

Licensing Sub-Committee

Wednesday 10 May 2017

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Sandra Rhule

Reserves

Councillor Lorraine Lauder MBE

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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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: 2 May 2017



Licensing Sub-Committee

Wednesday 10 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: DULWICH VINTNERS, 85-87 DULWICH VILLAGE, LONDON SE21 7BJ	1 - 30
6.	LICENSING ACT 2003: BALA BAYA, ARCH 25, OLD UNION YARD ARCHES, UNION STREET, LONDON SE1 0UR	31 - 68

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.

OPENDISTRIBUTION

Date: 2 May 2017

Item No. 5.	Classification: Open	Date: 10 May 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Dulwich Vintners, 85-87 Dulwich Village, London SE21 7BJ	
Ward(s) or groups affected:		Village Ward	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Robin and Martin Eadon to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Dulwich Vintners, 85-87 Dulwich Village, London SE21 7BJ.
2. Notes:
 - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Dulwich Vintners, 85-87 Dulwich Village, London SE21 7BJ, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to a representation submitted by environmental health in their capacity as a responsible authority) and is therefore referred to the sub-committee for determination.
 - Paragraphs 9 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix D.
 - Paragraphs 14 to 17 of this report deal with the representations submitted in respect of the application. Copies of the representations and related correspondence are attached in Appendix C.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, this council wholly administers the licensing responsibility.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:

- The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence issued in respect of the premises known as Dulwich Vintners, 85-87 Dulwich Village, London SE21 7BJ was issued on 14 June 2014 and allows the following licensable activities:
- The sale of alcohol to be consumed off the premises:
Monday to Sunday from 09:00 to 21:00
 - Opening hours:
Monday to Sunday from 09:00 to 21:00

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

The variation application

9. On 21 March 2017 Robin and Martin Eadon applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Dulwich Vintners, 85-87 Dulwich Village, London SE21 7BJ.
10. The application is summarised as follows:
- To add on-sales to the sale of alcohol
 - To amend the opening hours of the premises and the hours permitted for the sale of alcohol at the premises to: Monday to Sunday from 09:00 to 23:00.
11. The premises licence application form provides the applicant's operating schedule. Part M sets out the proposed operational control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should an amended 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 included in the licence.

12. A copy of the application is attached to this report as Appendix B.

Designated premises supervisor

13. The designated premises supervisor (DPS) under the existing premises licence is Robin Eadon.

Representations from responsible authorities

14. A Representation has been received from the council's environmental protection team. A copy of this objection was forwarded to the applicant on 3 April 2017. The applicant has responded to the representation a number of times, but an agreement has not been forthcoming.
15. A copy of the responsible authority representation is available in Appendix C. Subsequent email exchanges are also exhibited.

Representations from other persons

16. There are no further representations to this application.

Conciliation

17. The applicant was sent copies of the representations received. At this time the objectors' representations remain outstanding and must be considered by the licensing sub-committee.

Operating history

18. The current premises licence in respect of the premises was issued on 14 June 2014.
19. On 21 March 2017 Robin and Martin Eadon applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Dulwich Vintners, 85-87 Dulwich Village, London SE21 7BJ.
20. No complaints have been received by the Licensing Unit in regards to the premises.

Map

21. A map of the area is attached to this report as Appendix D. The following are premises in the local vicinity that are licensed for alcohol and late night refreshment:

- **Rocca Di Papa, 76-77 Dulwich Village, London SE21 7BJ**
 - Late Night Refreshment (indoors): Monday to Saturday from 23:00 to 00:30 (the following day) and Sunday from 23:00 to 00:00 (midnight)
 - The sale by retail of alcohol (on sales): Monday to Saturday from 10:00 to 00:00 (midnight) and Sunday 12:00 to 23:30

- **Crown and Greyhound, 73 Dulwich Village, London SE21 7BJ**
 - The sale by retail of alcohol (on and off sales): Monday to Saturday from 10:00 to 00:00 (midnight) and Sunday from 12:00 to 00:00 (midnight)
 - The provision of late night refreshment (indoors): Monday to Sunday from 23:00 to 00:30
 - The provision of regulated entertainment in the form of recorded music and films (both indoors): Monday to Sunday from 10:00 to 00:00 (midnight)
- **Sainsbury's, 88 Dulwich Village, London SE21 7AQ**
 - Sale by retail of alcohol (off sales): Monday to Sunday from 07:00 to 23:00
- **Bartley's Flowers, 82 Dulwich Village, London SE21 7AJ**
 - Sale by retail of alcohol (off sales): Monday to Saturday from 08:00 to 23:00 and Sunday from 10:00 to 22:30
- **Pizza Express, 94 The Village, London SE21 7AG**
 - The sale by retail of alcohol (on sales only): Monday to Saturday from 11:00 to 00:00 (midnight) and Sunday from 12:00 to 23:30
 - Late night refreshment (indoors): Monday to Saturday from 23:00 to 00:30 (the following day) and Sunday from 23:00 to 00:00 (midnight)
- **Romeo Jones, 80 Dulwich Village, London SE21 7AJ**
 - The sale by retail of alcohol (both on and off sales): Monday to Sunday from 07:00 to 21:00
- **Café Rouge – 96-98 Dulwich Village, SE21 7AQ**
 - The sale by retail of alcohol (on and off sales): Monday to Sunday from 09:00 to 00:00 (midnight), Friday and Saturday from 09:00 to 00:30 (the following day) and Sunday from 09:00 to 23:30
 - Late night refreshment (indoors): Monday to Thursday from 23:00 to 00:30 (the following day), Friday and Saturday from 23:00 to 01:00 (the following day) and Sunday from 23:00 to 00:00 (midnight).

Southwark council statement of licensing policy

22. Council assembly approved Southwark's statement of licensing policy 2016 -2020 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.
23. 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.

Cumulative impact zone (CIZ)

24. The premises is not in a cumulative impact zone.
25. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:
- Restaurants and Cafes:
 - Sunday to Thursday 23:00
 - Friday and Saturday 00:00.
 - Closing time for Public Houses Wine bars or other drinking establishments:
 - 23:00 daily.

Resource implications

26. A fee of £190.00 being the statutory fee payable for premises within non-domestic rateable value band A has been paid by the applicant company in respect of this application.

Consultation

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

Community impact statement

28. 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

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

Principles for making the determination

31. 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.
32. 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.
33. 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.
34. 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

35. 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.
36. The four licensing objectives are
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of nuisance; and
 - The protection of children from harm.
37. 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.
38. 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.
39. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force: age verification policy and smaller measures for alcoholic drinks.
40. Members are also referred to the Home Office revised guidance on conditions.

Reasons

41. 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

42. 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.
43. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

44. 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.
45. 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.
46. 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.
47. 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.

48. 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.
49. 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.
50. 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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of the representation submitted by the environmental protection team and subsequent email exchanges
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	25 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		27 April 2017

Licensing Act 2003 Premises Licence

APPENDIX A



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

Premises licence number

844847

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Dulwich Vintners 85-87 Dulwich Village London SE21 7BJ	
Ordnance survey map reference (if applicable), 173970533168	
Post town London	Post code SE21 7BJ
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**

Monday	09:00 - 21:00
Tuesday	09:00 - 21:00
Wednesday	09:00 - 21:00
Thursday	09:00 - 21:00
Friday	09:00 - 21:00
Saturday	09:00 - 21:00
Sunday	09:00 - 21:00

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	09:00 - 21:00
Tuesday	09:00 - 21:00
Wednesday	09:00 - 21:00
Thursday	09:00 - 21:00
Friday	09:00 - 21:00
Saturday	09:00 - 21:00
Sunday	09:00 - 21:00

Part 2

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

Robin Eadon

Martin Eadon

[Redacted address and contact information for Robin Eadon]

[Redacted address and contact information for Martin Eadon]

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**

Robin Eadon

[Redacted address and contact information for Robin Eadon]

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

[Redacted personal licence number and issuing authority]

Licence Issue date 14/06/2014

[Redacted contact information]

Anti-Social Behaviour, Noise Nuisance &
Licensing Manager
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 Mon - Sun 09:00-21:00

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.

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) In this condition:-

(a) "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;

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

(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;

(d) "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

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

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price 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, 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

288 A CCTV system be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.

289 All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council

293 All staff shall be trained on the licensing objectives and licensing requirements.

340 No beers / ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed / sold or offered for sale from the premises, other than those priced at £3.00 per 500ml or above or written permission (email will suffice) is obtained from the Police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities.

341 That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months.

342 The premises shall operate a challenge 25 policy.

343 Unaccompanied children shall not be allowed into the premises.

344 A burglar alarm shall be installed at the premises and doors and windows shall be securely locked when the premises is closed.

345 Communal areas shall be kept clear to avoid trip hazards.

346 Rubbish shall not be left in any communal areas

347 All areas accessible to the public shall be well lit during trading hours

348 The premises website shall have age restrictions before payment and online orders shall be accepted with card payment only, with a secure portal used.

4AB Staff shall be trained on the 'challenge 25 policy' established at the premises.

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

Annex 4 - Plans - Attached

Licence No. 844847
Plan No. N/A
Plan Date 15.04.2014

21/03/2017

Business - Application to vary a premises licence under the Licensing Act 2003

Ref No. 784318

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

	Robin Eadon & Martin Eadon T/A Dulwich Vintners
Premises licence number	844847

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

£	31000
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Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	85-87 DULWICH VILLAGE
Address Line 2	
Town	LONDON
County	
Post code	SE21 7BJ
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

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

Daytime contact telephone number	██████████
Email address	████████████████████
Postal Address if different from premises address	
Town / City	
Postcode	

Do you want the premises licence to have effect as soon as possible?

Please tick	Yes
-------------	-----

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

(DD/MM/YYYY)	
--------------	--

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

	Premises is predominantly a wine shop. We would like to vary our existing license to include consumption of alcohol on the premises. We would like to extend the licensing hours to 11pm 7 days a week.
--	---

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

Please select number from range	Less than 5000
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	

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

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

Provision of regulated entertainment

Provision of late night refreshment

--	--

Supply of alcohol

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

Will the supply of alcohol be for consumption (Please read guidance note 8)

	Both
--	------

Standard days and timings for Supply of alcohol (Please read guidance note 7)

Day	Start	Finish
Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00
Thur	09:00	23:00
Fri	09:00	23:00
Sat	09:00	23:00
Sun	09:00	23:00

State any seasonal variations for the supply of alcohol (Please read guidance 5)

	NA
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Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 6)

	NA
--	----

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)

	NA
--	----

Hours premises are open to the public (standard timings Please read guidance note 7)

Day	Start	Finish
Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00
Thur	09:00	23:00
Fri	09:00	23:00
Sat	09:00	23:00
Sun	09:00	23:00

State any seasonal variations (Please read guidance note 5)

	NA
--	----

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

	NA
--	----

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.

--	--

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

	Alcohol shall not be sold or supplied except during permitted hours
--	---

b) the prevention of crime and disorder

	Any individuals who are intoxicated beyond a reasonable point will be asked to leave the premises Any individual who is persistently disruptive or abusive shall be asked to leave the premises
--	--

c) public safety

	That adequate numbers of staff shall be provided to ensure public comfort and safety
--	--

d) the prevention of public nuisance

	notice shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner Staff will ensure that glassware and open containers do not leave the premises
--	---

e) the protection of children from harm

	Challenge 25
--	--------------

If the plan of the premises are varying please upload a plan of the premises,

Upload proposed plans	
Upload existing plans	

Checklist

	I understand that I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected.
--	---

I agree to the above statement

	I agree
PaymentDescription	[REDACTED],
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
PaymentContactEmail	

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

Full name	Robin
Date (DD/MM/YYYY)	31/03/1987
Capacity	Owner

Where the premises licence is jointly held, please enter the 2nd applicants name (the current premises licence holder) or 2nd solicitor or other authorised agent (please read guidance note 13). If completing on behalf of the applicant, please state i

Full name	
Date (DD/MM/YYYY)	
Capacity	

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

Contact name and address for correspondence	Robin Eadon Dulwich Vintners 85-87 Dulwich Village London SE21 7BJ
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	

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

APPENDIX C

Heron, Andrew

From: Regen, Licensing
Sent: 13 April 2017 15:58
To: Heron, Andrew
Subject: RE: Dulwich Vintners - 85-87 Dulwich Village, application to VARY a Prem Licence LDO 18/04/2017 EPT Ref 851191 (Deadline 18 April 2017)

From: Newman, Paul
Sent: Thursday, April 13, 2017 3:42 PM
To: Regen, Licensing
Cc: [REDACTED]
Subject: FW: Dulwich Vintners - 85-87 Dulwich Village, application to VARY a Prem Licence LDO 18/04/2017 EPT Ref 851191 (Deadline 18 April 2017)

Dear Licensing

Thank you for the application for comment.

While it is quite possible that this licence as proposed to be varied could be operated in such a way as to prevent any public nuisance or crime and disorder, there is insufficient information on the operation to satisfy me about this. I have written to Mr Eadon to request this information (see email forwarded below), but have not received any reply. In view of the deadline for representations, I now wish to make a representation against the application to vary a premises licence to add on sales, to Dulwich Vintners.

I therefore recommend refusal on the grounds of the prevention of public nuisance. In the alternative, if the sub-committee are minded to grant, I would request a condition imposing an accommodation limit of 8 customers at any one time except during ticketed events, and a further condition that alcohol should only be served to persons that are seated and to whom substantial food is available, or to persons attending for a ticketed event for wine tasting or similar.

Many thanks and kind regards

Paul Newman

Principal Environmental Health Officer

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

Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail: paul.newman@southwark.gov.uk

visit: to <http://www.southwark.gov.uk/air-quality>



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

From: Newman, Paul
Sent: Monday, April 03, 2017 11:03 AM
To: [REDACTED]
Subject: Dulwich Vintners - 85-87 Dulwich Village, application to VARY a Prem Licence LDO 18/04/2017 EPT Ref 851191 (Deadline 18 April 2017)

Dear Mr Eadon

I am considering your Premises Licence Variation application on behalf of the Environmental Health Responsible Authority.

Please would you give me some more detail about your proposed format:

I see that you are planning to add on-sales. Does this off licence then become a wine bar? Or are the on-sales required for something else?

Please can you also confirm your accommodation limit for on-sales.

I look forward to hearing from you

Kind regards

Paul Newman, EHO
Principal Environmental Protection Officer

Postal address: [Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.](#)

Office address (By appointment only) : [Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH](#)

Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail: paul.newman@southwark.gov.uk

visit: to <http://www.southwark.gov.uk/air-quality>



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

Heron, Andrew

From: [REDACTED]
Sent: 24 April 2017 10:22
To: Heron, Andrew
Subject: Fwd: RE: FW: Dulwich Vintners - 85-87 Dulwich Village, application to VARY a Prem Licence LDO 18/04/2017 EPT Ref 851191 (Deadline 18 April 2017)

Follow Up Flag: Follow up
Flag Status: Completed

Hi Andrew,

Please see Paul Newmans email below. I'm not quite sure how to interpret this email as it seems to echo his comments of his first email. I will call you to discuss.

Best regards,

Robin Eadon
 Dulwich Vintners

> ----- Original Message -----

> From: "Newman, Paul" [REDACTED]
 > To: [REDACTED]
 > [REDACTED]
 > Date: 24 April 2017 at 09:54
 > Subject: RE: FW: Dulwich Vintners - 85-87 Dulwich Village, application
 > to VARY a Prem Licence LDO 18/04/2017 EPT Ref 851191 (Deadline 18
 > April 2017)
 >
 > Hi Robin
 >
 > I already understand the proposal from your previous description, and I do not have issues with that.
 >
 > However the licence needs to be limited by way of conditions, to ensure that the format that you want to follow is
 all that is permitted, so that if you sell the business on for example, it isn't licensed to be something substantially
 different.
 >
 > It is for you to write the operating schedule that shows how the licence will be limited to that format. Once you
 have done that, it will be possible to propose appropriate licence conditions.
 >
 > I look forward to hearing from you
 >
 > Kind regards
 >
 > Paul Newman
 > Principal Environmental Health Officer Postal address: Southwark
 > Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P
 5LX.
 > Office address (By appointment only) : Southwark Council |
 > Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1
 > | 160 Tooley Street | London | SE1 2QH
 > Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail:
 [REDACTED]

> visit: to <http://www.southwark.gov.uk/air-quality>

>

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

>

> Sent: Friday, April 21, 2017 5:08 PM

> To: Newman, Paul

> Subject: RE: FW: Dulwich Vintners - 85-87 Dulwich Village, application
> to VARY a Prem Licence LDO 18/04/2017 EPT Ref 851191 (Deadline 18
> April 2017)

>

> Dear Paul,

>

> I understand that you're not in the office today, but I would appreciate it if we could discuss the proposal over the phone [REDACTED]. I will be in the shop on Monday and Tuesday if that would be convenient. I will also be on my mobile too if I'm out of the shop on [REDACTED]

>

> I look forward to hearing from you.

>

> Kind regards,

>

> Robin Eadon

> Managing Director

> Dulwich Vintners

> [REDACTED]

>

>> On 18 April 2017 at 14:27 "Newman, Paul" <Paul.Newman@southwark.gov.uk> wrote:

>>

>>

>> Hi Robin

>>

>> Thank you for your email

>>

>> What I suggest is that you draft some conditions to limit the licence to the format you envisage, and offer these up. I will then be able to withdraw my objection and avoid a hearing.

>>

>> Kind regards

>>

>> Paul Newman

>> Principal Environmental Health Officer Postal address: Southwark

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

>> Office address (By appointment only) : Southwark Council |

>> Environmental Protection Team | Regulatory Services | 3rd Floor Hub

>> 1

>> | 160 Tooley Street | London | SE1 2QH

>> Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail:

>> [REDACTED]

>> visit: to <http://www.southwark.gov.uk/air-quality>

>>

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

>>

>>

>> -----Original Message-----

[REDACTED]
 >> Sent: Monday, April 17, 2017 4:37 PM

>> To: Newman, Paul; Regen, Licensing

>> Subject: Re: FW: Dulwich Vintners - 85-87 Dulwich Village,

>> application to VARY a Prem Licence LDO 18/04/2017 EPT Ref 851191

>> (Deadline 18 April 2017)

>>

>> Dear Mr Newman,

>>

>> I refer to your email of 3 April, and your subsequent representation to the Licensing Authority in respect of our application for an on-licence at our shop at 85-87 Dulwich Village.

>>

>> I apologise for not responding to your email of 3 April which was unfortunately missed.

>>

>> In response to your questions:

>>

>> We are a wine shop and are not proposing to operate a wine bar. The on-licence is primarily to facilitate the following:

>>

>> -holding evening wine tasting events on the premises without the

>> need to apply for a temporary licence (TENS) each time

>>

>> -the sale on the premises of tasting measures of more expensive

>> wines which we are not able for commercial reasons to offer free of

>> charge

>>

>> -the sale of wine by the glass from a small range of wines which are

>> open

>>

>> -the sale of beer dispensed from a tap into a customer demijohn or

>> carton for consumption off the premises

>>

>> I would like to discuss with you directly your advice and thoughts in respect of seating, food and accommodation limits in the light of the above information. I will call you on Tuesday morning in the hope that this will be convenient for you.

>>

>> Kind regards,

>>

>> Robin Eadon

>> Dulwich Vintners

[REDACTED]

>>

>>> On 13 April 2017 at 15:42 "Newman, Paul" <Paul.Newman@southwark.gov.uk> wrote:

>>>

>>>

>>> Dear Licensing

>>>

>>> Thank you for the application for comment.

>>>

>>> While it is quite possible that this licence as proposed to be varied could be operated in such a way as to prevent any public nuisance or crime and disorder, there is insufficient information on the operation to satisfy me about this. I have written to Mr Eadon to request this information (see email forwarded below), but have not received any reply. In view of the deadline for representations, I now wish to make a representation against the application to vary a premises licence to add on sales, to Dulwich Vintners.

>>>

>>> I therefore recommend refusal on the grounds of the prevention of public nuisance. In the alternative, if the sub-committee are minded to grant, I would request a condition imposing an accommodation limit of 8 customers at any one time except during ticketed events, and a further condition that alcohol should only be served to persons that are seated and to whom substantial food is available, or to persons attending for a ticketed event for wine tasting or similar.

>>>

>>> Many thanks and kind regards

>>>

>>> Paul Newman

>>> Principal Environmental Health Officer Postal address: Southwark

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

>>> Office address (By appointment only) : Southwark Council |

>>> Environmental Protection Team | Regulatory Services | 3rd Floor

>>> Hub

>>> 1

>>> | 160 Tooley Street | London | SE1 2QH

>>> Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail:

>>> [REDACTED] uk

>>> visit: to <http://www.southwark.gov.uk/air-quality>

>>> [cid:image004.jpg@01D2B46C.87F1BCC0]

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

>>>

>>> From: Newman, Paul

>>> Sent: Monday, April 03, 2017 11:03 AM

>>> [REDACTED]

>>> Subject: Dulwich Vintners - 85-87 Dulwich Village, application to

>>> VARY a Prem Licence LDO 18/04/2017 EPT Ref 851191 (Deadline 18

>>> April

>>> 2017)

>>>

>>> Dear Mr Eadon

>>>

>>> I am considering your Premises Licence Variation application on behalf of the Environmental Health Responsible Authority.

>>>

>>> Please would you give me some more detail about your proposed format:

>>>

>>> I see that you are planning to add on-sales. Does this off licence then become a wine bar? Or are the on-sales required for something else?

>>>

>>> Please can you also confirm your accommodation limit for on-sales.

>>>

>>> I look forward to hearing from you

>>>

>>> Kind regards

>>>

>>> Paul Newman, EHO

>>> Principal Environmental Protection Officer

>>>

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

>>> Office address (By appointment only) : Southwark Council |

>>> Environmental Protection Team | Regulatory Services | 3rd Floor

>>> Hub

>>> 1

>>> | 160 Tooley Street | London | SE1 2QH
>>> Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail:

>>> visit: to <http://www.southwark.gov.uk/air-quality>

>>> [cid:image003.jpg@01D2AC69.ECF52CC0]

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

>>>

>>>

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>>>

>>> If you have received this in error please notify us immediately.

>>>

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>>>

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>>>

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> The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this in error please notify us immediately. If you are not the intended recipient of the email or the person responsible for delivering it to them you may not copy it, forward it or otherwise use it for any purpose or disclose its contents to any other person. To do so may be unlawful. Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent.



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Item No. 6.	Classification: Open	Date: 10 May 2017	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Bala Baya, Arch 25, Old Union Yard Arches, Union Street, London SE1 0UR	
Ward(s) or groups affected:		Cathedral	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue counter notices in respect of a temporary event notice (TEN) 858083 served by Ms Charlotte Evans in regards to an event to be held at Bala Baya, Arch 25, Old Union Yard Arches, Union Street, London SE1 0UR. The TEN is between 23:30 on Friday 12 May 2017 and 05:00 on Saturday 13 May 2017.

BACKGROUND INFORMATION

The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 established a licensing regime for the following licensable activities:
 - a) The retail sale of alcohol
 - b) The supply of alcohol to club members or on behalf of a club
 - c) The provision of regulated entertainment
 - d) The provision of late night refreshments.
3. The Act established a process for the giving of "temporary event notices" (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non-personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.
8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their

intervention may in some cases result in the licensing authority imposing conditions on a TEN.

9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

KEY ISSUES FOR CONSIDERATION

The temporary event notices

13. On 16 April 2017 the TEN was served by Ms Charlotte Evans in respect of an event intended to be held at Bala Baya, Arch 25, Old Union Yard Arches, Union Street, London SE1 0UR. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:
 - TEN 858083: To allow the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment between 23:30 on Friday 12 May 2017 and 05:00 the following day. The maximum number of people expected at any one time at the premises is 250. The activities are to take place on the premises only.

The objection notices

15. On 18 April 2017 the councils environmental Protection Team ("EPT") served an objection notice in respect of the TEN.

16. The objection notice states that this venue was recently the source of a noise complaint from a member of the public and upon investigation by the noise officer was found to be open beyond the hours permitted on the premises licence.
17. EPT make the following points in support of their objections:
- The premises licence for Arch 25 was granted under licence number 851909 in June 2016. The opening times sought of the licence mirrored the hours agreed through planning. The licence also restricts recorded music to be played indoors until 23:00 on Thursdays to Saturdays.
 - Southwark's noise and nuisance service received a noise complaint from a residential neighbour at 22:58 on Thursday 30 March 2017 regarding loud audible music being emitted from the Bala Baya premises.
 - A noise and nuisance team officer visited the complainants property at 00:10 on Friday 31 March 2017 and witnessed a statutory nuisance being caused due to the level of intrusion from music and people noise being emitted from the Bala Baya premises. The noise officer visited the premises at 00:30 to discuss this matter with the manager.
 - EPT have stated that the noise officer witnessed the premises open and the playing of recorded music beyond the permitted times stated on the premises licence which subsequently caused a statutory noise nuisance.
 - EPT have strong concerns that if this TEN event were to be granted then further noise nuisance will be caused and therefore object to this application with regards to the prevention of public nuisance licensing objection. The hours stipulated on the premises licence (and the planning application) are relevant considering the location of the arch premises and the proximity of residential neighbours.
 - EPT have also object based on the crime and disorder licensing objective, whereas granting the TEN application will be in breach of planning law. The event will exceed the hours stipulated on the planning application, furthermore the event planned is for drinking, dancing and entertainment which is contrary to the A3 (restaurant) use class.
18. A copy of the EPT objection notice is attached to this report in Appendix B.

TENs History

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

No.	Premises user	Date of event	Time of event and activities
1	Samuel Shaun	31/12/16	23:30 – 05.00 following day Alcohol, LNR, and Regulated Entertainment Indoors only
2	Charlotte Evans	1/4/17	23:30 – 05.00 following day Alcohol, LNR, and Regulated Entertainment Indoors only
3	Charlotte Evans	12/5/17	23:30 – 05.00 following day Alcohol, LNR, and Regulated Entertainment Indoors only

Premises history

20. The premises consists of a restaurant within a railway arch on the ground floor of Arch 25 in Old Union Yard Arches, London SE1.
21. The premises licence was granted to Sefardi Ltd on 8 June 2016. The notice of decision is attached as appendix C.

Premises Licence

22. Details of current premises licence:

- **Opening hours of the premises**
Monday to Sunday 07:00 - 23:30
- **Films - indoors**
Thursday to Saturday 21:00 - 23:00
- **Recorded music - indoors**
Thursday to Saturday 21:00 - 23:00
- **Sale by retail of alcohol to be consumed on premises**
Monday to Friday 12:00 -23:30
Saturday and Sunday 10:00 – 23:30

23. The current premises licence is attached as Appendix D.

Licensing visit history

24. A visit was carried out by an enforcement officer whilst operating under a TEN on 1 April 2016 at 21:45. The officer reported no issues.

The local area.

25. A map showing the location of the premises is attached to this report as Appendix E. The premises are identified at the centre of the circle on the map.

Policy considerations

26. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

Consideration by the sub-committee

27. The sub-committee is asked to consider whether then issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

Community impact statement

28. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
29. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

30. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

Consultation

31. The Act provides for no consultations to take place other than the process outlined in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

32. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
33. The principles which sub-committee members must apply are set out below.

Principles for making the determination

34. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the premises user has complied with regulations and submitted the notice within a prescribed time.
35. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
 - Is made by the metropolitan police
 - Has not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
36. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
 - Reject the whole or part of the application for TEN.

Conditions

37. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued
38. Members are also referred to the Home Office revised guidance on conditions.

Reasons

39. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

Hearing procedures

40. 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 objection.
 - 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 submission.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular submission before the committee
 - To the licensing objectives prevention of crime and disorder.
 - 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 the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
41. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
 42. 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.
 43. As a quasi-judicial body, the licensing sub-committee is required to consider the temporary event notice 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 the police objection.
 44. 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.
 45. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection 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.

46. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made 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. No appeal may be brought later than five working days before the day on which the event begins.

Guidance

47. 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

48. 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 Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

APPENDICES

No.	Title
Appendix A	The temporary event notice
Appendix B	Environmental protection team representation
Appendix C	Notice of decision from 8 June 2016
Appendix D	Premises licence
Appendix E	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Mark Orton, Licensing Enforcement Officer	
Version	Final	
Dated	24 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		26 April 2017

16/04/2017

Business - Temporary events notices

Ref No. [REDACTED]

Before completing this notice please read the guidance notes at the end of the form.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name

Title	Miss
If other, Please state	
Surname	Evans
Firstname(s)	Charlotte

2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

3. Your date of birth

	[REDACTED]
--	------------

4. Your place of birth

	[REDACTED]
--	------------

5. National Insurance Number

	[REDACTED]
--	------------

6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

Address Line 1	[REDACTED]
Address Line 2	[REDACTED]
Town	[REDACTED]

County	
Post code	██████████

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

7. Other contact details

	Telephone numbers:
Daytime	██████████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	████████████████████

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	Bala Baya
Address Line 2	Arch 25 Old Union Yard Arches 229 Union Street
Town	London
County	London
Post code	SE1 0LR

9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

Address Line 1	Bala Baya
Address Line 2	Arch 25 Old Union Yard Arches 229 Union Street
Town	London

County	
Post code	SE1 0LR

Ordnance Survey grid reference

--	--

If there is no recognised Post code, please enter the address for the premises

Address Line 1	
Address Line 2	
Town	
County	

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	851909
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

--	--

Please describe the nature of the premises below. (Please read note 4) *

	Bi-level Tel-Aviv style eatery and bar for Israeli dishes in both casual and upscale dining areas.
--	--

Please describe the nature of the event below. (Please read note 5)

	Bala Baya Late Night - offering entertainment, drinks and dancing to our customers
--	--

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	
Document 2	
Document 3	
Document 4	
Document 5	

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution. In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	<input type="checkbox"/> The sale by retail of alcohol <input type="checkbox"/> The provision of regulated entertainment <input type="checkbox"/> The provision of late night refreshment
--	---

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	Friday 12th May, 2017 - Saturday 13th May, 2017
--	---

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

	23:30 - 5:00
--	--------------

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

	250
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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

	On the premises only
--	----------------------

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48

hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	<input type="checkbox"/>
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If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	
Licence number	
Date of issue	
Date of expiry	
Any further relevant details	

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

	<input type="checkbox"/> Yes
--	------------------------------

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

	<input type="text" value="1"/>
--	--------------------------------

Have you already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
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If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

--	--

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

--	--

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

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Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event) before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

I agree to the above statement

	I agree
PaymentDescription	Bala Baya, Arch 25 Old Union Yard Arches 229 Union Street, SE1 0LR
PaymentAmountInMinorUnits	████
AuthCode	████
LicenceReference	██████████
PaymentContactEmail	████████████████████

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

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

Orton, Mark

From: Prickett, Mark
Sent: 18 April 2017 13:29
To: Regen, Licensing
Cc: Mills, Dorcas; Orton, Mark; [REDACTED]
Subject: TEN objection - Bala Baya, Arch 25 Union Street
Attachments: 801264.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Licensing,

The Environmental Protection Team (EPT) have reviewed TEN application for Bala Baya, Arch 25 Old Union Yard Arches, 229 Union Street, SE1 0LR.

The event is for "Bala Baya Late Night - offering entertainment, drinks and dancing to our customers", seeking the sale by retail of alcohol, provision of regulated entertainment and provision of late night refreshment between Friday 12th May 23:30 – 05:00 Saturday 13th May 2017.

EPT raise objection to this TEN application.

Site context

The arch was granted A3 class (restaurant) planning permission in October 2014 through planning application number 14/AP/1935.

Condition 5 of the planning permission restricts the use of Arch 25 to between the hours of 07:00 – 23:30 on any day, in order to safeguard the amenity of neighbouring residential properties.

Details of the planning application can be found here: <http://planbuild.southwark.gov.uk:8190/online-applications/applicationDetails.do?activeTab=summary&keyVal= STHWR DCAPR 9555112>

The premises licence for Arch 25 was granted under licence number 851909 in June 2016. The opening times sought of the licence mirrored the hours agreed through planning (as stated above). The licence also restricts recorded music to be played indoors until 23:00 on Thursdays to Saturdays.

Reasons for objection

Southwark's Noise & Nuisance received a noise complaint from a residential neighbour at 22:58 on Thursday 30/3/2017 regarding loud audible music being emitted from the Bala Baya premises.

A Noise & Nuisance Team officer visited the complainants property at 00:10 on Friday 31/3/2017 and witnessed a statutory nuisance being caused due to the level of intrusion from music and people noise being emitted from the Bala Baya premises. The noise officer visited the premises at 00:30 to discuss through with the manager.

In summary, the noise officer witnessed the premises open and the playing of recorded music beyond the permitted times stated on the premises licence which subsequently caused a statutory noise nuisance.

Taking into account the above, EPT have strong concerns that if this TEN event were to be granted then further noise nuisance will be caused and therefore object to this application with regards to the prevention of public nuisance licensing objection. The hours stipulated on the premises licence (and the planning application) are relevant considering the location of the arch premises and the proximity of residential neighbours.

EPT also object based on the crime and disorder licensing objective, whereas granting the TEN application will be in breach of planning law. The event will exceed the hours stipulated on the planning application, furthermore the event planned is for drinking, dancing and entertainment which is contrary to the A3 (restaurant) use class.

Kind regards,

Mark Prickett
Principal Enforcement Officer
Environmental Protection Team
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX

Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

visit: <http://www.southwark.gov.uk/air-quality>

<http://www.llecp.org.uk/> - London Low Emission Construction Partnership

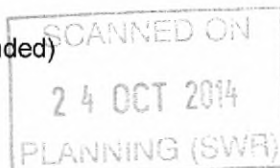


Please consider the environment - do you really need to print this email?

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**Applicant** Network Rail Infrastructure Ltd**LBS Registered Number** 14/AP/1935**Date of Issue of this decision** 22/10/2014**Planning Permission was GRANTED for the following development:**

Change of use of arches 22/23 from B class uses to sui generis (theatre) and arches 24, 25 and 26 from B class use to A3 class (restaurant). This would include the installation of glazed panels to infill the arches with the addition of 5no. flues to the front elevation and the provision of a courtyard in front of the arches.

At: RAILWAY ARCHES 22 TO 26, GREAT SUFFOLK STREET, LONDON, SE1 0BL**In accordance with application received on** 11/06/2014 08:03:20 **Your Ref. No.:**

and Applicant's Drawing Nos. Design and access statement, Ventilation details, Noise level survey, Flood risk assessment, 12-3438-PL100 REV B, 12-3438-PL101, 12-3438-PL102, 12-3438-PL110 REV D, 12-3438-PL111 REV C, 12-3438-PL112 REV B, 12-3438-PL113 REV B, 12-3438-PL114 REV D, 12-3438-PL115 REV D, 12-3438-PL116D, 12-3438-PL117C, 12-3438-PL118 REV C

Subject to the following ten conditions:**Time limit for implementing this permission and the approved plans**

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

12-3438-PL110 REV D, 12-3438-PL111 REV C, 12-3438-PL112 REV B, 12-3438-PL113 REV B,
12-3438-PL114 REV D, 12-3438-PL115 REV D, 12-3438-PL116D, 12-3438-PL117C, 12-3438-PL118 REV C

Reason:

For the avoidance of doubt and in the interests of proper planning.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**LBS Reg. No.** 14/AP/1935**Date of Issue of this decision** 22/10/2014

Commencement of works above grade - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 3 Prior to works commencing, material samples/sample-panels/sample-boards of all external facing materials to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 4 Notwithstanding drawing 12-3438-PL-110 Red D, before any work hereby authorised begins details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

Pre-occupation condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 5 Prior to the commencement of use full particulars and details of a scheme for the ventilation of the premises to an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard of dilution expected, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given and retained as such thereafter.

Reason

In order to ensure that that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**LBS Reg. No.** 14/AP/1935**Date of Issue of this decision** 22/10/2014

- 6 Prior to the commencement works, details of a scheme of sound insulation suitable to ensure that the LAFmax from the theatre would not exceed the lowest LA90, 15min at the facade of nearby noise sensitive premises shall be submitted to the local planning authority for approval in writing. The development shall proceed in accordance with any details approved and the sound insulation/control measures shall be maintained thereafter.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities associated with non residential premises in accordance with the National Planning Policy Framework 2012, Policy 7.15 Reducing noise and enhancing soundscapes of the London Plan, Strategic Policy 13 High environmental standards of the Core Strategy 2011 and saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 7 The use hereby permitted for D1 (Arches 22/23) & A3 class (Arches 24/25/26) purposes shall not be carried on outside of the hours of 0700 to 2330 on any day.

Reason

To safeguard the amenity of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Policy 7.15 Reducing noise and enhancing soundscapes of the London Plan 2011, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 8 All deliveries, collections and servicing to the units shall take place within the curtilage of the site and shall only occur between the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 20:00 on Sundays and Bank Holidays.

Reason

To ensure that occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity in accordance with The National Planning Policy Framework 2012, Policy 7.15 of the Reducing noise and enhancing soundscapes of the London Plan, Strategic Policies 2 Sustainable Transport and 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity and 4.2 Transport Impacts of the Southwark Plan 2007.

- 9 The outdoor area shall not be used for more than 24 covers and outside the following hours:
07:00 to 21:00 Monday to Friday
09:00 to 21:00 Saturdays, Sundays and Bank Holidays
Other than for a means of access and egress.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with the National Planning Policy Framework 2012; Policy 7.15 Reducing noise and enhancing soundscapes of the London Plan 2011; Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**LBS Reg. No. 14/AP/1935****Date of Issue of this decision 22/10/2014**

- 10 The Rating Noise Level from all plant at the site shall be 10dB(A) or more below the lowest LA90, 15min 1m from the facade of nearby noise sensitive premises.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities associated with non residential premises in accordance with the National Planning Policy Framework 2012, Policy 7.15 Reducing noise and enhancing soundscapes of the London Plan, Strategic Policy 13 High environmental standards of the Core Strategy 2011 and saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Signed *Gary Rice*

Head of Development Management

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to planning.applications@southwark.gov.uk

UPRN: 200003493724

TP/RLY/12/BK1

PLANNING PERMISSION

LBS Registered Number: 14/AP/1935

Date of issue of this decision: 22/10/2014



www.southwark.gov.uk

IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APPEAL TO THE SECRETARY OF STATE.** If you are aggrieved by this decision of the council as the local planning authority to grant permission subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you appeal you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at www.planningportal.gov.uk/pcs. You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at www.planning-inspectorate.gov.uk. The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application form and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.
- [3] **PROVISIONS FOR THE BENEFIT OF THE DISABLED.** Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
- (i) Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
 - (ii) Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
 - (iii) Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.
- [4] **OTHER APPROVALS REQUIRED PRIOR TO THE IMPLEMENTATION OF PLANNING PERMISSION.** The granting of planning permission does not relieve the developer of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities [including the London Borough of Southwark] entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property.
- [5] **WORKS AFFECTING THE PUBLIC HIGHWAY.** You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.
- [6] **THE DULWICH ESTATE SCHEME OF MANAGEMENT.** Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].
- [7] **BUILDING REGULATIONS.** You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].
- [8] **THE PARTY WALL Etc. ACT 1996.** You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a

neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

IMPORTANT: This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 8 JUNE 2016

LICENSING ACT 2003: BALABAYA, 25 OLD UNION ARCHES, 229 UNION STREET, LONDON SE1 0LR

1. Decision

That the application by Sefardi Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Balabaya, 25 Old Union Arches, 229 Union Street, London SE1 0LR is granted as follows:

Licensable Activity	Hours
Films (indoors)	Thursday to Saturday from 21:00 to 23:00
Recorded music (indoors)	Thursday to Saturday from 21:00 to 23:00
Supply of alcohol (on the premises)	Monday to Friday from 12:00 to 23:30 Saturday and Sunday from 10:00 to 23.30
Opening hours	Monday to Sunday from 07:00 to 23:30

2 Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and the conditions conciliated with the responsible authorities and the following additional condition:

1. That the supply of alcohol at the premises shall only be to persons seated taking a table or bar meal and for consumption by such persons as ancillary to their meal.

3 Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who stated that this was a food led establishment and provided details of the business concept. He explained that this was a modern take on a Middle-Eastern restaurant and that the dishes served would adopt a sharing concept. They had made very substantial investments into the kitchen and used this to set out their commitment to follow their business plan.

They advised that due to the nature of the food being served that some flexibility would be required in order for them to ensure compliance with conditions that may be applied to the licence. The applicant acknowledged that the premises fall within a cumulative impact zone and demonstrated a commitment to maintaining the safety of both his patrons and the general public.

The licensing sub-committee noted that the police had conciliated with the applicant prior to the hearing.

The licensing sub-committee heard from this council's licensing responsible authority who stated that the premises were situated in a cumulative impact zone. They added that they felt that a condition relating to alcohol being served with a table meal was required in order that the premises did not turn into a vertical drinking establishment in the future.

The licensing sub-committee having heard the evidence from both parties considered that the above condition would properly address the concerns of the licensing authority and make sure that the licensing policy had been properly considered and administered. The licensing sub-committee would like to emphasise that snacks such as olives, nuts or crisps do not constitute a meal.

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.

4 Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 8 June 2016

Licensing Act 2003 Premises Licence

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APPENDIX D



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

Premises licence number

851909

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Balabaya Arch 25, Old Union Yard Arches 229 Union Street London SE1 0UR	
Ordnance survey map reference (if applicable), 179976531845	
Post town London	Post code SE1 0UR
Telephone number	

Where the licence is time limited the dates
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Licensable activities authorised by the licence
Films - Indoors Recorded Music - Indoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 07:00 - 23:30
Tuesday 07:00 - 23:30
Wednesday 07:00 - 23:30
Thursday 07:00 - 23:30
Friday 07:00 - 23:30
Saturday 07:00 - 23:30
Sunday 07:00 - 23:30

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

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 - Indoors

Thursday	21:00 - 23:00
Friday	21:00 - 23:00
Saturday	21:00 - 23:00

Recorded Music - Indoors

Thursday	21:00 - 23:00
Friday	21:00 - 23:00
Saturday	21:00 - 23:00

Sale by retail of alcohol to be consumed on premises

Monday	12:00 - 23:30
Tuesday	12:00 - 23:30
Wednesday	12:00 - 23:30
Thursday	12:00 - 23:30
Friday	12:00 - 23:30
Saturday	10:00 - 23:30
Sunday	10:00 - 23:30

Part 2

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

Sefardi Limited

[REDACTED]

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

[REDACTED]

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

Samuel Shonn

[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 08/06/2016



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

Annex 1 - Mandatory conditions

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.

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.

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

288 That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing an image of every person who enters the premises.

289 That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.

316 That deliveries, collections and servicing to take place between

7am and 9pm - Monday to Saturday

9am and 8pm - Sunday and Bank Holiday

340 That the outside area will not be used outside of the following hours

7am and 9pm - Monday to Friday

9am and 9pm - Saturday, Sunday and Bank Holiday

341 An incidents log shall be maintained and details of all age related refusals or incidents of crime or disorder recorded and reported accordingly.

4AG The premises shall operate a 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 PASS approved proof of age card such as the Southwark Proof of Age (PAL) card.

4AB All staff involved in the sale of alcohol shall be trained in the Challenge 25 policy. A record of their training, including the dates that each member of staff is trained and refresher training provided at six monthly intervals.

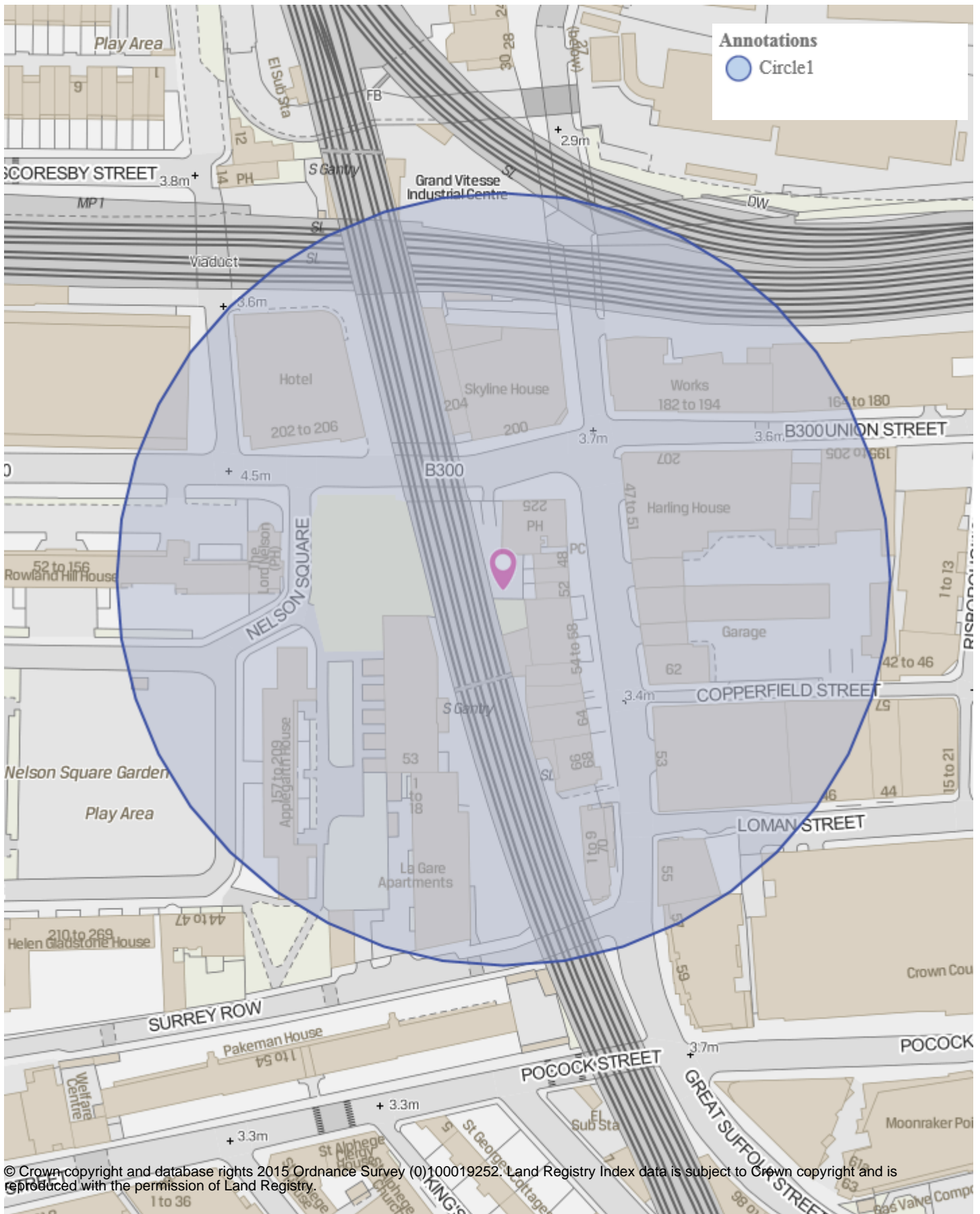
Annex 3 - Conditions attached after a hearing by the licensing authority

840 That the supply of alcohol at the premises shall only be to persons seated taking a table or bar meal and for consumption by such persons as ancillary to their meal.

Annex 4 - Plans - Attached

Licence No. 851909
Plan No. BUS_01B
Plan Date 11/04/16

Bala Bay, Old Union Yard Arches SE1



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