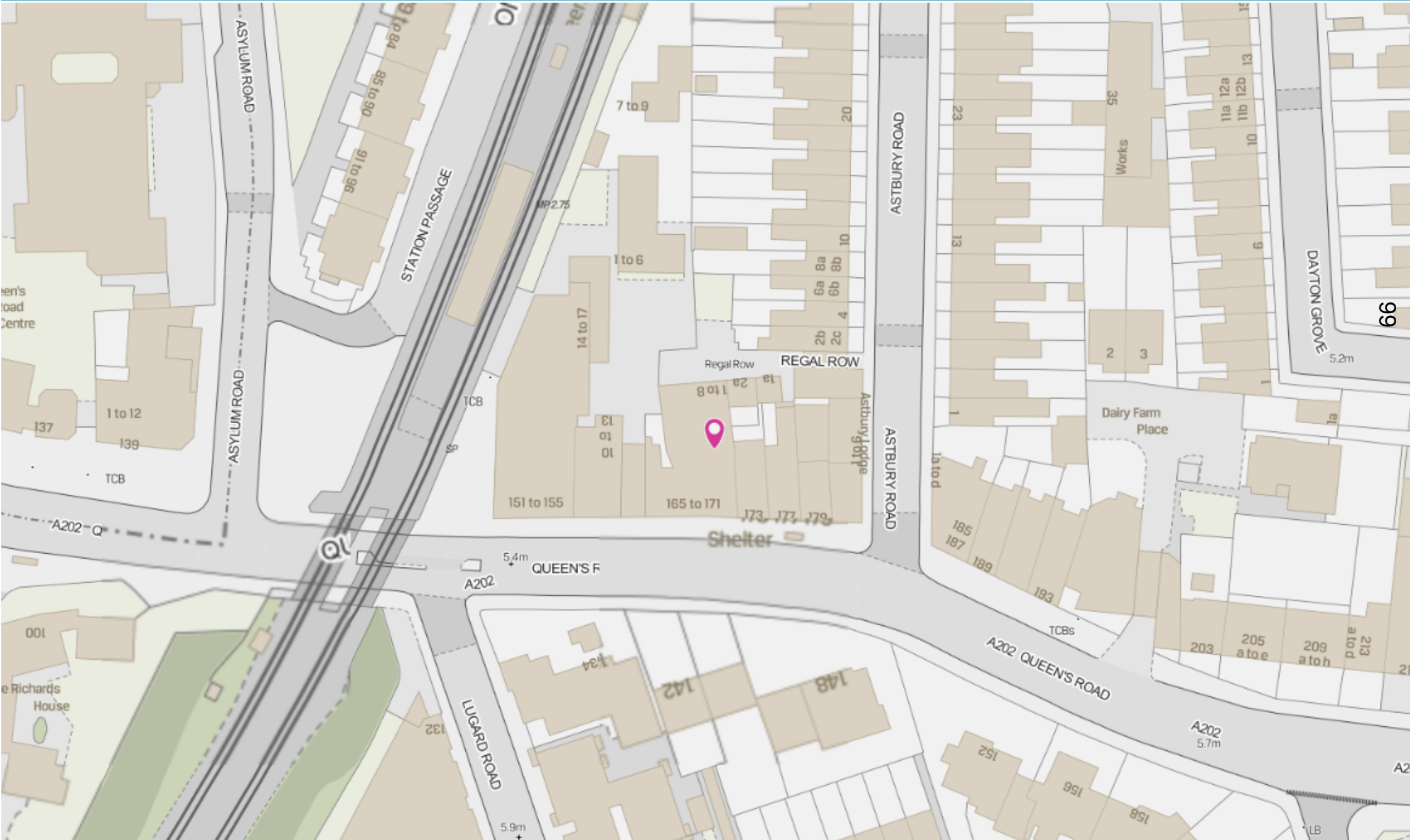
Licence No. 834717

Plan No. N/A

Plan Date August 2005



171, QUEENS ROAD, SE15 2ND



Item No. 7.	Classification: Open	Date: 4 May 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Belushi's & St Christopher's Village, 161- 165 Borough High Street, London SE1 1HR	
Ward(s) or groups affected:		Chaucer	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Interpub Limited to vary the premises licence under the Licensing Act 2003 in respect of the premises known as Belushi's & St Christopher's Village, 161 – 165 Borough High Street, London SE1 1HR.
2. Notes:
 - a) This application seeks to vary existing licensable activities/conditions held under current legislation in respect of the premises known as Belushi's & St Christopher's, 161 – 165 Borough High Street, London SE1 1HR under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from responsible authorities 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 and the current premises licence are attached as Appendices A and B.
 - c) Paragraphs 12 to 18 of this report deal with the representations received to the variation of premises licence application. Copies of the relevant representations are attached as Appendix C.
 - d) Paragraph 23 deals with licensed premises within a 100 metre 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 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 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. The current licence in respect of the premises was issued on 9 January 2017. It allows the following licensable activities:

Films

Sunday to Thursday from 07:00 to 03:00
Friday and Saturday from 07:00 to 04:00

Indoor Sporting Event

Sunday to Thursday from 07:00 to 03:00
Friday and Saturday from 07:00 to 04:00

Live Music

Sunday to Thursday from 07:00 to 03:00
Friday and Saturday from 07:00 to 04:00

Recorded Music

Sunday to Thursday from 07:00 to 03:00
Friday and Saturday from 07:00 to 04:00

Performance of Dance

Sunday to Thursday from 07:00 to 03:00
Friday and Saturday from 07:00 to 04:00

Entertainment similar to live/recorded music

Sunday to Thursday from 07:00 to 03:00
Friday and Saturday from 07:00 to 04:00

Late Night Refreshment

Sunday to Thursday from 23:00 to 03:00
Friday and Saturday from 23:00 to 04:00

Sale by retail of alcohol to be consumed on/off the premises

Sunday to Thursday from 07:00 to 02:00

Friday and Saturday from 07:00 to 03:00

Opening hours of the premises

Sunday to Thursday from 07:00 to 03:00

Friday and Saturday from 07:00 to 04:00

9. A copy of the existing premises licence is attached as Appendix B.

The variation application

10. On 14 March 2017 Interpub Limited applied to this Council to vary the premises licence in respect of the premises known as Belushi's & St Christopher's Village, 161 - 165 Borough High Street, London SE1 1HR. The application seeks to remove condition 307 from annex 2 of the premises licence:
- That the maximum number of persons that may be accommodated within the premises at any one time shall not exceed 527, comprising of 177 on the ground floor and 350 in the basement area of the premises.
11. The premises licence application form provides the applicant operating schedule. Part 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.

Representations from responsible authorities

12. Representations were submitted by the Metropolitan Police Service, licensing as a responsible authority, health and safety and public health.
13. The police representation states that no explanation is contained within the application for the removal of this condition or a condition stipulating the new accommodation limit and would like to see a limit to avoid overcrowding and problems associated with this. The limit should be set in conjunction with relevant legislation around fire safety and the technical standards for place of entertainment.
14. Licensing as a responsible authority are concerned that the application does not offer any explanation or reasons why they propose to remove the accommodation figures for the premises or address the licensing objectives, no alternative accommodation figures have been offered. They also offer a number of reasons why it is reasonable and proportionate to set maximum accommodation limits on premises licences to promote the licensing objectives.
15. The representation from health safety state that the existing accommodation limit will form part of the system of management of health and safety at the premises, and any variation will have an impact on the management of health and safety in areas such as safe capacity limits, prevention of localised over crowding, crowd control and management of work related violence. No supplementary paperwork or updated risk assessments have been submitted indicating how these risks will be managed in the absence of the agreed accommodation limit. The applicant has not stated under the licencing objectives how they would promote the licensing objectives in the absence of this agreed accommodation limit. They also note that the premises is in the saturation zone and so the removal of this condition may further impact on the effectiveness of the saturation zone.

16. Public health state that the condition is imposed to ensure the capacity of the venue remains at a safe level and the applicant has not provided an alternative condition as to what the new capacity limit would be.
17. Copies of the representations and responses received from the responsible authorities are attached as Appendix C.

Representations from other persons

18. There are no representations received from other persons.

Conciliation

19. The representations were forwarded to the applicant. The applicant's solicitor has submitted a response and also a fire risk assessment. These form part of Appendix C. The licensing sub committee will be notified of any updates on 4 May 2017.

Premises History

20. The premises licence was carried over from the Justices and music and dancing licenses in the 2005 transition, the premises licence was first issued on 29 May 2005.
21. There has since been subsequent applications for variation of DPs and minor variations to comply with refurbishment and changes made to the premises.

Temporary event notices (TENs)

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

No.	Date of event	Time of event and activities
1	15/6/2016	02:00 – 04:00 Alcohol and late night refreshment (LNR)
2	1/10/2016	04:00 – 08:00 Alcohol and LNR
3	9/11/2016	02:00 – 06:00 Alcohol and LNR
4	11/12/16	03:00- 04:00 Alcohol and LNR
5	6/2/17	02:00- 06:00 Alcohol and LNR
6	2/4/2017	03:00- 04:00 Alcohol and LNR
7	3/4/2017	02:00- 05:00 Alcohol and LNR

The local area

23. A map of the area is attached to this report as Appendix D. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the map has a 100-metre radius. The following licensed premises terminal hours are also shown on the map.
- Nelsons Café, 168 Borough High Street, London SE1 (Monday to Saturday until 00.30 and Sunday until 00.00)
 - Hiba 134-138 Borough High Street, London SE1 (Sunday to Thursday until 23.00 and Friday and Saturday until 00.00)
 - Roxy Bar & Screen, 128 Borough High Street, London SE1 (Sunday to Thursday until 23.30 and Friday and Saturday until 01.00)
 - Sainsbury's Local, 116 - 126 Borough High Street, London SE1 (24 hours)
 - Blue Eyed Maid, 173 Borough High Street, London SE1 (Monday to Saturday until 02:30 and Sunday until 01:30)
 - Hing Loong Chinese Restaurant, 159 Borough High Street, London SE1 (Monday to Saturday until 23.00 and Sunday until 22.30)
 - Borough Off Licence & Mini Market, 151 Borough High Street, London SE1 (Monday to Saturday until 23.00 and Sunday until 22.30)
 - Kings Arms, 65 New Comen Street, London SE1 (Monday to Saturday until 23.00 and Sunday until 22.30)
 - Tesco, 127 -143 Borough Street, London SE1 (Monday to Sunday until 23:00)
 - Premier Inn, 135 Borough High Street, London SE1 (Monday to Sunday until 01:00)

Deregulation of entertainment

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

Borough and Bankside cumulative impact zone

26. 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.
27. 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.
28. 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.
29. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

30. 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.
- 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.

31. 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.

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

- Closing time for Restaurants and Cafes: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours
- Closing time for Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.

Resource implications

33. A fee of £635 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 D.

Consultation

34. 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 similar notices exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

35. 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 governance

36. The sub-committee is asked to determine the application for a premises licence under section 34 of the Licensing Act 2003.
37. The principles which sub-committee members must apply are set out below.

Principles for making the determination

38. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
39. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
40. Relevant representations are those which
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
41. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation

Conditions

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

- The protection of children from harm.
44. 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.
 45. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
 46. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced 3 new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional 2 conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
 47. Members are also referred to the Home Office revised guidance on conditions.

Reasons

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

Hearing procedures

49. 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

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

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

51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
57. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

58. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood,

members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

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

Background documents

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

APPENDICES

Name	Title
Appendix A	Application
Appendix B	Premises Licence
Appendix C	Representations from responsible authorities and responses
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Dorcas Mills Principal Licensing Officer	
Version	Final	
Dated	21 April 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	21 April 2017	

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Interpub Limited

(Insert name(s) of applicant)

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

Premises licence number 856592

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Belushi's & St Christophers Village 161-165 Borough High Street			
Post town	London	Postcode	SE1 1HR
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£180,000.00		

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	1d Colet Gardens Hammersmith		
Post town	London	Postcode	W14 9DH

Part 3 - Variation



Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

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

DD		MM		YYYY			
┆	┆	┆	┆	┆	┆	┆	┆

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

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

To remove the following condition from annex 2 of the premises licence:

307 That the maximum number of persons that may be accommodated within the premises at any one time shall not exceed 527 (Five Hundred and Twenty Seven), comprising 177 (One Hundred and Seventy Seven) on the Ground Floor Bar and 350 (Three Hundred and Fifty) in the Basement Area of the premises.

All other conditions to remain unaltered.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick all that apply**

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

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

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

307 That the maximum number of persons that may be accommodated within the premises at any one time shall not exceed 527 (Five Hundred and Twenty Seven), comprising 177 (One Hundred and Seventy Seven) on the Ground Floor Bar and 350 (Three Hundred and Fifty) in the Basement Area of the premises.

Please tick as appropriate

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

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

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

M

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

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

As per the existing premises licence.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 11)

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

Signature	
Date	13.03.2017
Capacity	Solicitor to applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Luke Elford
TLT Solicitors
One Redcliff Street

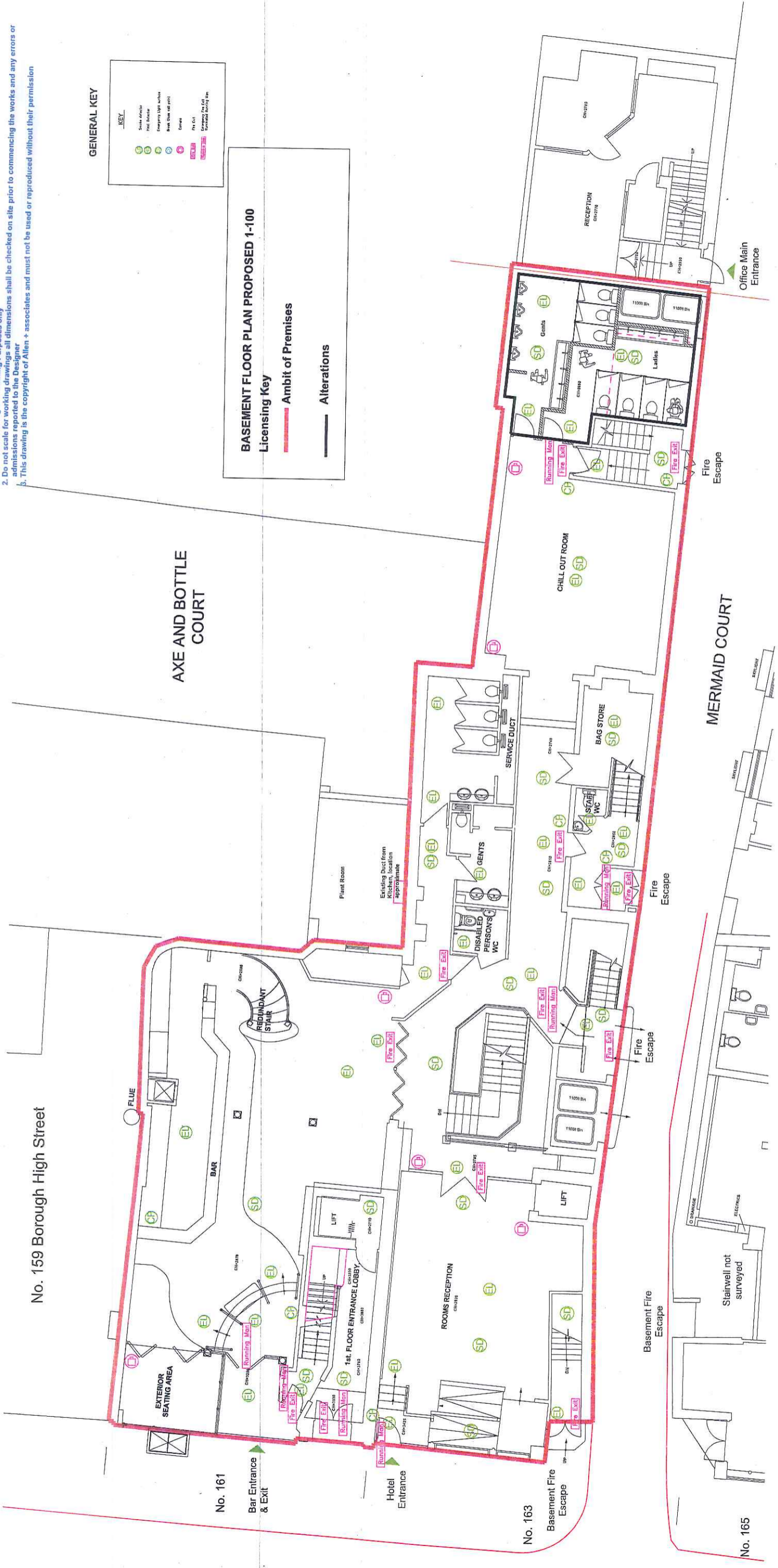
Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)	0333 006 1358		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
luke.elford@tltsolicitors.com			

Notes for Guidance

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

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

- 1. Scale this drawing for Planning Purposes only
- 2. Do not scale for working drawings all dimensions shall be checked on site prior to commencing the works and any errors or admissions reported to the Designer
- 3. This drawing is the copyright of Allen + associates and must not be used or reproduced without their permission



GENERAL KEY

- Smoke Detector
- Fire Detector
- Emergency Light
- Area Over 100 sqm
- Code
- Fire Exit
- Fire Escape
- Fire Extinguisher

BASEMENT FLOOR PLAN PROPOSED 1-100

Licensing Key

- Ambit of Premises
- Alterations

ALLEN+associates
-design+manage

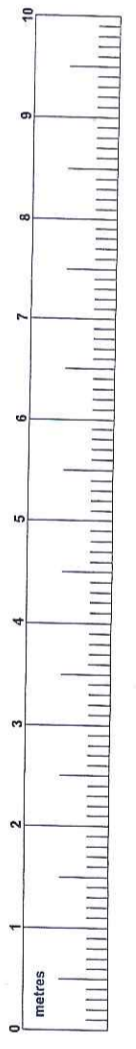
BEDS AND BARS LTD
BELUSHIS

161-165 BOROUGH HIGH ST
SE1 1HR

284

GROUND FLOOR PLAN PROPOSED
LICENSING

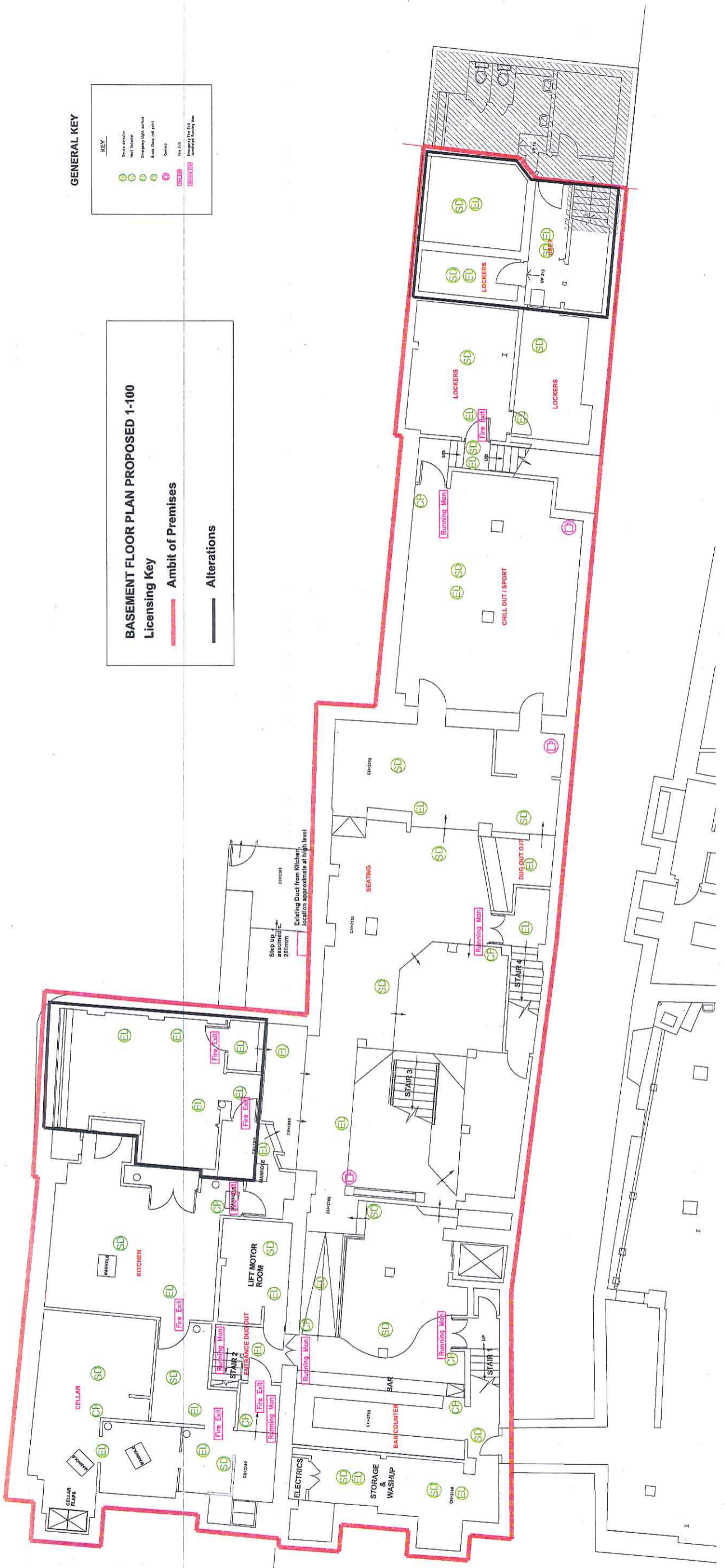
DATE: 16 SEP 16
SCALE: 1:150 @ A2



1/150

PROPOSED GROUND

1. Scale this drawing for Planning Purposes only
2. Do not scale for working drawings all dimensions shall be checked on site prior to commencing the works and any errors or admissions reported to the Designer
3. This drawing is the copyright of Allen + associates and must not be used or reproduced without their permission



GENERAL KEY

KEY	
(Green circle with 'E')	Smoke Extractor
(Green circle with 'F')	Fire Exit
(Green circle with 'S')	Emergency Light Surface
(Green circle with 'A')	Blank Draw out post
(Green circle with 'C')	Chairs
(Green circle with 'T')	TV Set
(Green circle with 'R')	Running Man
(Green circle with 'M')	Manicure
(Green circle with 'B')	Bar
(Green circle with 'W')	Washup
(Green circle with 'L')	Lockers
(Green circle with 'K')	Kitchen
(Green circle with 'ELECT')	Electrics
(Green circle with 'STOR')	Storage & Washup
(Green circle with 'CELL')	Cellar
(Green circle with 'LIFT')	Lift Motor Room
(Green circle with 'SEAT')	Seating
(Green circle with 'CHILL')	Chill Out / Sport
(Green circle with 'MENS')	Mens
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(Green circle with 'SHOWERS')	Showers
(Green circle with 'CLOSETS')	Closets
(Green circle with 'DRESSING')	Dressing
(Green circle with 'TOILETS')	Toilets
(Green circle with 'STAIRS')	Stairs
(Green circle with 'LIFT')	Lift
(Green circle with 'ELECTRICAL')	Electrical
(Green circle with 'PLUMBING')	Plumbing
(Green circle with 'MECHANICAL')	Mechanical
(Green circle with 'FIRE')	Fire
(Green circle with 'SMOKE')	Smoke
(Green circle with 'DRAINAGE')	Drainage
(Green circle with 'VENTILATION')	Ventilation
(Green circle with 'AC')	AC
(Green circle with 'HEATING')	Heating
(Green circle with 'SOUND')	Sound
(Green circle with 'LIGHTING')	Lighting
(Green circle with 'FLOORING')	Flooring
(Green circle with 'PAINTING')	Painting
(Green circle with 'GLAZING')	Glazing
(Green circle with 'ROOFING')	Roofing
(Green circle with 'CONCRETE')	Concrete
(Green circle with 'MASONRY')	Masonry
(Green circle with 'WOODWORK')	Woodwork
(Green circle with 'MECHANICAL ELECTRICAL PLUMBING')	MEP
(Green circle with 'STRUCTURAL')	Structural
(Green circle with 'ENVIRONMENTAL')	Environmental
(Green circle with 'ENERGY EFFICIENCY')	Energy Efficiency
(Green circle with 'ACCESSIBILITY')	Accessibility
(Green circle with 'SUSTAINABILITY')	Sustainability
(Green circle with 'SMART BUILDING')	Smart Building
(Green circle with 'BIO-CLIMATE')	Bio-climate
(Green circle with 'NET ZERO')	Net Zero
(Green circle with 'CIRCULAR ECONOMY')	Circular Economy
(Green circle with 'GREEN BUILDING')	Green Building
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(Green circle with 'BREEAM')	BREEAM
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(Green circle with 'Fitwel')	Fitwel
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BASEMENT FLOOR PLAN PROPOSED 1-100
Licensing Key

— Ambit of Premises (Red line)

— Alterations (Black line)

ALLEN+associates
 design+manage

ALLEN + ASSOCIATES LTD
 BELUSHIS

Office 1.1
 161-165 BOROUGH HIGH ST
 SET THR

100% RENT FREE

161-165 BOROUGH HIGH ST
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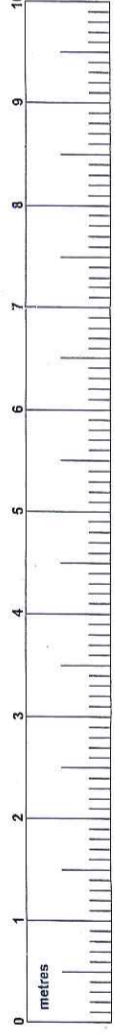
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1/50

PROPOSED BASEMENT

Licensing Act 2003 Premises Licence



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

Premises licence number

856592

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Belushis & St Christophers Village 161-165 Borough High Street London SE1 1HR	
Ordnance survey map reference (if applicable), 179939532548	
Post town London	Post code SE1 1HR
Telephone number 020 7939 9710	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Films Indoor Sporting Event Live Music Recorded Music Performance of Dance Entertainment Similar to live/recorded music Late Night Refreshment Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 07:00 - 03:00
Tuesday 07:00 - 03:00
Wednesday 07:00 - 03:00
Thursday 07:00 - 03:00
Friday 07:00 - 04:00
Saturday 07:00 - 04:00
Sunday 07:00 - 03:00

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

Sale by retail of alcohol to be consumed on premises

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

Films

Monday	07:00 - 03:00
Tuesday	07:00 - 03:00
Wednesday	07:00 - 03:00
Thursday	07:00 - 03:00
Friday	07:00 - 04:00
Saturday	07:00 - 04:00
Sunday	07:00 - 03:00

Indoor Sporting Event

Monday	07:00 - 03:00
Tuesday	07:00 - 03:00
Wednesday	07:00 - 03:00
Thursday	07:00 - 03:00
Friday	07:00 - 04:00
Saturday	07:00 - 04:00
Sunday	07:00 - 03:00

Live Music

Monday	07:00 - 03:00
Tuesday	07:00 - 03:00
Wednesday	07:00 - 03:00
Thursday	07:00 - 03:00
Friday	07:00 - 04:00
Saturday	07:00 - 04:00
Sunday	07:00 - 03:00

Recorded Music

Monday	07:00 - 03:00
Tuesday	07:00 - 03:00
Wednesday	07:00 - 03:00
Thursday	07:00 - 03:00
Friday	07:00 - 04:00
Saturday	07:00 - 04:00
Sunday	07:00 - 03:00

Performance of Dance

Monday	07:00 - 03:00
Tuesday	07:00 - 03:00
Wednesday	07:00 - 03:00
Thursday	07:00 - 03:00
Friday	07:00 - 04:00
Saturday	07:00 - 04:00
Sunday	07:00 - 03:00

Entertainment Similar to live/recorded music

Monday	07:00 - 03:00
Tuesday	07:00 - 03:00
Wednesday	07:00 - 03:00
Thursday	07:00 - 03:00
Friday	07:00 - 04:00
Saturday	07:00 - 04:00
Sunday	07:00 - 03:00

Late Night Refreshment

Monday	23:00 - 03:00
Tuesday	23:00 - 03:00
Wednesday	23:00 - 03:00
Thursday	23:00 - 03:00
Friday	23:00 - 04:00
Saturday	23:00 - 04:00
Sunday	23:00 - 03:00

Sale by retail of alcohol to be consumed on premises

Monday	07:00 - 02:00
Tuesday	07:00 - 02:00
Wednesday	07:00 - 02:00
Thursday	07:00 - 02:00
Friday	07:00 - 03:00
Saturday	07:00 - 03:00
Sunday	07:00 - 02:00

Sale by retail of alcohol to be consumed off premises

Monday	07:00 - 02:00
Tuesday	07:00 - 02:00
Wednesday	07:00 - 02:00
Thursday	07:00 - 02:00
Friday	07:00 - 03:00
Saturday	07:00 - 03:00
Sunday	07:00 - 02:00

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

Interpub Ltd
Overlord House
1D Colet Gardens
Hammersmith
London
W14 9DH
020 8600 5210

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

01327896

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

Kelsey Brennan
[REDACTED]
[REDACTED]
[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 OUT OF LONDON

Licence Issue date 08/12/2016

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

Annex 1 - Mandatory conditions

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

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

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

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

107 Any individual carrying out security activities at the premises must be licensed by the Security Industry Authority. This does not apply where the premises are being used primarily as a Qualifying Club under a Club Premises Certificate, under a Temporary Event Notice, or primarily as a cinema, restaurant or theatre

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

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

(a) a holographic mark; or

(b) an ultraviolet feature.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: 1/2 pint;

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

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

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence;

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

109 Alcohol shall not be sold or supplied except during permitted hours. This licence also allows for the sale or supply of alcohol for non standard timings on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

110 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only which is produced solely by the reproduction of recorded sound is permitted.

111 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain;

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

289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of twenty-eight days

290 That one Security Industry Authority licensed Door Supervisor shall be employed with a counting device from 2200 hours to control admissions and and departures from the premises when only recorded music is provided on the premises

291 That two Security Industry Authority licensed Door Supervisors shall be employed with a counting device from 2200 hours to control admissions to and departures from the premises when live entertainment is provided on the premises such as DJs or live bands

307 That the maximum number of persons that may be accommodated within the premises at any one time shall not exceed 527 (Five Hundred and Twenty Seven), comprising 177 (One Hundred and Seventy Seven) on the Ground Floor Bar and 350 (Three Hundred and Fifty) in the Basement Area of the premises

309 That all musicians and DJs must play electrically amplified music/audio/PA through a sound cut out device. The cut-out device shall be maintained at levels set to the satisfaction of the Council's Noise Team

310 That all doors excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever public entertainemnt is being provided upon the premises

311 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner

312 That no parts of the outside curtilage, including the patio area, shall be used for the purpose of entertainment

313 That there shall be no movement of musical or amplification equipment, to or from the premises, between the hours of midnight and 08.00

314 That no additional free-standing or wall mounted entertainemnt equipment will be installed without submission of detailed proposals to the Council's Noise team

315 That the Front Terrace will be closed at 2300 hours each day

325 That after 2100 hours children under 16 shall not be admitted in any area where alcohol is sold and consumed

326 That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council

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

328 That all staff employed to sell or supply alcohol shall be 18 years of age or over

329 That 'Retailer Alert Bulletins' issued by the Portman Group under the Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks shall be complied with

330 That a soft drinks pricing policy shall be compiled intended to ensure that consumption of soft drinks by young people is not discouraged. The policy and revisions to the policy shall be provided to the Council's Trading Standards Service

333 That an age identification scheme shall be established and maintained. The scheme shall

a. Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to responsible staff to be under the age of 16 who is attempting to gain admission to any area where alcohol is sold or consumed after 21.00

b. Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

339 That the alternative escape route through 163 Borough High Street, including all public safety precautions, shall be under the direct control of the licensees at all times that the licence is in use

340 The premises air conditioning system shall be maintained in good working order

341 That the drinking areas shall be as shown on the plans attached to this licence

342 Additional non standard timing condition from special hours certificate;

Monday - Saturday until 02:00am Sundays until 00:30am on a Monday morning or 02:00am if the the Monday is a Bank Holiday, except Easter Monday.

343 Where the premises are used by an external promoter of a live performer, including musicians, DJs, MCs or other artists a Promotion/Event Risk Assessment (Form 696) or equivalent shall be completed and sent to the Metropolitan Police not less than 14 Days, or such a period as may be agreed by the Police, before the use by the promoter is due to take place.

344 Following the use of the premises by an external promoter, Form 696 or equivalent, having been completed, then within 14 days of the conclusion of the date of the use, a Promotion/Risk Assessment (Form 696A) or equivalent, shall be completed and sent to the Metropolitan Police.

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

Annex 4 - Plans - Attached

Licence No. 856592

Plan No. L2-2 A L1-2 A

Plan Date SEPT 16



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/ 2938/17

Date: 11/04/2017

Dear Sir/Madam

Re:- Belushis & StChristophers Village

Police are in possession of an application from the above for a variation to the premises licence. The application request the removal of condition 307 on the licence which stipulates the accommodation limit allowed within the premises. The current Operating hours for the venue are as follows.

Opening Hours	
Sun – Thurs	0700hrs - 0300hrs
Fri - Sat	0700hrs - 0400hrs

No explanation is contained within the application for the removal of this condition or a condition stipulating the new accommodation limit. We would like to see a limit to avoid overcrowding and problems associated with this. The limit should be set in conjunction with relevant legislation around fire safety and the technical standards for place of entertainment.

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

Yours Sincerely

Pc Graham White 288MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

MEMO: Licensing Unit

To Licensing **Date** 07 April 2017

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject Belushis & St Christophers Village, 161-165 Borough High Street SE1 1HR

I make this representation with regards to the variation application for a premises licence by Interpub Limited for the premises Belushis & St Christophers Village, 161-165 Borough High Street SE1 1HR.

My representation is based on the licensing objective for the promoting public safety, the prevention of crime and disorder and the prevention of public nuisance.

The application seeks to remove condition 307 from the premises licence that relates to the accommodation limits for the separate sections/rooms of the premises.

- 307 - That the maximum number of persons that may be accommodated within the premises at any one time shall not exceed 527 (Five Hundred and Twenty Seven), comprising 177 (One Hundred and Seventy Seven) on the Ground Floor Bar and 350 (Three Hundred and Fifty) in the Basement Area of the premises

The application does not offer any explanation or reasons why they propose to remove the accommodation figures for the premises or address the licensing objectives, no alternative accommodation figures have been offered.

There are a number of reasons why it is reasonable and proportionate to set maximum accommodation limits on premises licences to promote the licensing objectives.

- Floor space and usage – setting maximum accommodation figures based on floor space and usage helps prevent overcrowding issues that can lead to crushing injuries or trip hazards, also assisting with crowd control to prevent disorder issues associated with overcrowding.
- Localised maximum capacity figures – setting maximum capacity figures for individual areas and rooms help to prevent localised crushing problems, particularly in premises where one particular area is the main draw for patrons and other areas are less used, fill the venue to a single capacity figure could created localised overcrowding in the main draw area.
- Ventilation – setting maximum setting maximum accommodation figures based on the ventilation, heating and cooling for the premises helps ensure that adequate fresh air for the number of person present can be maintained reducing injury from a lack of oxygen, particularly with patrons who may have pre-existing respiratory problems.

- Heating and cooling – maintaining the optimal temperature for premises, particularly where active participation such as dancing is involved, not only provides patron comfort but helps to prevent overheating problems with patrons such as heat stress.
- Sanitary accommodation – restricting the accommodation in line with the sanitary accommodation provided not only assists with patron comfort and prevent excessive queuing, but helps prevent public nuisance from patrons from using the outside areas, streets and doorways to urinate when they cannot access the premises toilets in time due to under provision.

I note that the plans to the premises were changed in 2016, if it is the opinion of the applicant that the current accommodation figures do not reflect the current layout of the premises then I would recommend that, rather than just removing the current condition, the applicants work out the new maximum accommodation figures for each area and submit this to promote the licensing objectives.

The Technical Standards for Places of Entertainment <http://www.technical-standards-for-places-of-entertainment.co.uk/> can provide technical guidance for setting maximum accommodation figures, for smaller premises the document “RU SAFE?” is an introductory guide free to download from <http://www.rusafe.org.uk/> may give sufficient guidance.

David Franklin
Licensing Authority as a Responsible Authority

From: Farrington, Ian
Sent: Thursday, March 30, 2017 4:04 PM
To: Tahir, Sarah; Regen, Licensing
Cc: Tear, Jayne
Subject: RE: RE: Belushis, 161 - 165 Borough High Street, LDO = 11/04/2017

Dear Licensing Team,

I write in relation to the above application to vary an existing Licence - LDO 11/4

I wish to make an objection on the grounds of Public Protection:-

The applicant has not offered any justification for the removal of the accommodation limit, nor have they proposed an alternative condition to replace the agreed accommodation limit.

The existing accommodation limit will form part of the System of Management of Health and Safety at the premises, and any variation will have an impact on the management of health and safety in areas such as; safe capacity limits, prevention of localised over crowding, crowd control and management of work related violence. No supplementary paperwork or updated risk assessments have been submitted indicating how these risk will be managed in the absence of the agreed accommodation limit.

The applicant has not stated under the licencing objectives how they would promote the licensing objectives in the absence of this agreed accommodation limit.

The premises is in the saturation zone and so the removal of this condition may further impact on the effectiveness of the saturation zone.

Kind Regards

Ian Farrington - Principal Enforcement Officer (Health and Safety)

Postal address:Community Safety & Enforcement, Floor 3, Hub 1, PO Box 64529, London SE1P 5LX

Office Address (for meetings and deliveries), 160 Tooley Street, London, SE1 2TZ

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Monday, April 10, 2017 9:53 AM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: RE: Belushis, 161 - 165 Borough High Street, LDO = 11/04/2017

To whom it may concern:

Re: Belushis, 161-165 Borough High Street, London SE1 1HR

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

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

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

General Comments

The applicants requests a variation to their current licence to remove condition 307: 'That the maximum number of persons that may be accommodated within the premises at any one time shall not exceed 527 (Five Hundred and Twenty Seven), comprising 177 (One Hundred and Seventy Seven) on the Ground Floor Bar and 350 (Three Hundred and Fifty) in the Basement Area of the premises'. This condition is imposed to ensure the capacity of the venue remains at a safe level and the applicant has not provided an alternative condition as to what the new capacity limit would be.

Recommendations

- I recommend this application is rejected

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

Yours faithfully,

Carolyn Sharpe
on behalf of Professor Kevin Fenton, Director of Health and Wellbeing (incorporating the role of Director of Public Health)

TLT LLP

20 Gresham Street
 London EC2V 7JE
 T +44 (0)333 006 0300
 F +44 (0)333 006 0311
 DX 431 London Chancery Lane

www.TLTsolicitors.com

Our ref 303L/JS21/053384/000145
 Your ref



Mr Ian Farrington; PC Graham White;
 Mr David Franklin and Ms Carolyn Sharpe

**By email only to: Ian.Farrington@Southwark.gov.uk;
SouthwarkLicensing@met.police.uk; David.Franklin@Southwark.gov.uk; and
Dorcas.Mills@Southwark.gov.uk (for onward transmission to Ms Sharpe)**

Direct tel	+44 (0)333 006 1357	Date	12 April 2017
Direct fax	+44 (0)333 006 0011	Email	julian.skeens@tltsolicitors.com

Dear Sirs and Madam

**Belushis and St Christophers Village - 161 to 165 Borough High Street, London SE1 1HR
 - Application to vary a premises licence**

Given the common theme which runs through your separate representations, we hope that you do not think it discourteous to address them collectively.

May we start by explaining some of the history to this application? These premises have been licensed for a considerable amount of time. The present licence was issued by Southwark Borough Council on conversion under the Licensing Act 2003, when the Council was obliged to issue a new Premises Licence in exchange for the old, with the old conditions endorsed upon it.

Following the relatively recent grant of planning consent, an application was made for a variation of the Premises Licence. This was granted and the varied licence issued on 8 December 2017. When it was received, we were surprised to find that condition 307 was still included. Our research and instructions had suggested that the condition had been put on the old licence as a result of representations from the Fire Service. If we had been right, condition 307 should have been removed from the varied licence under The Regulatory Reform (Fire Safety) Order 2005 Article 43 (the order), which is why we included a request in the notice of application for a variation that:

“any conditions that ought to be removed as a result of the Regulatory Reform (Fire Safety) Order should be removed from the Premises Licence as part of this variation”.

The order came into force on 1st October 2006 and stated that:



"any term, condition or restriction imposed by the Licensing Authority has no effect insofar as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under this order".

Guidance issued at that time advised that such conditions should be ignored on a Premises Licence until such time as the licence was varied or a duplicate issued when the premises licence could be issued without the "offending" condition.

We therefore wrote to the Principal Licensing Officer, inviting her to remove condition 307. She replied, possibly with better records than our own, that the condition had not been imposed purely at the request of the Fire Authority and therefore the condition must remain on the Premises Licence.

This caused a problem because the approved changes to the layout of the licensed premises rendered the capacities set out in condition 307 inappropriate. If condition 307 was to remain on the licence, condition 307 should have been amended at the same time as the approval was given to the changes to the layout, it wasn't.

May we now address the fact that we have not suggested a replacement condition. As you will know all businesses now have to undertake risk assessments and operate in accordance with those risk assessments.

The latest Fire Safety Strategy and Risk Assessment has been prepared by Fire Skills Limited. At Appendix A, a safe occupancy calculation has been made in respect of the ground floor and basement accommodation following the approved changes to the layout of the premises, and we enclose both documents.

You will see at item 2.1 of the Appendix that the "exit capacity" i.e. the number of people that can be safely evacuated from the premises (which rely principally on the widths of exits) is 330 persons. The "space capacity" is 329 which would include a maximum of 39 staff. As you will be aware when assessing capacities as a Licensing Authority, staff should be excluded from the calculation on the basis that they will be trained and will assist in the safe evacuation should that need arise. It is thought inappropriate to ask operators to decide whether they can cut down on staff and allow an extra paying guest to be accommodated. Licensed premises should have more supervision not less.

In relation to the ground floor the "safe exit capacity" is either 560 or 550 (and we will therefore use 550). The document then deals with the amount of space available on the ground floor and concludes that 470 persons can be accommodated at any one time.

The premises licence holder will therefore be required to operate within those capacities of 470 for the ground floor and 329 for the basement.

Guidance advises amongst other things that there should not be duplication, in particular, in repeating restrictions from other legislation which is why we have not invited the Council's Licensing Committee to impose a condition duplicating the risk assessment, the premises licence holder must comply with the assessment in any event.

With the benefit of hindsight it might have been helpful if we had written to you explaining the above; we apologise for not having thought of that when lodging this application for variation. We hope it helps now.

Our position is therefore that we do not think that condition 307 should be amended with the new capacities substituted. Nor would it be appropriate to substitute it with a condition requiring compliance with a risk assessment

Perhaps we should mentioned that the toilet provision exceeds the approved maximum "space occupancy". In view of that, and in the spirit of compromise, may we suggest entirely on a without prejudice basis the following condition:

"No more than 799 patrons shall be accommodated on the ground and basement areas."

If you would like to discuss any of the above please do not hesitate to contact the writer.

Yours sincerely


Julian Skeens
Partner
for TLT LLP

enc Fire risk assessment



Fire Safety Strategy

St Christopher's Village

161 to 165 Borough High Street

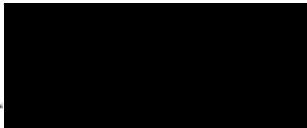
London SE1 1HR

Prepared on behalf of: Beds and Bars Ltd

V2.1

21 February 2017

NOTE: This report should not be manipulated, changed or presented without the consent of FireSkills Ltd

	<p>Prepared by: Mr R Hedger</p> <p>BSC (Hons), MIFireE Fire Safety Engineer TecFire Ltd</p> <p>Signature: </p>
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Version and review history table

Version	Date	Changes made
1.0	03/02/17	Draft issued
2.0	17/02/17	Document issue
2.1	21/02/17	Amendment to front page and inclusion of Occupancy calculation for Ground and Basement as Appendix A



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Terms and Definitions

- **BS:** British Standard
 - **Compartment:** Space defined by fire resisting boundary elements.
 - **Combustible:** A material capable of been ignited or burned
 - **Combustion:** Exothermic reaction of a substance with an oxidizing agent.
 - **Escape time:** time interval between the time of a warning of fire being transmitted to the occupants and the time at which the occupants of a specified part of a building or all of the building are able to enter a place of safety.
 - **Fire risk:** product of: probability of occurrence of a fire to be expected in a given technical operation or state in a defined time; and consequence or extent of damage to be expected on the occurrence of a fire
 - **Fire scenario:** Set of circumstances, chosen as an example, that defines the development of fire and the spread of combustion products throughout a building or part of a building.
 - **Natural ventilation:** Ventilation resulting from the exploitation of the thermal buoyancy of the smoky gases to exhaust them to be replaced at inlets by ambient air.
 - NOTE These are usually based upon the design fire burning steadily at its largest size.
 - **Place of safety:** location that is free from danger and from which it is possible to move freely without threat from a fire.
 - **Purpose Group;** A classification of a building according to the purpose to which it is intended to be used; example Office, Industrial...
 - **RSET:** Required Safe Escape Time
- * **Note:** *BS EN ISO 13943:2010 (Fire Safety Vocabulary) should be referred to for any clarification necessary*



1 Introduction

1.1 Fire Engineering

Fire Engineering is the application of scientific and engineering principles. Expert judgment is used, based on an understanding of the reactions of materials to fire and human behaviour in a fire, to develop unique fire safety solutions to protect people, property and the environment from the destructive effects of fire.

1.2 Scope

The purpose of this report is to analyse the fire precautions for the proposed extension of accommodation on the second, third, fourth and fifth floor of No. 161 Borough High street; the change of use of the upper floors of No. 161 Borough High street from office accommodation to sleeping accommodation and the renovation of numbers 163 and 165 Borough High Street.

This report identifies the measures needed to meet the functional requirements of the Building Regulations 2010 and The Regulatory Reform [Fire Safety] Order 2005 only.

Property protection and business continuity are not covered within this report. Where measures exceed the requirements for compliance with the FSO, the minimum standard required to comply will be stated unless the over provision of the measure is to be used to compensate for a deficiency elsewhere. Where this is the case, the interaction will be described.

1.3 Statutory Requirements

1.3.1 The Building Act 1984

The Building Act 1984 is the principal legislation, which enables the control of all building work within England and Wales. The principal function of the Act is to:

- Protect the health, safety and welfare of persons in and around buildings
- To conserve fuel and power
- To promote the use of sustainable development
- To prevent the waste, undue consumption and contamination of water
- To help prevent and detect crime

1.3.2 The Building Regulations 2010

The Building Regulations 2010 are created under the powers of The Building Act 1984.

The function of the 2010 regulations is to:

- Control the design and construction of buildings
- Control the provision of services, fittings and equipment in relation to the construction of building work

1.3.3 The Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005 is an order to provide powers to regulate the provision of fire precautions in premises throughout England and Wales. Its effect has been to consolidate previous fire legislation. The Order is applicable to nearly all commercial buildings,



structures, open spaces and the common parts of residential buildings. The Order requires any person who has a level of control within a building to take reasonable steps to reduce the risk from fire and to ensure that people can safely escape from the building in the event of a fire.

To meet the relevant requirements of the Order, the responsible person must carry out a suitable fire risk assessment and, using the significant findings of the assessment, provide suitable fire precautions to enable the safe occupation of the building, structure or open space. The risk assessment is a living document that should be up to date at all times and take into account any changes within the building, structure or open space.

A Fire Risk Assessment should be carried out;

- On the completion of the building process, and before the building becomes occupied
- When any changes occur such as changes in the use or occupancy of the building, any building work or process changes.
- Annually, if not reviewed due to the above.



2 Project Characteristics

2.1 General

St Christophers Village is an existing seven storey premises consisting of three adjoining terraced properties. The three properties are currently internally connected at basement and ground floor levels to form a single premise. The basement and ground floors are used as Bar and Restaurant accommodation and incorporate the reception and access to hostel accommodation on the floors above.

First, second and third floors are currently used as high density hostel accommodation and are provided with two fire escape stairs; one stair to the rear of No. 163 (stair 3), the other to the left side of No. 165 (stair 2) which has been provided with a pressurisation smoke control system conforming to BS12101 part 6 (see report 1702: 28/07/16). Both stairs exit directly to open air, in Mermaid Court at ground floor level.

The fourth floors of 163 and 165 are currently used as staff accommodation and are accessed by a separate stair running from third to fourth floor only. The fifth-floor level is currently roof void over No's 163 and 165. No. 161 is currently used as office accommodation from first to fourth floor levels, served by a single stair (stair 1) and is fully separated from the adjacent properties other than at basement and ground levels.

The proposed re-development will extend the area of accommodation available within 161 Borough High Street and connect the upper floors of 161 Borough High Street with the upper floors of 163 and 165 Borough High Street to enlarge the area available for use as a hostel accommodation. An additional fifth floor level is to be added over the front portion of all three properties, with hostel accommodation being extended to the fourth and fifth floors. To provide adequate means of escape for the additional hostel accommodation, the existing stairs in No. 161 and 165 are to be extended to the fifth floor.

2.2 Occupant Characteristics

The premises will be mixed use on completion of the renovation project.

The basement and ground floors will be predominantly put to use as Bar and Restaurant accommodations, purpose group 4: Shop and commercial [ADB, Table D1], while the first, second, third fourth and fifth floors will be put to use as Hostel accommodation, purpose group 2b: Residential Other(2b) [ADB, Table D1].

Staff and guests are expected to be predominantly fit active individuals, however the renovation will include provision of measures to facilitate the accommodation of disabled people, both in accessing services and in safely evacuating in the event of a fire.

2.3 Evacuation Strategy

The evacuation strategy is to be based on full simultaneous evacuation. On activation of the fire detection system in any part of the premises, all occupants will be alerted and start to evacuate immediately to a place of safety.



2.4 Guidance

Approved Document B: Buildings other than dwelling houses Volume 2, (2013) UK: TSO is the primary guidance document used in this report and where departures are necessary Fire Engineering will be used as a methodology to show compliance.

2.5 Drawing Plans Schedule

All quoted plans are as supplied by the client. The refurbishment is divided into two projects. Plans for the basement and ground floor refurbishment are provided by Allen Associates (AA) while plans for the extension and refurbishment of the hostel accommodation on the upper floors are provided by Daniel Hurd Associates (DHA).

Drawing Number	Description	Revision	By
642 / 140	Proposed Basement Plan	Rev F	DHA
642 / 141	Proposed Ground Floor Plan	Rev F	DHA
642 / 142	Proposed First Floor Plan	Rev N	DHA
642 / 143	Proposed Second Floor Plan	Rev L	DHA
642 / 144	Proposed Third Floor Plan	Rev L	DHA
642 / 145	Proposed Fourth Floor Plan	Rev K	DHA
642 / 146	Proposed Fifth Floor Plan	Rev L	DHA
264 / P01	Proposed ground floor GA Plan	Rev F	AA
264 / P03	Dugout plan GA inc reflected fire strategy & A/C		AA

Table 1: Drawing Plans Schedule



3 Means of Warning and Escape

Schedule 1 of the Building Regulations requires the following functional requirement to be met in respect of B1, means of warning and escape;

“The Building shall be designed and constructed so that there are appropriate provisions for the early warning of fire, and appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times”

3.1 General

This part of the report deals with the requirements for means of escape for the Hostel accommodation to be provided on the first second, third, fourth and fifth floors of the premises. The requirements for means of escape for the ground and basement bar areas have previously been detailed in a Technical Note entitled “Occupancy calculation for: The Village, 161 – 165 Borough High Street, Southwark, London SE1 1HR” dated 21 August 2016. A copy of this Technical Note has been included as Appendix A of this report.

3.2 Means of escape - Vertical

Vertical means of escape for the hostel accommodation on the 1st to 5th floors is provided by 3 stairs:

- Stair 1 is situated to the front of 161 Borough High Street;
- stair 2 is situated to the front of 165 Borough High Street and
- stair 3 is situated to the rear of 163 Borough High Street.

All three stairs are enclosed within 30-minute fire resisting construction at all levels. All doors accessing the stair enclosures are 30-minute fire resisting doors with overhead self closing devices. All doors are equipped with cold smoke seals and intumescent fire seals.

All three stairs offer final exit direct to fresh air at street level.

Additional fire protection is provided to stair 2 by the installation of a pressurisation smoke control system conforming to the British Standard BS12101 part 6 to prevent smoke from a fire entering the stair and preventing occupants from using the stair to evacuate safely. (See section 3.3 for the specification of this system).

Table 2 below shows the exit capacities of the three stairs serving the upper floors.

Stair	Minimum width	Stair Capacity ADB [1]	Stair capacity per floor [2]
Stair 1	1050mm	360	200
Stair 2	950mm	245	125
Stair 3	1100mm	380	220

Table 2: Current stair capacity

[1] ADB Table 7: capacity of stairs for simultaneous evacuation of the building. Analysis of the figures given in table 7 of the ADB shows that for both 1000mm stairs and 1100mm stairs, 40 people are accommodated on each floor level the stair passes through, in addition to the capacity quoted for a single floor. The capacity of the 1050 stair has therefore been calculated by adding 40 persons per floor level served by the stair, while the capacity of the



950mm stair has assumed a lower figure of 30 people per floor level, based on personal observation.

[4] ADB Table 6 'Minimum widths of escape stairs' allows for a minimum escape stair width of 800mm for which an escape capacity of 50 is allowed, while a stair of width 1000mm allows for 150 people. The escape capacity of 125 people for a stair of width 950mm in table 2 above is arrived at by linear extrapolation.

The maximum escape capacity provided by the three stairs can be calculated by discounting a stair, where appropriate, to simulate a worst-case fire scenario compromising a stair during the evacuation. Taking into consideration that the additional protection provided for stair 2 described above means this stair is very unlikely to be compromised by a fire and therefore can be assumed to be available throughout the evacuation period, and that stair 3 offers the largest escape capacity and therefore represents the worst case if discounted, the two remaining stairs still offer a capacity of 605 people. The expected maximum occupancy is 411 people, which is well below this figure.

3.2.1 Lifts

The premise is provided with two existing lifts:

- Lift 1 is located behind Stair 1 to the centre of No. 161 Borough High Street and provides accesses from basement to fifth floor.
- Lift 2 is located to the centre of No. 163 Borough High Street and provides accesses from basement to fourth floor.

The Approved Document B, Volume 2 requires that all lift wells should either be contained within the enclosure of a protected stair, or else enclosed throughout their height in fire resisting construction if they are sited so as to prejudice the means of escape. Both lifts within the premises are so sited.

Lift 1 appears to be open to the basement level accommodation and ground floor reception area.

It is enclosed within fire resisting construction at first, second third fourth and fifth floor levels, however at first and second floor levels the enclosure incorporates sanitary accommodation. This is considered to be acceptable provided there is no significant fire load or ignition source provided as part of the sanitary accommodation. However, at third floor level, the enclosure of lift 1 incorporates similar sanitary accommodation and a store. The inclusion of a store within a lift enclosure is not considered to be satisfactory.

The corridor arrangement at third floor level should be amended to remove the proposed store from the enclosure of lift 1.

Lift 2 appears to be open to the means of escape and bar accommodation at all levels from basement to fourth floor. There appears to be a door proposed at second floor level. Provision of a fire resisting door in this position would separate the lift well from the means of escape.

The lift well for lift 2 should be enclosed throughout its height in fire resisting construction. This may be either as a fire resisting lobby or by the provision of fire resisting doors to separate the lift well from the rest of the accommodation



3.3 Means of Escape - Horizontal

Horizontal means of escape is provided by protected corridors accessing storey exits to the three stairs. All doors giving access on to these corridors are 30-minute fire resisting self closing doors equipped with cold smoke seals and intumescent fire seals. Cross corridor doors are provided on each floor to ensure that smoke from a fire cannot spread to compromise the route to adjacent storey exits.

3.3.1 Exit capacities

The dimensions of doors accessing the protected stairs in the hostel accommodation are shown in table 3 below.

Floor	Door	Width (mm) (Stair 1)	Door	Width (mm) (Stair 2)	Door	Stair 3	Current storey capacity: ADB [1]	Current storey occupancy
1	D1.9	900	D1.3	800	D1.49	800	200 [2]	142
2	D2.12	800	D2.26	800	D2.44	800	200[2]	98
3	D3.12	800	D3.22	800	D3.34	800	200 [2]	83
4	D4.4	800	D4.16	800	n/a		100 [3]	50
5	D5.3	800	D5.8	800	n/a		100 [3]	38

Table 3: Storey exit widths and capacities

[1] Minimum door width quoted as 850mm for 110 occupants. Door width of each doorway is 850mm, however all door frames have 2 x 25mm rebates fitted giving a minimum clear opening of 800mm. The figure of 100 persons per 800mm door has therefore been used to calculate the exit capacity, to account for the decrease in exit width. This figure has been used as the capacity quoted for a 750mm width door in the HMG guide to Fire safety risk assessment: sleeping risk.

[2] Figure quoted is the capacity of 2 storey exits, the 3rd storey exit having been discounted to represent the worst case fire scenario for each floor.

[3] Figure quoted is for a single storey exit, the 2nd storey exit having been discounted to represent the worst-case fire scenario for each floor.

From table 3 above it can be seen that the maximum expected occupancy of each floor is below the escape capacity provided by the available exits, taking into account the discounting of the largest storey exit on each floor to simulate the exit route to the relevant stair being blocked by a fire and therefore unavailable to the occupants.

3.3.2 Travel distances

The Approved Document B allows a maximum of 9m travel within a room, then 9m onward travel to a storey exit if there is only a single direction of escape (total 18m) or 26m onward travel to a storey exit if there is a choice of escape routes (total 35m).

3.3.3 First Floor

Bedrooms A and B have only a single direction of escape. For bedroom A, the travel distance within the room is 5m. The total distance to the exit to stair 2 is 15.5m. For bedroom B, the travel distance



within the room is 6.5m. The total distance to the exit to stair 2 is 15.5m. Stair 2 is pressurised and therefore is very unlikely to be compromised by a fire on another floor.

Bedrooms 1.1 and 1.2 have only a single direction of escape. For bedroom 1.1, the travel distance within the room is 8m. The total distance to the exit to stair 1 is 10m. For bedroom 1.2, the travel distance within the room is 11m. This exceeds the 9m advised by the Approved Document B, however the total travel distance to the storey exit is 13m, which is well within the 18m allowed.

Should stair 1 become compromised by a fire on a lower floor, the route past this stair is protected by the fire resisting construction enclosing the stair, allowing occupants of the room to safely bypass the stair to an alternative exit.

All other parts of the floor are provided with alternative escape routes and have travel distances to storey exits of less than the recommended maximum.

3.3.4 Second floor

Bedrooms 19 and 21 have only a single direction of escape. For bedroom 19, the travel distance within the room is 3m. The total distance to the exit to stair 2 is 5m. For bedroom 21, the travel distance within the room is 7.5m. The total distance to the exit to stair 2 is 9.5m. Stair 2 is pressurised and therefore is very unlikely to be compromised by a fire on another floor.

Bedrooms 2.1, 2.2, 2.3, 2.4 and 2.5 all have only a single direction of escape. The worst case is room 2.3 which has a travel distance within the room of 4.5m then an onward travel distance of 9m to the storey exit. All are therefore within the recommended travel distances.

Should stair 1 become compromised by a fire on a lower floor, the route past this stair is protected by the fire resisting construction enclosing the stair, allowing occupants of the room to safely bypass the stair to an alternative exit.

All other parts of the floor are provided with alternative escape routes and have travel distances to storey exits of less than the recommended maximum.

3.3.5 Third floor

Bedrooms 26, 27 and 28 have only a single direction of escape. The worst case is room 28 which has a travel distance within the room of 7.5m then an onward travel distance of 2.5m to the storey exit to stair 2. All are therefore within the recommended travel distances. Stair 2 is pressurised and therefore is very unlikely to be compromised by a fire on another floor.

Bedrooms 3.1, 3.2, 3.3 and 3.4 all have only a single direction of escape. The worst case is room 3.3 which has a travel distance within the room of 5.5m then an onward travel distance of 8m to the storey exit. All are therefore within the recommended travel distances.

Should stair 1 become compromised by a fire on a lower floor, the route past this stair is protected by the fire resisting construction enclosing the stair, allowing occupants of the room to safely bypass the stair to an alternative exit.

All other parts of the floor are provided with alternative escape routes and have travel distances to storey exits of less than the recommended maximum.



3.3.6 Fourth floor

Bedrooms 4.1, 4.2, 4.3 and 4.4 all have only a single direction of escape. The worst case is room 4.1 which has a travel distance within the room of 5.5m then an onward travel distance of 3m to the storey exit. All are therefore within the recommended travel distances.

Should stair 1 become compromised by a fire on a lower floor, the route past this stair is protected by the fire resisting construction enclosing the stair, allowing occupants of the room to safely bypass the stair to an alternative exit.

Bedrooms 4.8, 4.9 and 4.10 have only a single direction of escape which is compounded by there not being a means of by-passing stair 2. The worst case is room 4.10 which has a travel distance within the room of 3m then an onward travel distance of 3m to the storey exit to stair 2. However, as Stair 2 is pressurised it is very unlikely to be compromised by a fire on another floor. All are therefore within the recommended travel distances.

All other parts of the floor are provided with alternative escape routes and have travel distances to storey exits of less than the recommended maximum.

3.3.7 Fifth floor

Bedrooms 5.1, 5.2, 5.3 and 5.4 all have only a single direction of escape. The worst case is room 5.1 which has a travel distance within the room of 4.5m then an onward travel distance of 3.5m to the storey exit. All are therefore within the recommended travel distances.

Should stair 1 become compromised by a fire on a lower floor, the route past this stair is protected by the fire resisting construction enclosing the stair, allowing occupants of the room to safely bypass the stair to an alternative exit.

All other parts of the floor are provided with alternative escape routes and have travel distances to storey exits of less than the recommended maximum.

3.3.8 Provision of refuges

A refuge for disabled occupants is proposed on the first floor in the lobby to stair 1, outside room 6. Plan 642 – 142 rev N shows this lobby to be 1650mm in width. The minimum width required for a waiting wheelchair is 900mm. The minimum width allowed for an escape route is 750mm, allowing 60 persons to use the route. Therefore, the positioning of a refuge in this lobby is acceptable. However, it is recommended that the door to the lobby be hung from the right wall (as viewed approaching the lobby from the exit from room 6) to encourage a smooth flow of occupants past any waiting wheelchair user.

No other refuge spaces have been identified within the current floor layout proposals.

Within the buildings addressed as 163 and 165 Borough High Street, the proposed renovation work does not represent any change to the use or occupation of an existing building. As such, the principle of the proposed work not making the situation worse can be applied to the achievement of compliance with the Building Regulations Part B. However, in 161, the proposals represent a change of use from office to sleeping accommodation.

It is therefore recommended that consideration be given to the provision of a refuge for disabled within the lobby approach to stair 1 from the new accommodation in 161 Borough High Street, at each floor level, with accessible accommodation being provided as part of the accommodation within this area. This would have the added benefit of easy access to Lift 1.



Any such refuges provided should be clearly indicated by appropriate signage, and provided with an emergency voice communication system complying with BS 5839-9:2011, consisting of Type B outstations communicating with a master station located adjacent to the main fire alarm indicator panel.

3.4 Smoke control system in Stair 2

A class D pressurisation system has been provided in stair 2 in place of smoke lobbies to ensure that this stair is available for means of escape throughout the evacuation phase of a fire in the building.

The renovation work proposed will extend Stair 2, which currently serves up to the third floor. In the new arrangement, this stair will serve all floors up to the fifth floor.

The smoke control system is to be extended to ensure that the protection currently offered is maintained in the new arrangement.

3.4.1 Airflow criteria

The airflow through the doorway between the pressurised stair and the accommodation on the fire floor should be not less than 0.75 m/s when:

- The door between the accommodation and the stairwell on the fire storey is open and/or
- All doors within the accommodation on the fire storey between the pressurised stair and the air release path are open and/or
- All doors between the pressurised stair and the final exit are open and/or
- The final exit door is open and/or
- The air release from the accommodation on the fire floor is open.

3.4.2 Pressure differential

The pressure difference across the door between the pressurised stair and the accommodation area on the fire storey is a minimum of 10 Pa when:

- The door between the accommodation area and the pressurised stair on the fire storey is closed and
- All doors between the pressurised stair and the final exit door are open and
- The final exit door is open and
- The air release path from the accommodation area on the storey where the pressure difference is being measured is open and
- A door to a floor other than the fire floor is open.

The pressure difference across the door between the pressurised stair and the accommodation area on the fire storey is a minimum of 50 Pa when:

- The doors between the accommodation area and the pressurised stair are closed on all storeys
- All doors between the pressurised stair and the final exit door are closed
- The air release path from the accommodation area on the storey where the pressure difference is being measured is open
- The final exit door is closed.



- All figures above have a $\pm 10\%$ tolerance on the measurement within the performance criteria for acceptance.

3.4.3 Door opening forces

The system is designed so that the force on the door handle will not exceed 100 N.

3.5 Fire Detection and Alarm

The fire alarm for the premises is being upgraded as part of the renovation work. As the hostel accommodation on the upper floors represents the highest risk use within the building, the fire alarm and detection system should be installed to meet the requirements of Category L2 of British Standard BS5839-1: 2013, that is, providing early warning of fire in escape routes, rooms off escape routes and other defined risk rooms. This provision should extend to the whole of the premises, to include all of the hostel accommodation, the ground floor reception and checking in area and the ground and basement accommodation.

Audible alarms should be provided to ensure the following minimum sound pressure levels:

- 65 dB(A) throughout all accessible parts of the building
- This may be reduced to 60 dB(A) in stair wells.
- 75 dB(A) at each bed head in all sleeping accommodation.
- Not more than 120 dB(A) at any normally accessible location
- In locations where the ambient sound level is expected to exceed 60dB(A) for a period of greater than 30s at any time (public entertainment venues / plant rooms etc.) then a minimum sound pressure level of 5 dB(A) above the expected maximum ambient level is required.

Measurements of these levels should be confirmed with all doors in the closed position.

In premises designed for public entertainment, retail and similar premises, in which the sound pressure level of music is likely to be greater than 80 dB(A), the music should be muted automatically when a fire alarm signal is given.

In addition to normal audible alarms, additional visual and /or tactile alarm systems should be installed or provided throughout areas which could be accessed by persons with hearing impairments.

3.6 Protection of escape routes

All corridors providing access to sleeping accommodation are designed as protected corridors. All doors to rooms offering sleeping accommodation and all doors to storage cupboards giving on to the means of escape corridors serving sleeping rooms, are provided as 30-minute fire resisting doors with overhead self-closing devices and 25mm hardwood rebates. These doors incorporate cold smoke seals and intumescent fire seals.

Stairs 1 and 3 are enclosed within substantial construction providing a minimum of 30 minutes of fire resistance between the stairs and the rest of the accommodation. All doors onto the stairs at all hostel levels are 30-minute fire doors which effectively self-close and incorporate cold smoke seals and intumescent fire seals.



The basement kitchen should be enclosed within fire resisting construction providing a minimum of 30 minutes of fire resistance between the kitchen and any accommodation to which the public have access.

3.7 Emergency Lighting

The emergency lighting system for the premises was originally provided to meet the requirements of the Fire Precautions Act 1971, and is recorded in the archived Fire Certificate issued under that legislation as complying with BS 5266-1: 1999.

The existing accommodation provided in 163 and 165 High Street at 1st, 2nd and 3rd floor levels remain to this standard, however the renovation of the Basement and Ground floor; all new hostel accommodation in 161 High Street at 1st, 2nd and 3rd floor levels, and all accommodation at 4th and 5th floor levels should be provided to conform to BS 5266-1: 2016.

3.8 Fire Safety Information

Escape signage should be provided to clearly indicate all escape routes other than those used as normal access and egress routes.

Fire instructions should be prominently displayed in all sleeping rooms.

Fire action notices should be prominently displayed at each storey exit.

All fire doors provided with self closing devices should have 'Fire door – keep shut' signs on both faces.

All fire doors not fitted with self closing devices due to their normally being locked have 'Fire door keep locked' signs on their outer face.

Signage should be provided to indicate the location and operation of any non-automatic fire safety devices whenever the location and or operation is not obvious.

All signs provided throughout the premises in connection with the provision, use or location of fire precautions and means of escape from the building should comply with the requirements of The Health and Safety (Safety Signs and Signals) Regulations 1996. Following the guidance given in BS 5499-4: 2013 will usually ensure compliance with these regulations.



4 Internal Fire Spread (linings)

Schedule 1 of the Building Regulations requires the following functional requirement to be met in respect of B2, Internal Fire Spread (linings);

“(1) To inhibit the spread of fire within the building, the internal linings shall;

adequately resist the spread of flame over their surface; and

have, if ignited, a rate of heat release or a rate of fire growth, which is reasonable in the circumstances.

(2) In this paragraph ‘internal linings’ mean the materials or products used in lining any partition, wall, ceiling or other internal structure.”

4.1 Internal linings

Surface linings of walls and ceilings should meet the requirements set out in Table 10 of the Approved Document B, Volume 2.



5 Internal Fire Spread (Structure)

Schedule 1 of the Building Regulations requires the following functional requirement to be met in respect of B3, Internal Fire Spread (Structure);

“(1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.

(2) A wall common to two or more buildings shall be designed and constructed so that it adequately resists the spread of fire between those buildings. For the purpose of this sub-paragraph a house in a terrace and semi-detached house are each to be treated as a separate building.

(3) Where reasonably necessary to inhibit the spread of fire within the building, measures shall be taken, to an extent appropriate to the size and intended use of the building, comprising either or both of the following;

(a) sub-division of the building with fire-resisting construction

(b) installation of suitable automatic fire suppression systems.

(4) The building shall be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.”

5.1 Compartmentation

All floors are to be constructed or made up to provide adequate fire resistance to perform as compartment floors as described in Table A2 of the Approved Document B, Volume 2.

Walls common to two or more properties are to be constructed as compartment walls and meet the requirements set out in Table A2 of the Approved Document B, Volume 2.

The Ground and Basement accommodation, as purpose group 4, should be separated from the rest of the accommodation, as purpose group 2b, by a minimum of 60 minutes of fire resisting construction.

All places of special fire risk hazard are to be separated from the rest of the accommodation by a minimum of 60 minutes of fire resisting construction.

All construction and finishing should be completed in accordance with the guidance set out in Section 8 of the Approved Document B, Volume 2.

All fire stopping of openings in fire resisting construction should be completed in accordance with the guidance set out in Section 10 of the Approved Document B, Volume 2.

In particular, the point at which a pipe, utility or cable passes through a fire resisting element of structure, or fire resisting construction, should be protected by the installation of a proprietary fire sealing system which has been shown by test to maintain the minimum fire resistance of the element or construction it is passing through. Where a proprietary system is not available, fire stopping may be used provided the diameter of pipe does not exceed that shown in Table 14 of Approved Document B, Volume 2 (page 85). Such fire stopping should be installed by a competent person and in accordance with the manufacturer’s instructions. A certificate of conformity with these instructions should be provided by the installer and kept available for reference by premises managers and fire risk assessors throughout the life of the building.



Where vents or flues pass through fire resisting elements of structure or fire resisting construction provided as part of the overall fire safety strategy, such ducts or flues should be protected from fire by either the use of fire resisting duct work, or by protecting existing duct work with fire resisting construction to provide a level of protection of no less than that of the construction through which it passes.

Alternatively, provided the ductwork is not serving a kitchen extract system, fire dampers may be installed. If installed, a suitable means of access should be provided to enable routine testing and maintenance to be carried out on the damper and its actuating mechanism. As the premises provides sleeping accommodation, all such fire dampers should be actuated by smoke detector-controlled automatic release mechanisms in addition to being actuated by thermally actuated devices.



6 External Fire Spread

Schedule 1 of the Building Regulations requires the following functional requirement to be met in respect of B4, External fire spread;

“(1) The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.

“(2) The roof of the building shall adequately resist the spread of fire over the roof and from one building to another, having regards to the use and position of the building.”

6.1 Construction of external walls

Construction of the new external walls to form the new accommodation at 4th and 5th floor levels should be completed in accordance with the guidance set out in Section 12 of the Approved Document B, Volume 2.

6.2 Roof coverings

All roof coverings should meet the requirements set out in Section 14 of the Approved Document B, Volume 2.

7 Access and Facilities for the Fire and Rescue Service

Schedule 1 of the Building Regulations requires the following functional requirement to be met in respect of B5, Access and facilities for the fire service;

“(1) The building shall be designed and constructed so as to provide reasonable facilities to assist firefighters in the protection of life.

“(2) Reasonable provisions shall be made within the site of the building to enable fire appliances to gain access to the building.”

7.1 Vehicle Access for a pumping appliance

There will be no change to the existing arrangements for Fire Service access or water supplies. The extension of the accommodation to the 5th floor does not create a floor level at greater than 18m above Fire Service access level. There is therefore no need for a firefighting shaft to be provided as part of the renovation work.



8 Regulatory Reform (Fire Safety) Order

8.1 Fire Risk Assessment

To comply with the Fire Safety Order, the fire risk assessment must be reviewed following completion of the renovation work as the work represents a significant change to the fire precautions and fire risks on the premises.

Guidance on the risk assessment process is given in a series of DCLG guides entitled Fire Safety Risk Assessment. Please see the following link; <https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business> .

8.2 Fire Safety Management Procedure

This fire safety strategy has been developed on the assumption that the building will be properly managed. Procedures for the management of fire safety should be documented in a fire safety manual.

Guidance on fire safety management procedures is given in BS9999.

- A typical fire safety manual might include:
- Fire safety policy statement
- Fire safety management structure
- Coordination with other parties (e.g. in a shared building)
- Emergency response
- Evacuation of people with special needs
- Contingency and salvage plans
- Emergency responsibilities of designated staff
- Summary of fire safety strategy and plans for the building
- Fire risk assessment
- Procedures for dissemination of information



9 Recommendations

- The corridor arrangement at third floor level should be amended to remove the proposed store from the enclosure of lift 1.
- The lift well for lift 2 should be enclosed throughout its height in fire resisting construction. This may be either as a fire resisting lobby or by the provision of fire resisting doors to separate the lift well from the rest of the accommodation
- Consideration be given to the provision of a refuges for disabled within the lobby approach to stair 1 from the new accommodation in 161 Borough High Street, at each floor level, with accessible accommodation being provided as part of the accommodation within this area.
- Any such refuges provided should be clearly indicated by appropriate signage, and provided with an emergency voice communication system complying with BS 5839-9:2011, consisting of Type B outstations communicating with a master station located adjacent to the main fire alarm indicator panel.

10 Limitations

The advice contained within this report is strictly limited to the scope of the current project: The extension of No. 161; change of use of No. 161 from Office accommodation to Hostel accommodation and the renovation of the 1st to 5th floors of at St. Christophers Village, 161-165 Borough High Street, London SE1 1HR only.

FireSkills Ltd has not reviewed any other issues within the project other than those identified in this report.

FireSkills Ltd offers no comment on any other aspects of the development and any absence of comment on such issues should not be regarded as any form of approval.

The advice should not be used for buildings other than St. Christophers Village, 161-165 Borough High Street, London SE1 1HR.



11 References

Approved Document B, Buildings other than dwelling houses Volume 2, (2006) UK: TSO
Fire safety risk assessment: sleeping accommodation [Ref: ISBN 9781851128174]

BS EN 12101-6:2005, Specification for pressure differential systems

BRE 368 (1999) [*Design methodologies for smoke and heat exhaust ventilation*] BRE:UK

BS 476-10 (2009), Fire test on building material and structures, BSI

BS 5266-1:2016, Emergency lighting. Code of practice for the emergency lighting of premises

BS 5839-1: 2013, Fire detection and fire alarm systems for buildings, BSI

BS 7974: 2001, Application of fire safety engineering principles to the design of buildings.

London: British Standard.

BS EN ISO 13943: 2010, (Fire Safety Vocabulary), BSI:UK

CIBSE, Guide E, (2010), Fire Safety Engineering. 3rd ed. London: The Chartered Institution of Building Services Engineers.

Smoke Control Association (2012). *Guidance on Smoke Control to Common Escape Routes in Apartments Buildings (Flats and Maisonettes)* SCA:UK



12 Appendix A: Occupancy calculation for Ground and basement.

Occupancy calculation for:

**The Village
161 - 165 Borough High Street
Southwark
London, SE1 1HR**

**Ground floor and basement
accommodation**



1 Introduction

This technical note has been produced to assess the maximum acceptable occupancy figures in the premises made up of 161 and 163 Borough High Street London, for the proposed ground and basement public assembly areas, taking account of the removal of the accommodation stair currently serving the ground and basement accommodation.

The assessment has been based on the guidance contained within the CLG 'Fire risk assessment in large places of assembly' guide and the Approved Document B Volume 2: Buildings other than dwelling houses.

All measurements used in this assessment were taken from the following plans:

- Allen + Associates Village Belushi Basement plan
- Allen + Associates Village Belushi Ground Floor plan
- Daniel Hurd Associates: 642 03 Rev C – Existing basement floor plan
- Daniel Hurd Associates: 642 04 Rev B – Existing ground floor plan

The occupancy calculation has been carried out assuming that all other aspects of the fire precautions within the premises are to an adequate standard to support the numbers proposed in the guidance and that there is currently a suitable evacuation strategy in place to ensure safe evacuation of the premises in the event of a fire.

Only the basement and ground floors of the premises have been assessed. The occupation of other parts of the premises for other uses may impact on the total number of occupants who can be safely accommodated by the fire exits from the basement and ground floor accommodation.

2 Means of Escape - Basement

In the new proposed layout, the basement is served by a total of four stairs providing fire exit routes. Access to the stairs is well distributed across the accommodation providing a choice of escape directions from all public access areas, two directions of escape from the kitchen and an acceptable single direction travel distance from the cellar area for staff.

Table 1 lists the available fire escape stairs from the basement and shows the limiting dimension used to calculate the capacity of each stair.

Stair	Width (mm)	Limit point	Capacity: CLG	Capacity: ADB
New Dugout entrance	900	Stair width	430	410
Basement front exit	800	Basement door to stair	100	110
Side exit (central)	900	Basement door to stair	130	110
Side exit (rear)	800	Chillout door to stair	100	110
Total	Largest stair discounted to account for the worst credible fire scenario		330	330

Table 1.

2.1 Basement exit capacity

To calculate the maximum capacity of the basement, the available widths of the storey exits were measured from the plans. The largest storey exit was then discounted to simulate a worst-case fire scenario. In this case, either the New Dugout stair or the central side exit stair can be discounted, both providing a 900mm exit capacity.

This provides a maximum exit capacity figure of 330 persons using either the CLG guide or the Approved Document B.

2.2 Basement floor space capacity

The public areas of the basement provide approximately 145m² of public assembly accommodation. Both the CLG guidance and the ADB allow an occupancy factor of between 0.3m² and 0.5m² per person for bars and assembly areas. The proposed new layout of the basement includes proposed seating areas and booths. Both of these reduce the available space for people and allow a much reduced occupant capacity.



A figure of 0.5m² per person over the whole area of the basement has therefore been used to calculate the maximum reasonable population. This provides a figure of 290 persons.

The area used for this calculation excludes the staff access areas: kitchen, cellar, stores and bar counters. According to the latest fire risk assessment, there can be a maximum of 39 staff on the premises at the busiest time. Although a number of these may be working in the hostel accommodation above, the majority are likely to be employed in the public bar / restaurant areas. If all members of staff were to be temporarily located in the basement, this would bring the maximum occupancy up to 329 persons, which is within the capacity of the stairs to accommodate a safe fire evacuation.

The maximum number of members of the public accessing the basement bar should therefore be limited to 290 persons.

3 Means of escape – Ground Floor

In the new proposed layout, the ground floor is served by a total of four dedicated fire exit routes to open air. Access to the exits is well distributed across the accommodation providing a choice of escape directions from all areas for members of the public and staff.

Table 2 lists the available fire exits from the ground floor bar accommodation and shows the limiting dimension used to calculate the capacity of each exit route.

Exit	Width (mm)	Limit point	Capacity: CLG	Capacity: ADB
New Bar entrance	1750	Final exit width	335	360
New Hostel entrance	950	Final exit width	130	110
Side exit (front)	1050	Final exit width	200	220
Side exit (central)	850	Door width from bar to stair enclosure	100	110
Side exit (rear)	900	Door width form bar to stair enclosure	130	110
Total	Largest exit discounted to account for the worst credible fire scenario		560	550

Table 2.

3.1 Ground floor exit capacity

To calculate the maximum capacity of the ground floor bar areas, the available widths of the exits were measured from the plans. The largest exit was then discounted to simulate a worst-case fire scenario. In this case, the New Bar entrance door was discounted to simulate a fire affecting the front bar seating area preventing the use of the main entrance as an exit route.

This provides a maximum exit capacity figure of 560 persons using either the CLG guide and 550 using the Approved Document B.

3.2 Ground floor - floor space capacity

The public areas of the ground floor provide approximately 214m² of public assembly accommodation. Both the CLG guidance and the ADB allow an occupancy factor of between 0.3m² and 0.5m² per person for bars and assembly areas. The proposed new layout of the ground floor includes proposed seating areas and booths. Both of these reduce the available space for people and allow a much-reduced occupant capacity.

A figure of 0.5m² per person over the whole area of the basement has therefore been used to calculate the maximum reasonable population. This provides a figure of 428 persons.

The area used for this calculation excludes the staff access areas: stores and bar counters; Hostel entrance lobby etc. According to the latest fire risk assessment, there can be a maximum of 39 staff on the premises at the busiest time. Although a number of these may be working in the hostel accommodation above, the majority are likely to be employed in the public bar / restaurant areas. If all members of staff were to be temporarily located on the ground floor, this would bring the maximum occupancy up to 470 persons, which is within the capacity of the exits to accommodate a safe fire evacuation.



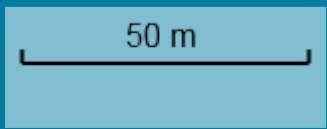
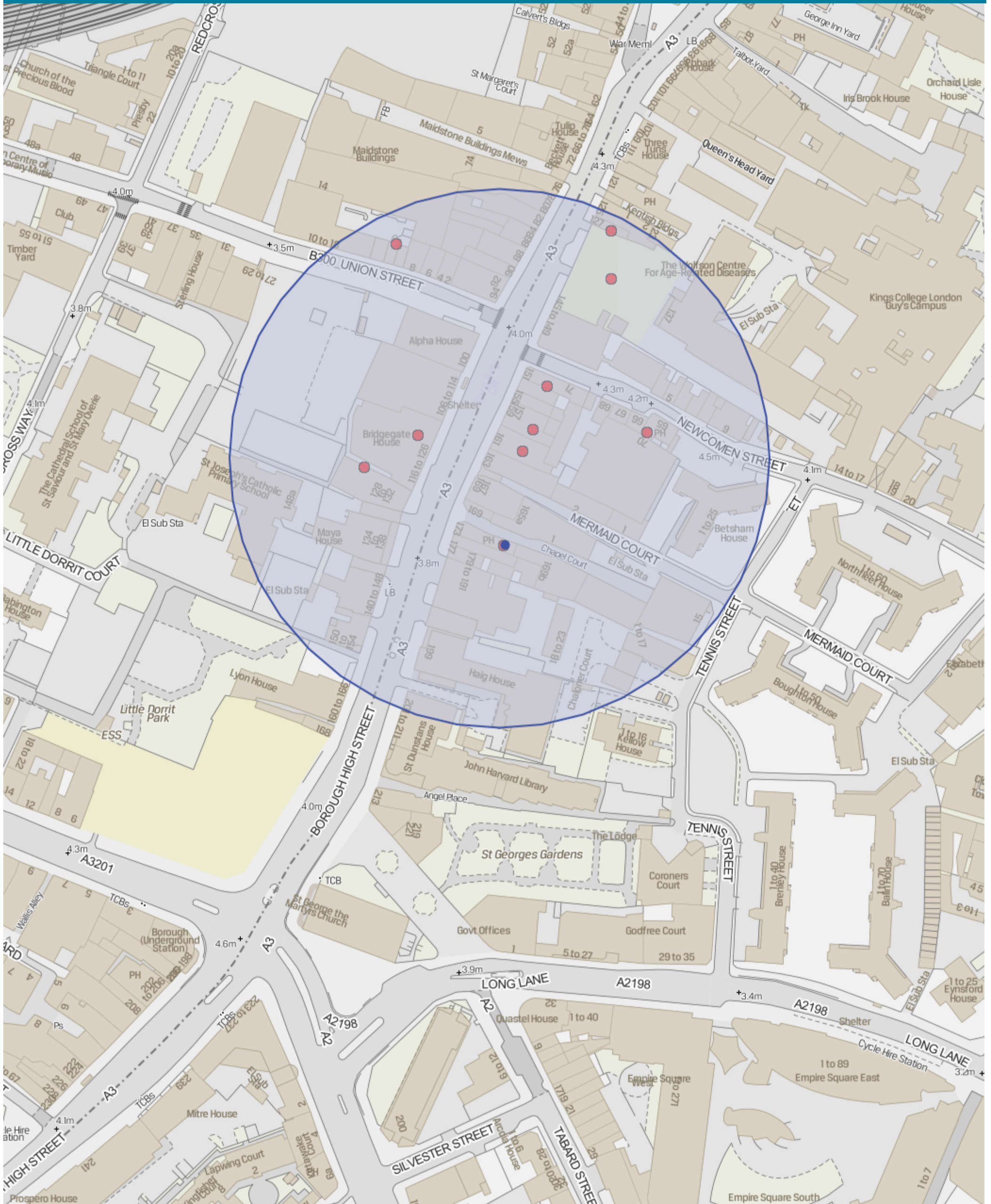
The maximum number of members of the public accessing the ground floor bar area should therefore be limited to 428 persons.

4 Conclusion

Implementation of the proposals to remove the accommodation stair serving the basement and ground floor bar / restaurant accommodation will result in a maximum occupant capacity of 290 members of the public in the basement public access accommodation and 428 members of the public in the ground floor public access accommodation.



Belushis & St Christopher's Village



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