

Licensing Sub-Committee

Tuesday 4 July 2017
10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Maria Linforth-Hall

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: 26 June 2017



Licensing Sub-Committee

Tuesday 4 July 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: HOGSMILL, 204 UNION STREET, LONDON SE1 0LR	1 - 33
6.	LICENSING ACT 2003: ROCK ISLAND, 320-322 OLD KENT ROAD, LONDON SE1 5UE. - TEMPORARY EVENT NOTICE	34 - 74
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT	

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 26 June 2017

Item No. 5.	Classification: Open	Date: 4 July 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Hogsmill, 204 Union Street, London SE1 0LR	
Ward(s) or groups affected:		Cathedrals	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Cattle Grid Restaurants Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Hogsmill, 204 Union Street, London SE1 0LR.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 11 to 19 of this report deals with the representations received to the premises licence application and conciliations progress made. Copies of the relevant representations from a responsible authority and other person and the correspondences are attached as Appendices B C and D.
 - d) Paragraph 20 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix E.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 8 May 2017, Cattle Grid Restaurants Ltd applied to this council for the grant of a new premises licence in respect of the premises known as, Hogsmill, 204 Union Street, London SE1 0LR. The premises consist of a first floor that will trade solely as a restaurant, a ground floor that will trade as a bar/restaurant and an outdoor area that will trade alongside the ground floor. The application is summarised as follows: (revised hours after conciliation):
 - Supply of alcohol (indoors and outdoors)
Monday to Sunday from 12:00 to 23:00
 - Operating hours of premises
Monday to Sunday from 08:00 to 23:30.

9. The premises licence application form provides the applicant operating schedule. Parts I, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

10. The proposed designated premises supervisor is Targett Navarro Grant, who has a personal licence issued by Surrey Council.

Representations from responsible authorities

11. Representations were submitted by the Metropolitan Police Service, environmental protection team (EPT) and public health.
12. The Metropolitan Police Service representation is based on the original hours sought and that entertainment played outside of a premises until 02.00 was likely to cause significant noise disturbance for local residents. They also state that regardless of the hours they still recommend a number of conditions, which if agreed will form part of the conditions for the licence.
13. The EPT initial representation against this application was made until the applicant amended the proposed hours of this application to mirror the permitted planning permission hours at the site (being 07:00 to 23:30). They have concerns that permitting later licensable activity in this location will lead to public nuisance with residential properties in close proximity.
14. Although the applicant has submitted a reduction in hours, there are other issues to be resolved before EPT would be happy to consider the application again.
15. Public health state that the premises falls within the saturation area for Borough and Bankside. They have recommended a couple of conditions for consideration.
16. Copies of the representations are attached as Appendix B.

Representation from other persons

17. There is one representation from other persons (a local ward councillor), who states that this premises is in the Borough and Bankside Cumulative Impact Policy area and therefore a licence should not be granted at all without absolute proof that there will be no adverse impact on the local area.
18. A copy of the representation is attached as Appendix C.

Conciliation

19. The representations were forwarded to the applicant. The applicant proposed a reduction in hours in the form of email attached as Appendix D. However they have not mentioned any agreement to the conditions proposed. The email has been forwarded to all parties and there are still ongoing discussions. The licensing sub-committee will be updated of any developments on the 4 July 2017.

The local area

20. A map of the area is attached to this report as Appendix E. The premises is identified by a triangle at the centre of the map. For purposes of scale only, the circle on the map has a 100 metre radius. The following licensed premises terminal hours are also shown on the map:

Public houses/restaurant

- The Union Theatre, 229 Union Street, London SE1 (Monday to Sunday until 23:30)
- Balabaya, Arch 25 299 Union Street, London SE1 (Monday to Sunday until 23:30)
- The Cervates Theatre, Arch 26 29 Union Street, London SE1 (Monday to Sunday until 23:30)
- The Union Jack, Noli's Gallery, 225 Union Street, London SE1 (Monday to Saturday until 01:30 and Sunday until 00:30)
- Travel Lodge Hotel, 202 -206 Union Street, London SE1 (24 hours)
- The Lord Nelson, 243 Union Street, London SE1 (Monday to Saturday until 23:00 and Sunday until 22.30)
- Union Street Café, (basement and part ground floor) 47-51 Great Suffolk Street, London SE1 (Monday to Wednesday until 00:30, Thursday to Saturday until 02:30 and Sunday until 00:00)
- Carlo's Kitchen@Union Street, 202 Union Street, London SE1 (Sunday to Thursday until 23:30 and Friday and Saturday until 00:00)
- Mar 1 Terra, 14 Gambia Street, London SE1 (Monday to Saturday until 00.30 and Sunday until 00:00)
- Blackfriars Wine Bar, Railway Arch 80, Scoresby Street, London SE1 (Monday to Saturday until 23:30)

Off licence

- Local Express, Unit 2, 202 -206 Union Street, London SE1 (24 hours).

Deregulation of entertainment

21. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08.00 and 23:00 on any premises.
 - Live amplified music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people.
22. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Borough and Bankside Cumulative Impact Zone

23. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises

(saturation/cumulative impact policy) on 5 November 2008, and extended the area in April 2011. This application falls within the policy area.

24. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
25. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
26. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark Statement of Licensing Policy

27. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
 - Closing time for restaurants and cafes: Sunday to Thursday 00:00 hours and Friday and Saturday 01:00.
 - Closing time for public houses, wine bars or other drinking establishments: Sunday to Thursday 23:00 and Friday and Saturday 00:00
 - Closing time for hotel bars and guest houses: No restrictions for residents
 - Closing time for night clubs (with sui generis planning classification): Monday to Thursday 01:00, Friday and Saturday 03:00 and Sunday 00:00
 - Closing time for off-licences and alcohol sales in grocers and supermarkets: 00:00 daily
 - Closing time for take-away establishment: Sunday to Thursday 00:00 and Friday and Saturday 01:00
 - Closing time for cinemas and theatres: 02:00 daily
 - Closing time for vessels: 23:00 daily
 - Closing time for qualifying members clubs: 02:00 daily.
28. Council assembly approved Southwark's statement of licensing policy 2016 to 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.

- Section 5 - Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 - Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 - Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 - The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 - Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
29. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Resource implications

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

Consultation

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

Community impact statement

32. 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

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

Principles for making the determination

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

Conditions

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

- The prevention of nuisance
 - The protection of children from harm.
40. 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.
41. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
42. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

44. 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.

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

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

46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
52. 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.

53. 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

54. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application for a new premises licence
Appendix B	Representation from responsible authorities
Appendix C	Representation from other persons
Appendix D	Conciliation emails
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	22 June 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		22 June 2017

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

08/05/2017

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

Ref No. 813809

Name of Applicant

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

	Cattle Grid Restaurants Ltd
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Premises Details

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

£	20000
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	Yes

Premises trading name

	HOGSMILL
--	----------

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

Address Line 1	204 Union St
Address Line 2	Southwark
Town	London
County	Greater Londson
Post code	SE1 0LR
Ordnance survey map reference	
Description of the location	
Telephone number	07557883780

Applicant Details

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

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

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

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

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

Other Applicants

Personal Details - First Entry

Name	Cattle grid restaurants Ltd
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Address - First Entry

Street number or building name	20 the swan centre
Street Description	rosemary rd
Town	earlsfield
County	surrey
Post code	sw17 0ar
Registered number (where applicable)	6707878
Description of applicant (for example, partnership, company, unincorporated association etc)	Limited liability Company

Contact Details - First Entry

Telephone number	(07557) 883780
Email address	steven.novak@me.com

Operating Schedule

When do you want the premises licence to start?

	01/08/2017
--	------------

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

--	--

General description of premises (see guidance note 1)

Date of birth		14		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality							
Current postal address if different from premises address							
Post town				Postcode			
Daytime contact telephone number							
E-mail address (optional)							

(B) OTHER APPLICANTS

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

Name	CATTLE GRID RESTAURANTS LTD
Address	ROSNANS BIRKBY HOUSE SAWTH BRIDGE RICHMOND HA6 4JJ
Registered number (where applicable)	6707878
Description of applicant (for example, partnership, company, unincorporated association etc.)	LTD LIABILITY COMPANY
Telephone number (if any)	
E-mail address (optional)	STEVEN.NOVAK@ME.COM

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

	The premises consists of a first floor that will trade solely as a restaurant, a ground floor that will trade and a bar restaurant and a outdoor area that will trade alongside the ground floor.
--	---

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

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

Operating Schedule part 2

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

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

Provision of regulated entertainment

	e) live music
	f) recorded music

Provision of late night refreshment

	i) Late night refreshment
--	---------------------------

Supply of alcohol

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

E - Live Music

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

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

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

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

	Live music is to be used for background music, the venue is not a "live music venue"
--	--

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

Day	Start	Finish
Mon	18:00	23:00
Tues	18:00	23:00
Wed	18:00	23:00
Thur	18:00	23:00
Fri	18:00	02:00
Sat	18:00	02:00
Sun	18:00	22:00

State any seasonal variations for the performance of live music (Please read guidance note 4)

--	--

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

--	--

F - Recorded Music

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

	Both
--	------

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

	recorded music is to be used for background purposes only
--	---

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

Day	Start	Finish
Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00

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

Thur	09:00	02:00
Fri	09:00	02:00
Sat	09:00	02:00
Sun	09:00	23:00

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

--	--

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

--	--

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 2)

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

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

	hot food and drinks is to be supplied purely for consumption within the premises
--	--

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 6)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur	23:00	02:00
Fri	23:00	02:00
Sat	23:00	02:00
Sun		

State any seasonal variations for the provision of late night refreshment (Please read guidance note 4)

--	--

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

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

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J - Supply of Alcohol

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

	Both
--	------

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

Day	Start	Finish
Mon	11:00	23:00
Tues	11:00	23:00
Wed	11:00	23:00
Thur	11:00	02:00
Fri	11:00	02:00
Sat	11:00	02:00
Sun	11:00	23:00

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

--	--

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

--	--

Please upload the consent form completed by the proposed premises supervisor

	Licence.rtf.zip
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Premises Supervisor

Full name of proposed designated premises supervisor

First names	Grant
Surname	Targett Navarro

Address of proposed designated premises supervisor

Street number or	25
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Business - Application for a premises licence to be granted under the Licensing Act 2003

Building name	
Street Description	Malden Hill
Town	New Malden
County	Surrey
Post code	kt3 4ds

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

Personal licence number (if known)	ps2247
Issuing authority (if known)	Kingston upon thames

K

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

	No Adult entertainment or services will be offered that should give rise to any concern in respect of children
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L - Hours premises are open to public

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

Day	Start	Finish
Mon	06:00	23:00
Tues	06:00	23:00
Wed	06:00	23:00
Thur	06:00	02:00
Fri	06:00	02:00
Sat	06:00	02:00
Sun	09:00	23:00

State any seasonal variations (Please read guidance note 4)

--	--

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

--	--

M - Steps to promote four licencing objectives

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

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

	Cattle Grid restaurants is an experienced restaurant group that trades responsibly with respect to all licensing objectives. Training of staff throughout the group is extensive, covering all relevant areas: food hygiene, licensing obligations, conflict management, health & safety. Established in 2008 Cattle grid operates 4 other establishments that have never experienced any serious issues.
--	---

b) the prevention of crime and disorder

	CCTV is to be installed throughout. Licensed door staff will be employed whenever trading beyond midnight. All staff are trained in Conflict Management. Cattle grid operates a 25 years old ID policy Zero tolerance of drug use on or off the premises is standard throughout all the groups establishments.
--	--

c) public safety

	<ol style="list-style-type: none"> 1. CCTV is to be installed throughout. 2. All regulations with regards to fire safety will be met if not exceeded in the planning and build of the establishment. 3. At least 1 first aid trained member of staff will be on duty whilst we are open to the public 4. All kitchen staff are trained to a minimum of level 2 food hygiene. 5. All staff are trained in Allergens.
--	--

d) the prevention of public nuisance

	Responsible retailing of alcohol and working closely with local residents paramount in the companies ethos. Strict policies with regards to the outdoor area will be implemented further to concerns of local residents.
--	---

e) the protection of children from harm

	No children will be allowed in the premises after 6pm.
--	--

Please upload a plan of the premises

	1369-17-010.pdf
--	---------------------------------

Please upload any additional information i.e. risk assessments

--	--

Checklist

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

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

Home Office Declaration

Please tick to indicate agreement

	I am a company or limited liability partnership
--	---

Proof of Entitlement to work in the UK

Please upload proof of entitlement to work in the UK

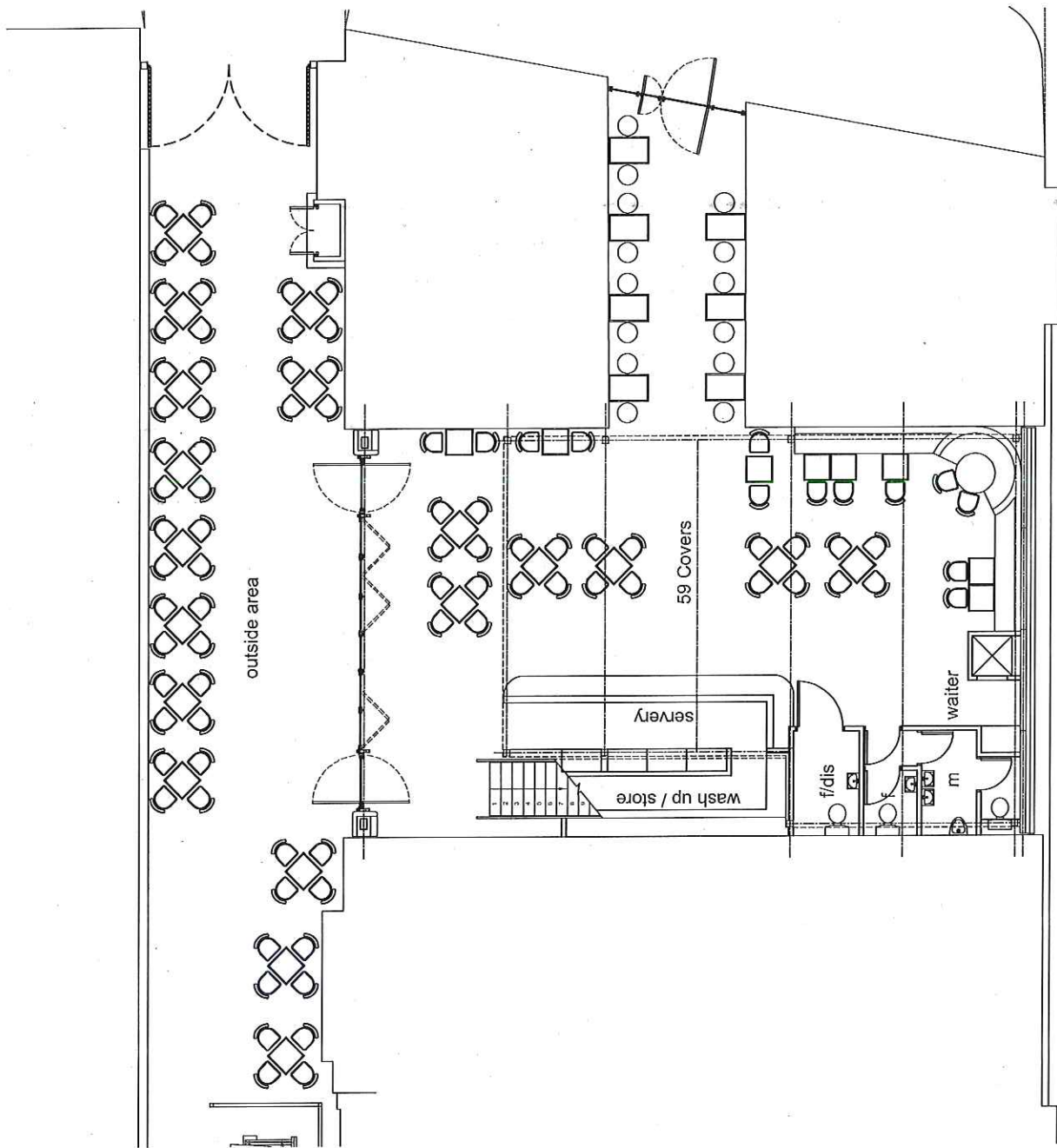
	<u>steve-passport.jpg</u>
--	---------------------------

Declaration

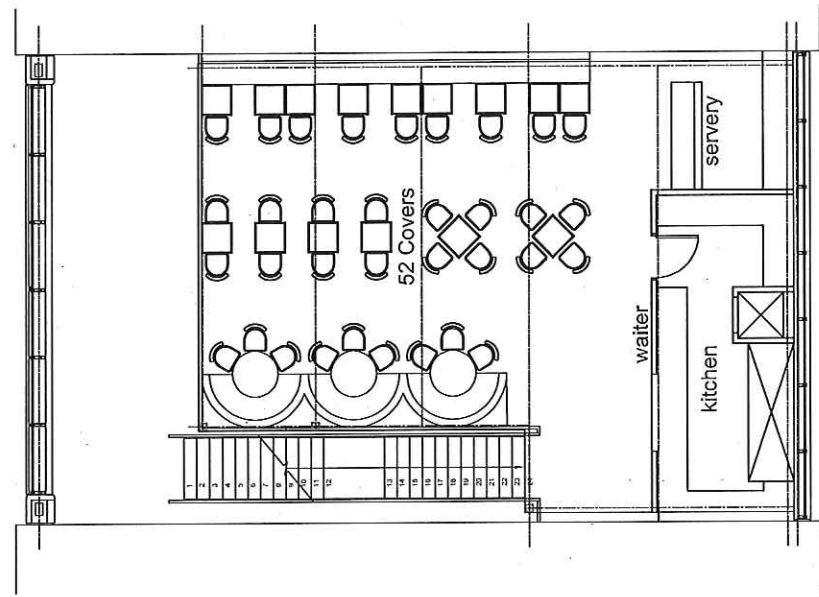
I agree to the above statement

	Yes
PaymentDescription	,
AuthCode	008269
LicenceReference	ks102 94212
PaymentContactEmail	

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




Ground Floor Plan



Mezzanine Floor Plan

Proposed Restaurant@
 Arch 21
 Union Street
 Southwark



Floor Plans
 As Proposed
 Scale: 1:100@A3
 1369-17-010
 Drawn: DRL
 Date: May 17



LABC
 ALL DRAWINGS TO BE CHECKED ON SITE BY THE ARCHITECT PRIOR TO COMMENCEMENT OF WORK.

Darren Law
Architecture
 81 Steed Close Paignton TQ4 7SP
 01803 844961 info@dl-arch.co.uk



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/2968/17

Date: 4th June 2017

Dear Sir/Madam

Re:- Hogsmill 204 Union Street SE1 0LX

Police are in receipt of an application from the above for a new premises licence to be granted under the licensing act 2003.

The application I have does contain much in the way of detail with regard to the intended operation, from a local website I note that it is described as a Bar/Restaurant. From the plans I can only see areas for seating as opposed to a bar area. The two types of premises are somewhat different and would require a different approach in regard to the prevention of crime and disorder.

The hours of operation as per application are as follows:

Late Night Refreshment

Thu - Sat 2300hrs to 02:00hrs

Alcohol Sales (On/Off)

Sun - Wed 1100rs to 2300hrs

Thu - Sat 1100hrs to 0200hrs

Live & Recorded Music

Sun – Wed 0900hrs to 2300hrs

Thu – sat 0900hrs to 0200hrs

Premises open to the public

Mon – Wed 0600hrs to 2300hrs

Thu – Sat 0600hrs to 0200hrs

Sun 0600hrs to 2300hrs

Firstly I note that the entertainment aspect of the application refers to indoors and outdoors, I also note that on the days when the entertainment is provide until 2300hrs this would not require the authorisation of a premises licence.

My initial concerns would be that entertainment played outside of a premises until 0200hrs is likely to cause significant noise disturbance for local residents.

Southwark's statement of licensing Policy 2016 asks applicants of new licenses to consider the guidance in relation to opening hours. Consideration should be given to the premises location and its likelihood to impact on the licensing objectives. It also asks applicant to consider what additional control measure could be put in place to counter any negative impact.

On this occasion I fail to see what additional control measures could be put in place to counter the obvious noise impact, it is for this reason that this element of the application should be refused on the grounds that it would undermine the prevention of public nuisance licensing objective.

The application in general and the late hours on Thursday, Friday & Saturday nights demonstrate a lack of consideration for the statement of licensing policy.

The recommended hours for restaurants in residential areas as per Policy is 2300hrs. I note however that the applicant has offered additional control measures by way of SIA registered security to be employed when the venue is in operation after midnight.

If the licensing sub committee are minded to grant the opening hours as per application, the following wording for the operating schedule is recommended in order to negate any ambiguity.

On Thursday, Friday & Saturday nights the premises will employ at least two (2) SIA registered door supervisors. They will be employed and on duty at 2100hrs until the terminal hour of 0200hrs or when the premises is closed to the public and all patrons have left the premises and the immediate vicinity. They will be employed to monitor and regulate entry and egress from the premises and for the purpose of conflict management.

Regardless of the timings Police would like to see the following additional control measures, some have already been offered by the applicant, however the wording is different from that on the application.

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

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

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

4/ Intoxicating liquor shall not be sold or supplied on the premises other than to persons having table meals and is for consumption by such person as an ancillary to this food .

Condition 4 would restrict the premises to a restaurant style operation, this type of premises is far less likely to impact on the licensing objectives, and might be something to consider should the applicant still wish to proceed with the application for 0200hrs as detailed on the application.

The above is submitted for consideration by the licensing sub committee.

Police would however welcome any dialogue with the applicant by way of conciliation.

Kind Regards

Ian Clements PC 362 MD
Police Licensing Officer
Southwark Police Station
323 Borough High Street SE1 1JL
T 0207 232 6756
Ian.clements@met.pnn.police.uk



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

From: Steve Novak [REDACTED]
Sent: Thursday, June 01, 2017 11:56 AM
To: Prickett, Mark
Cc: Regen, Licensing; Mills, Dorcas
Subject: Re: Premises Licence, Hogsmill, Arch 21 204 Union Street. EPT representation

Thanks Mark

We would be happy to restrict the hours as suggested

Cheers
 Steve

Sent from my iPhone

On 1 Jun 2017, at 11:52, Prickett, Mark <Mark.Prickett@southwark.gov.uk> wrote:

Dear Licensing,

Southwark Council's Environmental Protection Team have reviewed the premises licence application for Hogsmill, Arch 21, 204 Union Street, SE1 0LR.

Licensable activities sought;

Live music (indoors): 18:00 – 23:00 Monday to Thursday, 18:00 – 02:00 Friday & Saturday, 18:00 – 22:00 Sundays.

Recorded music (indoors): 09:00 – 23:00 Monday to Wednesday, 09:00 – 02:00 Thursday, Friday & Saturday, 09:00 – 23:00 Sundays.

Late Night Refreshment (indoors): 23:00 – 02:00 Thursday to Saturday.

Supply of alcohol (both on and off premises): 11:00 – 23:00 Monday to Wednesday, 11:00 – 02:00 Thursday, Friday & Saturday, 11:00 – 23:00 Sundays.

Opening hours: 11:00 – 23:00 Sunday to Wednesday, 11:00 – 02:00 Friday & Saturday.

SITE HISTORY

Arch 21 was granted planning permission for restaurant use via planning ref number 16/AP/1450 in June 2016. Please see copy of the decision notice attached.

Condition 4 of this planning permission limited the opening hours of Arch 21 to 07:00 – 23:00 on any day, in order to “safeguard the amenities of neighbouring residential properties”.

Planning application ref 16/AP/2623 sought to vary condition 4, to change the closing time from 23:00 to 23:30 on any day. This variation was granted in August 2016. Please see copy of the decision notice attached.

EPT COMMENTS ON APPLICATION

EPT make the following comments based on the hours for licensable activities sought;

- The licensable activity hours sought exceed the existing imposed planning permission opening hours.
- Recorded music applied for from 9am, but the opening hours do not commence until 11am?

At present applicant has also requested live music and recorded music until 02:00 , however there are no measures included within section M part d) of the application to address potential noise outbreak / public nuisance. It is also advised that “strict policies” will be in place for the outdoor area, but it does not advise what these policies are?

EPT note that Arches 22-26, located on the opposite side of Union Street to Arch 21, are not permitted to use their respective outdoor areas after 21:00 through condition 9 within planning permission 14/AP/1935.

EPT STANCE

The Environmental Protection Team **make representation** against this application due to the late hours sought, both in terms of potential public nuisance should the premises operate until 02:00 with recorded & live music and also the conflict with the existing planning permission hours for the premises.

Should the applicant be agreeable to amend the hours to finish stay open no later than 23:30 on any day then EPT would be happy to review the application again.

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

<image002.jpg>

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

From: Prickett, Mark
Sent: Thursday, June 01, 2017 3:20 PM
To: 'Steve Novak'
Cc: Regen, Licensing; Mills, Dorcas
Subject: RE: Premises Licence, Hogsmill, Arch 21 204 Union Street. EPT representation

Thanks for advising Steven.

Can you please clarify/confirm the following;

- The revised opening hours
- Revised licensable activity hours
- In light of the restaurant shutting at 23:30 everyday, do you still require late night refreshment?
- In light of the restaurant shutting at 23:30 everyday, do you still require live & recorded music? Please see link below for online government guidance relating to licensing deregulations that came into effect in 2015, whereby "A licence is not required to stage a performance of live music, or the playing of recorded music if:
 - it takes place between 8AM and 11PM; and
 - it takes place at an alcohol on-licensed premises; and
 - the audience is no more than 500 people"

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

Background music is also not a licensable activity. As such if you were not intending to play live or recorded music after 23:00 on any day (in the knowledge that the restaurant shuts at 23:30 and you can still play background music until 23:30) then you do not need to apply for recorded or live music within your application form. You are permitted to do so as per above guidance just from having an alcohol licence.

Hope that is clear but any queries please don't hesitate to contact.

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

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Monday, June 05, 2017 5:07 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: New Premises licence for Hogsmill 204 Union Street

To whom it may concern:

Re: Hogsmill, 204 Union Street, London SE1 0LX

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

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

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

General Comments

The applicant requests a new licence for the sale of alcohol on and off the premises between the hours of 11:00-23:00 Sundays to Wednesdays and 18:00-02:00 Thursdays to Saturdays. I have concerns regarding the hours of alcohol sales requested. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Additionally the hours requested fall outside what is recommended in Southwark's Statement of Licensing policy which is 00:00 on Fridays and Saturdays for bars and other drinking establishments. This premises is also located within Borough Bankside Cumulative Impact Zone and in my opinion the applicant has not rebutted the presumption that this premises will add to the cumulative impact of alcohol related harm in the local area. Finally, the applicant has requested both on and off sales of alcohol but has provided no justification for the off sales.

Recommendations

- I recommended alcohol sales are not permitted after 00:00 on Friday and Saturdays
- I recommended a licence for on sales only

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

Yours faithfully,

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

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025 [REDACTED]
Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

From: Morris, Adele
Sent: Wednesday, May 17, 2017 11:34 AM
To: Jerrom, Charlie
Cc: Linforth-Hall, Maria; Noakes, David; Ian. Clements; Public Health Licensing; Tear, Jayne; Blackburn, Gavin
Subject: Re: New Premises licence for Hogsmill 204 Union Street

Dear Charlie

I write in objection to this licence application on the grounds of prevention of nuisance. The hours applied for exceed both those recommended by Southwark Council's licensing policy and those allowed by the planning permission - which is currently 11.30pm. This premises is situated in a highly residential area and it is not appropriate for it to be open until 2am.

This premises is in the Borough and Bankside Cumulative Impact Policy area and therefore a licence should not be granted at all without absolute proof that there will be no adverse impact on local residents.

Best wishes

Cllr Adele Morris
Cathedrals Ward Liberal Democrat Councillor
Opposition Spokesperson for Regeneration
Vice Chair of Licensing Committee
LGA Environment, Economy Housing and Transport Board Member
LGA Planning Advisory Service Board Member

[Tel:0207 525 4377](tel:02075254377)

Twitter: AdeleCathedrals

From: Steve Novak [REDACTED] m]
Sent: Wednesday, June 14, 2017 9:14 AM
To: Prickett, Mark
Cc: Regen, Licensing; Mills, Dorcas; ian.clements@met.police.uk
Subject: Re: Premises Licence, Hogsmill, Arch 21 204 Union Street. EPT representation

Dear ALL

Further to the objections and conversations with Mark & Ian, I am happy to adjust the application to fit the hours recommended by Mark.

This being licensed to serve alcohol till 11pm and shutting at 11.30pm everyday

Many thanks
Steve

On 1 Jun 2017, at 15:20, Prickett, Mark <Mark.Prickett@southwark.gov.uk> wrote:

Thanks for advising Steven.

Can you please clarify/confirm the following;

- The revised opening hours
 - Revised licensable activity hours
 - In light of the restaurant shutting at 23:30 everyday, do you still require late night refreshment?
 - In light of the restaurant shutting at 23:30 everyday, do you still require live & recorded music?
- Please see link below for online government guidance relating to licensing deregulations that came into effect in 2015, whereby "A licence is not required to stage a performance of live music, or the playing of recorded music if:
- it takes place between 8AM and 11PM; and
 - it takes place at an alcohol on-licensed premises; and
 - the audience is no more than 500 people"

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

Background music is also not a licensable activity. As such if you were not intending to play live or recorded music after 23:00 on any day (in the knowledge that the restaurant shuts at 23:30 and you can still play background music until 23:30) then you do not need to apply for recorded or live music within your application form. You are permitted to do so as per above guidance just from having an alcohol licence.

Hope that is clear but any queries please don't hesitate to contact.

Kind regards,

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

From: Steve Novak [REDACTED]
Sent: Friday, June 16, 2017 1:00 PM
To: Prickett, Mark
Cc: Regen, Licensing; Mills, Dorcas; ian.clements@met.police.uk
Subject: Re: Premises Licence, Hogsmill, Arch 21 204 Union Street. EPT representation

The application times you detail are correct yes.

With regards to the outdoor area I do not feel we should be restricted to 9pm, since unlike the arches opposite we have no residential dwellings in the immediate vicinity and it is also not a planning restriction.

Managing the noise/distribution levels outside will be a priority of the management. Should any issues arise with local residents we would be happy to restrict the hours. Until then however and considering the current objections that to my knowledge have been received, restricting the hours from the outset seems a little unnecessary.

Cheers
Steve

On 14 Jun 2017, at 17:05, Prickett, Mark <Mark.Prickett@southwark.gov.uk> wrote:

Steve,

Thanks for the follow up email.

As far as EPT understand it, the application now seeks;

1. Opening hours – 07:00 – 23:30 7 days a week
2. Sale of alcohol (both on and off the premises) – 11:00 – 23:00.

Please confirm this is correct?

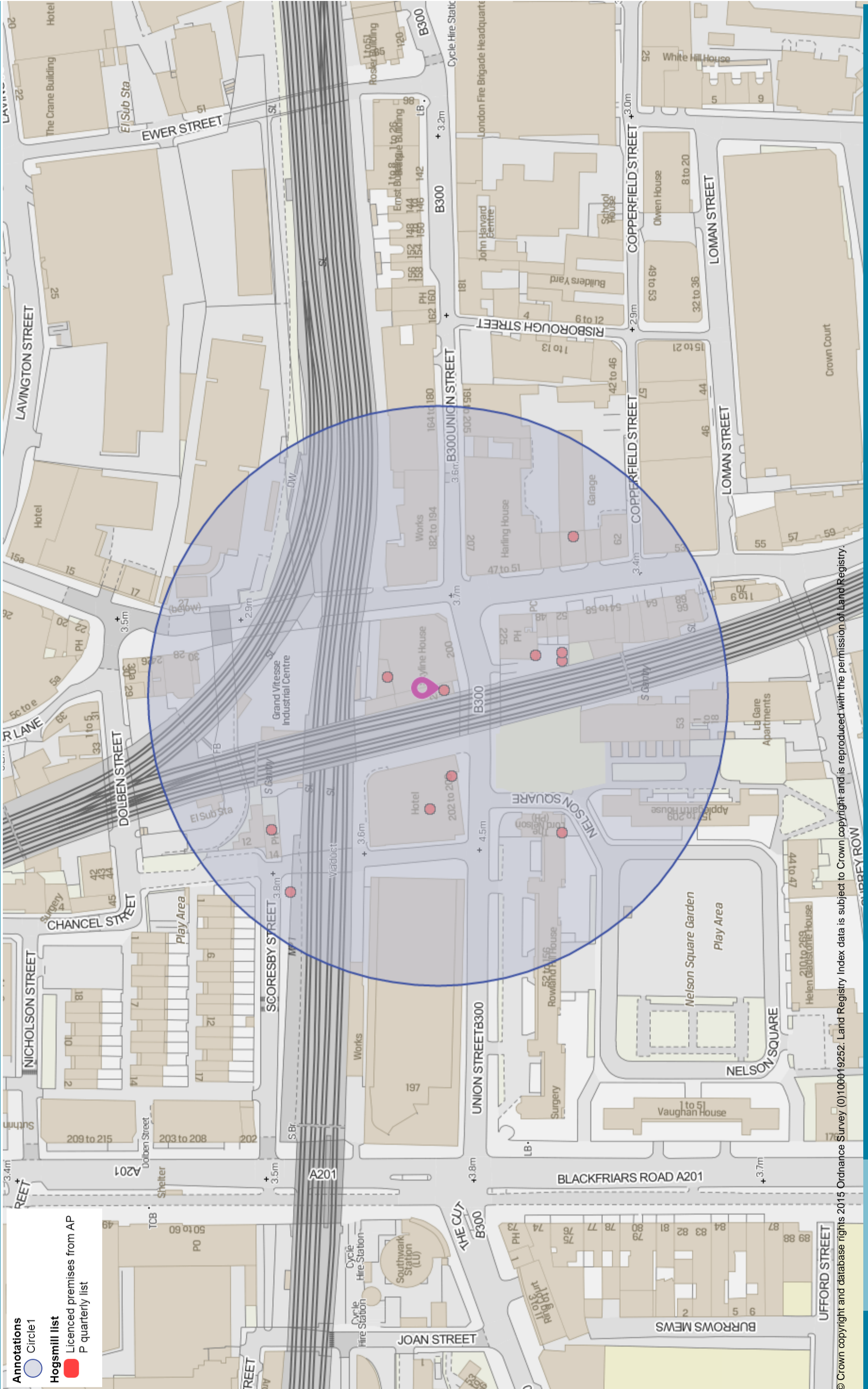
Finally, please can you provide some information on the outdoor area. In the application it is advised that “strict policies” will be in place for the outdoor area, but it does not advise what these policies are? Do you intend to close the outdoor area at a certain time?

As advised below, Arches 22-26 located on the opposite side of Union Street to Arch 21, are not permitted to use their respective outdoor areas after 21:00 through condition 9 within their planning permission 14/AP/1935.

Kind regards,

Mark Prickett
Principal Enforcement Officer
Environmental Protection Team

Hogsmill, 204, UNION STREET, SE1 0LX



- Annotations**
- Circle 1
- Hogsmill list**
- Licensed premises from AP
 - P quarterly list

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Scale = 1 : 1000

15-Jun-2017

Item No. 6.	Classification: Open	Date: 4 July 2017	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Rock Island, 320-322 Old Kent Road, London SE1 5UE. – Temporary Event Notice	
Ward(s) or groups affected:		East Walworth	
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) 859138 served by Ms Claire Joy Steele in regards to an event to be held at Rock Island, 320 – 322 Old Kent Road, London SE1 5UE. The TEN is between 11.00 on Friday 7 July 2017 and 02.30 on Saturday 8 July 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 15 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 9 June 2017 the TEN was served by Ms Claire Joy Steele in respect of an event intended to be held at Rock Island, 320 – 322 Old Kent Road, London SE1 5UE. Ms Steele is the Designated Premises Supervisor for the venue. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:
 - TEN 859138: A drag-queen show to take place during London Pride fortnight (24 June to 9 July 2017), and to allow the sale of alcohol and the provision of regulated entertainment between 11.00 on Friday 7 July 2017 and 02.00 the following day. To allow the provision of late night refreshment between 23.00 on Friday 7 July 2017 and 02.00 the following day. The opening hours are from 11.00 on Friday 7 July 2017 to 02.30 the following day. The maximum number of people expected at any one time at the premises is 150. The activities are to take place on the premises only.

The objection notices

15. On 13 June 2017 the Metropolitan Police Service served an objection notice in respect of the TEN.
16. The objection notice states that the times of operation of the venue, and some of the conditions on the licence, were imposed at hearings of the Licensing Sub-Committee. These decisions were made to prevent the venue becoming a source of crime and disorder, and public nuisance. Allowing the application would remove all these conditions, and extend the hours of operation, with a negative impact on the Licensing Objectives
17. The Metropolitan Police Service made the following points in support of their objections:
 - The venue submitted a variation to extend its hours of operation to times similar to those requested in the TEN application. The application also asked for the removal of Condition 847 of the premises licence, which only allows alcohol to be consumed as ancillary to a table meal. This application was dealt with at a hearing of the licensing sub-committee on 1 June 2017. An extension in hours was granted, but not to the times requested. The request to remove Condition 847 was not granted.
 - An objector to the variation stated that she had not experienced any problems with the venue since the current premises licence for the venue had been granted in January 2017, but there was a prevailing fear the problems experienced in 2015 would return and having heard from all of the responsible authorities, did not have confidence in the management of the premises.
 - The Metropolitan Police Service are concerned that granting the TEN application would circumvent all the conditions of the premises licence that have been crafted to ensure that the venue only operates as a restaurant.
18. A copy of The Metropolitan Police Service 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	Claire Joy Steele	14/02/2017	11.00 – 02.00 following day Alcohol and Regulated Entertainment 23.00 – 02.00 following day LNR Indoors only

Premises history

20. The licensed part of the venue consists of a bar and restaurant on the ground floor.

21. The premises has previously held a licence and operated as a restaurant and nightclub, known as The Thomas A'Becket. The previous licence was revoked by the licensing sub-committee on 10 March 2015 following an expedited review submitted by The Metropolitan Police relating to serious crime and disorder. There were further representations regarding persistent breaches of the premises licence and anti-social behavior associated with the premises. The notice of decision is attached as Appendix C.
22. A new application for a premises licence was submitted by Paul Anthony Scarborough on 16 November 2016 and granted at the hearing held on 30 January 2017. The notice of decision is attached as Appendix D.
23. An application for a variation of the licence was submitted on 4 April 2017. The application asked to extend the hours of operation of the venue; and remove Condition 847 which required alcohol to only be sold as an ancillary to a meal. Representations against the application were received, and the application was dealt with at a hearing of the licensing sub-committee on 1 June 2017. The hours were extended, but not to the times requested. The request to remove Condition 847 was not granted. The applicant is entitled to appeal against this decision, and the deadline for the appeal is 27 June 2017. To date, the applicant has yet to indicate whether or not they are going to appeal. Because of this, the licence issued on 27 February 2017 is still in force. The notice of decision is attached as Appendix E.

Premises Licence

24. Details of current premises licence:
 - **Opening hours of the premises**
Monday to Sunday from 11.00 to 00.00
 - **Late night refreshment**
Monday to Sunday from 23.00 to 23:30
 - **Sale by retail of alcohol to be consumed on premises**
Monday to Sunday from 11.00 to 23.30.
25. The current premises licence is attached as Appendix F.

Licensing visit history

26. The venue was inspected on 11 March 2017 at 19.30. The following breaches of the premises licence were discovered:
 - No one on the premises was able to retrieve CCTV footage
 - The dispersal policy could not be produced
 - Training records for staff could not be produced
 - The incident book couldn't be produced
 - There wasn't any "Challenge 25 signage
 - The refusals register could not be produced
 - Signs requesting patrons to respect the neighbours were not displayed.

27. Another visit was made on 17 March 2017. It was not a full inspection. However, CCTV footage and staff training records could not be produced when requested.
28. As a result of these two visits a warning letter was issued, which is attached as Appendix G.
29. The venue was visited on 24 March 2017. On this occasion staff training records and the incident book were produced. "Challenge 25" signage was displayed and CCTV footage was shown.

The local area.

30. A map showing the location of the premises is attached to this report as Appendix H. The premises are shown as the hatched area on the map.

Policy considerations

31. 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

32. 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

33. 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.
34. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

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

Consultation

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

37. 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

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

Principles for making the determination

39. 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.

40. 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.

41. 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

42. 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

43. Members are also referred to the Home Office revised guidance on conditions.

Reasons

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

Hearing procedures

45. 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.
46. 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.
47. 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.
48. 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.
49. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

50. 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.
51. 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

52. 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

53. 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	Metropolitan Police representations
Appendix C	Notice of decision from 10 March 2015
Appendix D	Notice of decision from 30 January 2017
Appendix E	Notice of decision from 1 June 2017
Appendix F	Premises licence
Appendix G	Warning letter of 21 March 2017
Appendix H	Map of Location

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Alexander Lisowski, Licensing Enforcement Officer	
Version	Final	
Dated	19 June 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		22 June 2017

Temporary Event Notice

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

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. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other (please state)		
Surname	Steele		
Forenames	Claire Joy		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 30	Month 08	Year 1980
4. Your place of birth	London / UK		
5. National Insurance Number	JR 982692A		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
41 Elderfield Road			
Post town	London	Post code	E5 0LF
7. Other contact details			
Telephone numbers Daytime	020 7241 3636		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)	licensing@narts.org.uk		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
NARTS 53 Stoke Newington High Street			

Post town	London	Post code	N16 8EL
9. Alternative contact details (if applicable)			
Telephone numbers: Daytime	020 7241 3636		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)	licensing@harts.org.uk		

2. The premises	
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)	
Rock Island (Thomas A Bucket) 320-322 Old Kent Road London SE1 5UE	
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	856653
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)	
Restaurant	
Please describe the nature of the event below. (Please read note 5)	
Drag-Queen show. During Pride in London 2017 Parade.	

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
07 July 2017 to 08 July 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)	
late night refreshment from: 23:00 to 02:00 supply of Alcohol from: 11:00 to 02:00 music & live entertainment from: 11:00 to 02:00 Opening Hours from: 11:00 to 02:30	
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)	150
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 mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	L.B. of Hackney	
Licence number	08 3934	
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13)

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? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	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 b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>

If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.


9. Declarations (Please read note 17)

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.

Signature	
Date	07.06.2017
Name of Person signing	MS. Ayser Ipek Kilitic

For completion by the licensing authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/2974/17

Date: 13th June 2017

Re:- Rock Island @ Thomas A Beckett 320-322 Old Kent Road SE1 5UE

Dear Sir/Madam

Police are in receipt of a temporary event notice from the above for what is described as a drag queen show during the pride in London 2017 Parade. The intended licensable activities as detailed on the notice are as follows.

Late night Refreshment	23:00 to 02:00
Sale by retail of alcohol.	11:00 to 02:00
The provision of regulated entertainment	11:00 to 02:00
Premises to be open to the public	11:00 to 02:30

On the 1st June 2017 Southwark's Licensing Sub Committee refused an application from the above to vary the premises licence. Amongst others, the variation sought to remove condition 847 of the premises licence which dealt with restricting the sale of alcohol to patrons that were taking table meals and that alcohol would be served ancillary to that table meal.

It also sought to extend the opening hours and the permitted hours for licensable activities until 02:30, similar to those as detailed in the Temporary Event Notice.

Having had regard to all the relevant considerations and the four licensing objectives, the licensing sub committee decided it was appropriate and proportionate to refuse the removal of condition **847** and not to allow the full extent of the additional hours.

In coming to this decision the committee made specific reference to the following comments made by Party G as per the Notice Of Decision issued on the 1st June 2017.

The licensing sub-committee heard from party G, who advised that she spoke on behalf of the residents of Riddle Court. The licence conditions imposed when this licence was granted played a key role in preventing and controlling alcohol related crime and anti-social behaviour, ensuring that alcohol consumption was well managed. The removal of condition 847 would allow non-dining patrons to consume alcohol only. The resident stated that she

had not experienced any problems with the premises since the grant of the licence in January 2017, but there was a prevailing fear that the problems experienced in 2015 would return. Having heard from the responsible authorities, the resident did not have confidence in the management of the premises.

The committee also heard from a number of other responsible authorities and reached their decision having had consideration to all parties and comments.

This Temporary Event Notice would have the effect of removing all the control measures and conditions of the premises licence. It could permit the sale and consumption of alcohol to non-dining patrons and extend the times that alcohol was available. The TEN would circumvent the conditions of the premises licence which were carefully designed to prevent the venue from being anything other than a restaurant style venue.

In my opinion this is highly likely to have a negative impact on the licensing objectives. The conditions already contained within the premises licence in my opinion sufficiently deal with the promotion of the licensing objectives. This can be evidenced by the fact that no complaints have been made by the local residents and there has been little in the way of reported crime associated with the premises.

It is for this reason that I recommend the Licensing sub committee consider the issue of a counter notice.

Another option open to the committee would be to attach all the conditions of the premises licence to the TEN. This would deal with the restaurant style venue but would not deal with the late opening until 0230hrs or the provision of regulated entertainment until 0200hrs, this in my opinion could still have a negative impact on the licensing objectives, in particular the prevention of crime and disorder and the prevention of a public nuisance.

The following is submitted for the consideration of the licensing sub-committee.

Yours Sincerely

Ian Clements PC362MD



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 10 MARCH 2015

LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON SE1 5UE

1. Decision

The council's licensing sub-committee, having had regard to the application made under Section 53C by the Metropolitan Police for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London SE1 5UE and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

2. Reasons

The reasons for this decision are as follows:

The thrust of the representation from the Metropolitan Police Service, the applicant for the review, concerned a serious assault that occurred at the premises on 7 February 2015 at around 02.50 where the victim was slashed in the side of the neck with a broken bottle by the suspect during an altercation. The victim received serious neck injuries and medical staff informed the police that it nearly hit a major artery, which could have proved fatal.

During the investigation it had been established that the premises were in breach of the premises licence conditions and this had hindered the investigation of the crime. The premises were found to be in breach of the following conditions: Condition 303 (696 risk assessment was not submitted to the police 14 days in advance of the event), Condition 308 (No entry or re-entry after 02.00) Condition 341 (ID scanning system to scan and store identification of patrons to be used to enter the premises was not being used to scan all customers and as a result the suspect's name and address, which would have been stored on the system was not). Furthermore, the premises had failed to preserve the crime scene, and failed to contact the emergency services and obstructed the police from entering. The police were only able to gain access once the ambulance service had arrived. The ambulance service had been called by a member of the public.

The police also referred to nine other incidents of violence that had taken place at the premises in the past year. The commonality of these incidents was that the parties involved were heavily intoxicated, demonstrating the fact that there was no responsible sale of alcohol policy at the premises. Concerning the promotion event risk assessment forms 696, these were consistently provided late, if at all. During October to November 2014, there were 12 events involving external promoters at the premises and only four of the form 696s were provided on time. The importance of these forms is to allow the police time to carry out the necessary research to be completed and any advice or recommendations from the police to be implemented.

The police advised that their position remained the same and that the licence should be revoked.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority supporting the review of the premises licence. The officer said that the premises had breached the licence conditions before and had also opened beyond the terminal hour granted in the licence. Specifically, the officer referred to nine incidents in 2014, of complaints of loud music, breaches of the premises licence conditions and opening hours in addition to advertising unlicensed events. The complaints also referred to public nuisance from people arguing in the street, sounding car horns and racing up and down the street in their cars, after leaving the premises. The licensing sub-committee were informed that further enforcement action was currently being considered. The officer recommended that the licence should be revoked.

The licensing sub-committee heard from other persons supporting the review, namely two local residents and an officer from the private sector housing enforcement team.

The officer from the private sector housing enforcement team advised the sub-committee that the premises at 320-322 Old Kent Road is owned by Mr Kashim Abdul, Mr Kazim Abdul and Mr Baian Abdul. They informed the sub-committee that here is a large high risk houses in multiple occupation (HMO) above the Thomas A Becket premises and that the freeholders have consistently breached the HMO licensing regime, under the Housing Act 2004. The officer advised that the freeholders had pleaded guilty in November 2013 to offences under the Housing Act 2004 and a further prosecution is ongoing in the magistrates' court. The officer had personally experienced aggressive behaviour from the freeholders on numerous occasions. The officer supported the police application and recommended that the licence be revoked.

The local residents advised that it had been a nightmare for at least two years, particularly at weekends when residents were experiencing loud arguments and fights, people urinating in public, loud noise caused by patrons leaving the premises, cars revving loudly and music being played loudly in cars after 4am, broken glass and rubbish being left all over the street and trespassing in the car park at Riddell Court. Since the licence had been suspended on 12 February 2015, the residents described that they were able to sleep and that the peace and quiet was blissful. Both residents stated that they felt intimidated in approaching the management of the premises.

The licensing sub-committee heard from the representatives of Thomas A Becket who advised that there was now a new management team in place who would concentrate on compliance with licensing conditions. They informed the sub-committee that premises were going to take a new direction, would be family orientated and focus on the provision of food and evening events. A new external security company would be put in place, 80% of staff would be replaced and the rest retrained. The representative referred to a management plan, which would reflect the future plan of the premises. They accepted that there was no excuse for the previous non-compliance of the licence and that the two proposed designated premises supervisors (DPS) were confident of turning the premises around by the security changes, the training of all staff, the refurbishment of the premises, good working relationships with the authorities and working closely with the community.

The sub-committee felt that it was clear that whilst there may be a change in management at the premises, the existing management team, Kazim Abdul, Kashim Abdul (and Baian Abdul) would remain the freehold owners of the premises. In a letter dated 22 December 2014 the licensing team received a letter from Thomas A Becket accepting the licensing breaches and gross mismanagement of the business. The letter advised that they intended to make right the misconduct by working with the licensing team and the police. They provisionally agreed that they would overhaul the current management staff, including Mr Kashim Abdul and that Mr Kazim Abdul and Gerrado Romero would assume management responsibilities for the premises. This never transpired, as evidenced by the fact that the premises was represented by Mr Kashim Abdul and Mr Kazim Abdul at the expedited review hearing on 12 February 2015, rather than the majority shareholder and the premises licence holder of Thomas A Becket Leisure Investments Ltd, Mr M. Chowdhury.

The licensing sub-committee also noted that there was no new management agreement with the new team and the premises licence holder. Furthermore, the two proposed DPSs had yet to pass the DPS exams thus, no variation of DPS applications have been submitted to date. The sub-committee felt that the new management team presented as a smoke screen for the old management team, which was compounded by wanting a continuation of the existing licence, despite the alleged new management direction. Particularly, despite the promise of having no external promoters at the premises, external promoters events remain advertised on social media.

In all the circumstances, the sub-committee felt that there is no alternative but to revoke the premises licence in order to fulfil the licensing objectives.

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

3. **Appeal rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either:

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

In accordance with the Licensing Act and guidance issued in 2007, the interim steps agreed on 12 February 2015 must remain in effect until the time for appealing the review has expired and any appeal determined.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 10 March 2015



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 30 JANUARY 2017

LICENSING ACT 2003: ROCK ISLAND (FORMERLY THOMAS A BECKET), 320-322 OLD KENT ROAD, LONDON SE1 5UE.

1. Decision

That the application made by Paul Anthony Scarborough for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Rock Island (formerly Thomas A Becket), 320-322 Old Kent Road, London SE1 5UE is granted as follows:

Licensable activity	Hours
Sale and supply of alcohol (on the premises)	11:00 to 23:30 Monday to Sunday
Late night refreshment	23:00 to 23:30 Monday to Sunday
Opening hours	11:00 to 00:00 Monday to Sunday
Non standard timings: None	

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, the conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That all of the previous management of Thomas A Becket Leisure Investments Limited namely: Kazi Hasnat Abdul, Abdul Kashim, Abdul Baian, Hatem Yavuz, Mahfuz Chowdhury, Apeksha Dandekar and Richard Devlin be prohibited from the premises at all times. The same individuals are prohibited to have any involvement whatsoever in the running of the premises or be a director or shareholder of Rock Island Food and Leisure Limited.
2. That should either Rock Island Food and Leisure Limited or Kazi Hasnat Abdul, Abdul Kashim and Abdul Baian terminate the lease dated 14 December 2016 to the premises (Ground Floor Thomas A Becket, 320-322 Old Kent Road, SE1 5UE) terminate the lease before its expiry (in December 2031) by serving a break notice, the premises licence holder will surrender the premises licence to the licensing authority on expiry of the break notice.

3. That the premises have a maximum accommodation limit of 120 patrons made up of: 85 seated patrons and 15 waiting patrons inside the premises and also, 16 seated patrons outside the premises.
4. That the garden/outside area will be closed and clear of patrons by 22:30 daily after which only a maximum of 5 smokers may enter the garden at any one time. No drinks are permitted in the garden area after 22:30.
5. That a written dispersal policy is provided to the licensing authority and shall be kept at the premises and made immediately available for inspection by the police and authorised council officers.
6. That the premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. All CCTV footage will be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to officers of the police or the council.
7. That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the police or other authorised officer.
8. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal or awaiting to be seated within a designated waiting area with a maximum of 15 at any time.
9. That all staff concerned in the sale or supply intoxicating liquor undergoes a training scheme for such duties. Records of such training will be kept and made available for inspection, immediately on request by police or other authorised officer.
10. That all incidents of violence and or disorder that result in an injury to another will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection immediately by any authorised officer from the police or council.
11. That a personal licence holder is on the premises and on duty at all times after 20:00 when intoxicating liquor is supplied.
12. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed Thursday, Friday, Saturday and Sunday after 20:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admission to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

13. That SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
14. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or the half bottle.
15. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of 2 measures per container/glass.
16. That all children on the premises shall be accompanied by a responsible adult.
17. There shall be no entry or re-entry to the premises after 23:00.
18. That there will be no deliveries of stock made to the premises between 22:00 and 08:00 on any day.

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the would be a restaurant and he had partnered up with the Rock Island Cyprus and intended to turn the venue into a premises similar to TGI Friday or Steak House without losing its heritage. The premises became an asset of community value in 2015 following the revocation of the previous premises licence. The previous premises licence holder(s) and the applicant are unconnected. A lease had been granted by the freehold owners and as a result, the Rock Island Cyprus was a separate legal entity and agreed that if the lease to the premises terminated for whatever reason, the premises licence would be surrendered upon the termination of the lease. The applicant was also agreeable to prohibit any of the previous management to enter the premises or have any involvement in the running of the business. The premises would have an emphasis on good quality American food that would celebrate the boxing heritage of the premises.

The licensing sub-committee heard from the Metropolitan Police Service representative who advised that the operating schedule indicated that whilst the application was for a restaurant, the premises is subject to a community order and designated an asset of community value and should remain a public house. Public houses are permitted to serve food but the schedule indicates that the venue would solely be for food and alcohol only served as ancillary to food. Unless the community order is removed and the planning permission changed then the operation as described would not be allowed under the order. The officer also referred to Southwark's statement of licensing policy and highlighted that the proposed hours fell outside of the closing hours suggested in the statement of licensing policy. The representation has suggested conditions that should be in place regardless of terminal hour and also conditions that should be in place if the terminal hour falls after midnight.

The licensing sub-committee heard from the licensing responsible authority officer who referred to issues that led to the revocation of the previous premises licence (to Thomas A Beckett). The officer sought assurances that the previous licensees or management or have any control over the premises and/or the licensable activities that may take place at the premises. The officer also recommended that the closing time be brought into line with Southwark statement of licensing policy.

The officer for licensing as a responsible authority called the Chair of the Walworth Society who advised the sub-committee that the premises became an asset of community value in June 2015 as residents were concerned with that the premises would be sold, and would lose a further licensed premises in the area. The applicant felt assured that the crime and disorder and public nuisance previously associate to the premises would not re-occur and was pleased with the proposals to bring back the asset into the community's usage.

The licensing sub-committee heard from the environmental protection officer who advised that the hours applied for exceeded the recommended hours for a restaurant or pubic house within the Southwark statement of licensing policy. The premises were structurally connected to residential premises and that the proposed conditions to prevent public nuisance did not address the officer's concerns who sought a terminal hour of 23:00.

The licensing sub-committee heard from the public health authority officer who advised that that the increased hours of alcohol sales, such as those detailed in the application are associated with increased alcohol consumption, alcohol related injuries and alcohol related harm. Public health sought an earlier end time in regards to the sale of alcohol and that they are brought in line with Southwark's statement of licensing policy.

The licensing sub-committee noted the representations from other persons who were not present.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion and recognised that the premises had been unused since the licence revocation in 2014. A significant period of time had passed and the local community could be satisfied that the crime and disorder previously associated with the premises would not occur again.

The premises would be run by totally new management who were agreeable to prohibit any of the previous management entering the premises or being involved in the running of the business. Rock Island has demonstrated that they are committed to taking advantage of the heritage and bringing the premises back into the community. With the strict conditions imposed, this licensing sub-committee are satisfied that a premises licence should be granted and that Rock Island can make a success of its venture.

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 been 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: 30 January 2017



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 1 JUNE 2017

LICENSING ACT 2003: ROCK ISLAND (THOMAS A BECKET) 320-322 OLD KENT ROAD, LONDON SE1 5UE

1. Decision

That the application made by Mr Paul Anthony Scarborough, for a variation of the premises licence under the Licensing Act 2003 in respect of the premises known as Rock Island (Thomas A Becket), 320-322 Old Kent Road, London SE1 5UE is granted as follows:

Licensable activity	Hours
The supply of alcohol (for consumption on premises)	Sunday to Thursday from 11:00 to 23:30 (the following day) Friday and Saturday from 11:00 to 00:30 (the following day)
The provision of late night refreshment (indoors):	Sunday to Thursday from 23:00 to 23:30 (the following day) Friday and Saturday from 23:00 to 00:30 (the following day)
Operating hours	Sunday to Thursday from 07:00 to 00:00 (the following day) Friday and Saturday from 07:00 to 01:00 (the following day)

2. Conditions

1. That the doors and windows to the premises will be shut after 22:30.

3. Reasons

The reasons for the decision are as follows:

The applicant and their representative addressed the sub-committee. They advised that the variation application was being made, to give more flexibility to the business. They advised that there was no intention to change the operation of the premises and that it would remain a restaurant, bar and grill. An independent licensing consultant conducted a compliance check on 22 May 2017. They found no issues at the premises, with the exception of CCTV and the dispersal policy (a copy of which was submitted that morning). They informed the sub-committee that since the grant of the premises licence, there had been no incidents of crime and disorder.

59
The Metropolitan Police Service representative addressed the sub-committee and stated that the applicant's current licence had only been granted on 30 January 2017 and that the variation application was received only 35 days after. The variation sought the removal of two conditions (842 and 847) that were placed on the licence after considerable conciliation between the applicant and the responsible authorities. They informed the sub-committee that these conditions were explained to the applicant and their representative and they had agreed to them. The applicant also applied to extend the hours to later than applied for and not granted by the sub-committee in the original application.

The premises is situated in a designated residential area, as set out in the Southwark statement of licensing policy and the current hours are later than those recommended in the policy for restaurants or public houses. Insufficient time had passed to establish the current licence holder's ability to manage the premises and the historical associated problems. The removal of the conditions requested in the application would change the permitted operation from that of a restaurant to a bar, which the police feel would require more stringent conditions, none of which have been offered by the applicant.

The officer representing the council as a responsible authority addressed the sub-committee and echoed the concerns raised by the Metropolitan Police Service. They advised that the premises had previously operated as a nightclub, at the time that the licence was revoked by the licensing sub-committee on 10 March 2015, following an expedited review. There were further representations regarding persistent breaches of the premises licence and anti-social behaviour associated with the premises. The application sought a further increase in hours of all licensable activities and operation and also sought to remove/replace conditions, which could change the nature of the premises as originally described in the original application to that of a night club as before. This could have a negative impact upon the licensing objectives.

Since the grant of the current premises licence, the night time economy team visited the premises on 11 March 2017 where conditions 288 (CCTV training), 289 (maintenance of CCTV), 293 (training records), 4AB (challenge 25), 4AC (agecheck/challenge 25 signage), 305 (signs requesting patrons to respect neighbours), 345 (dispersal policy), 346 (Incident book) and 353 (refusals book) were found to be breached. On 17 March 2017 the premises remained in breach of conditions, in that CCTV and staff training records could not be shown. They further added that the premises had been in breach of conditions, in failing to produce a dispersal policy up until 1 June 2017.

The environmental protection officer addressed the sub-committee and raised similar concerns to those raised by the Metropolitan Police Service and licensing officer representing the council as a responsible authority. The officer highlighted that the premises was very close to residential premises, in particular, the residential accommodation that occupies the floors above the venue. Previous assessments carried out by environmental health officers have indicated that the building has problems with flanking transmission of noise between the commercial and residential premises. The address has a long history of causing public nuisance both from the music/noise transmission, and people noise from patrons congregating outside and having loud music blasting out of cars etc. The environmental protection team officer recommended that the application be refused in its entirety.

The licensing sub-committee noted the representations from public health.

The licensing sub-committee heard from party G, who advised that she spoke on behalf of the residents of Riddle Court. The licence conditions imposed when this licence was granted played a key role in preventing and controlling alcohol related crime and anti-social behaviour, ensuring that alcohol consumption was well managed. The removal of condition 847 would allow non-dining patrons to consume alcohol only. The resident stated that she had not experienced any problems with the premises since the grant of the licence in January 2017, but there was a prevailing fear that the problems experienced in 2015 would return. Having heard from the responsible authorities, the resident did not have confidence in the management of the premises. They added that the Thomas A Beckett building was an asset of community value and the hours sought appeared to contradict this.

The licensing sub-committee noted the written representations from the other persons.

The licensing sub-committee considered all of the oral and written representations before it and concluded that in the short time the premises has operated under its current licence, they have been in breach of licence conditions. Given the very serious history of crime and disorder related to the premises, there has been insufficient time to demonstrate that the premises is well managed. This licensing sub-committee does however note that there have been no complaints made by local residents. It is for this reason, the sub-committee refuse the removal of conditions 842 and 847, but allow a 1 hour increase in the Friday and Saturday operating hours and licensable activities.

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 been 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: 1 June 2017

Licensing Act 2003 Premises Licence

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

Premises licence number

856653

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Rock Island Thomas A Becket 320-322 Old Kent Road London SE1 5UE	
Ordnance survey map reference (if applicable), 178319533630	
Post town London	Post code SE1 5UE
Telephone number 074 3271 9797	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Late Night Refreshment - 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 11:00 - 00:00
Tuesday 11:00 - 00:00
Wednesday 11:00 - 00:00
Thursday 11:00 - 00:00
Friday 11:00 - 00:00
Saturday 11:00 - 00:00
Sunday 11:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 23:30
Saturday	11:00 - 23:30
Sunday	11:00 - 23:30

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

Paul Anthony Scarborough
 Flat 32 Gilby House,
 Berger Road,
 London,
 E9 6HT

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**

Claire Joy Steele
 41 Eldefield Road,
 Hackney,
 London,
 E5 0LF

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. 083934
 Authority L.B Hackney

Licence Issue date 27/02/2017



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.

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

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

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

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

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

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

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

340 That empty bottles and non - degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day so not to disturb the neighbours.

341 That a phone number of the premises shall be made available if required.

305 Signs shall be displayed requesting patrons to respect the neighbours and behave in a courteous manner.

4AA The premises shall operate an agecheck "Challenge 25" policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.

4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck "Challenge 25" policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

4AC Agecheck or "Challenge 25" signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck "Challenge 25" policy applies and proof of age may be required.

342 All refusals of the sale of alcohol shall be recorded. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

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

840 That all of the previous management of Thomas A Becket Leisure Investments Limited namely: Kazi Hasnat Abdul, Abdul Kashim, Abdul Baian, Hatem Yavuz, Mahfuz Chowdhury, Apeksha Dandekar and Richard Devlin be prohibited from the premises at all times. The same individuals are prohibited to have any involvement whatsoever in the running of the premises or be a director or shareholder of Rock Island Food and Leisure Limited.

841 That should either Rock Island Food and Leisure Limited or Kazi Hasnat Abdul, Abdul Kashim and Abdul Baian terminate the lease dated 14 December 2016 to the premises (Ground Floor Thomas A Becket, 320-322 Old Kent Road, SE1 5UE) terminate the lease before its expiry (in December 2031) by serving a break notice, the premises licence holder will surrender the premises licence to the licensing authority on expiry of the break notice.

842 That the premises have a maximum accommodation limit of 120 patrons made up of: 85 seated patrons and 15 waiting patrons inside the premises and also, 16 seated patrons outside the premises.

843 That the garden/outside area will be closed and clear of patrons by 22:30 daily after which only a maximum of 5 smokers may enter the garden at any one time. No drinks are permitted in the garden area after 22:30.

844 That a written dispersal policy is provided to the licensing authority and shall be kept at the premises and made immediately available for inspection by the police and authorised council officers.

845 That the premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. All CCTV footage will be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to officers of the police or the council.

846 That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the police or other authorised officer.

847 That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal or awaiting to be seated within a designated waiting area with a maximum of 15 at any time.

848 That all staff concerned in the sale or supply intoxicating liquor undergoes a training scheme for such duties. Records of such training will be kept and made available for inspection, immediately on request by police or other authorised officer.

849 That all incidents of violence and or disorder that result in an injury to another will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection immediately by any authorised officer from the police or council.

850 That a personal licence holder is on the premises and on duty at all times after 20:00 when intoxicating liquor is supplied.

851 That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed Thursday, Friday, Saturday and Sunday after 20:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admission to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

852 That SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

853 That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or the half bottle.

854 That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of 2 measures per container/glass.

855 That all children on the premises shall be accompanied by a responsible adult.

856 There shall be no entry or re-entry to the premises after 23:00.

857 That there will be no deliveries of stock made to the premises between 22:00 and 08:00 on any day.

Annex 4 - Plans - Attached

Licence No. 856653
Plan No. N/A
Plan Date 01/11/2016



Mr P.A. Scarborough,
C/O Rock Island,
320-322 Old Kent Road,
London, SE1 5UE.

Mr A. Lisowski,
Licensing Enforcement Officer,
Environment and Housing Department.
alexander.lisowski @southwark.gov.uk

Tel: 020 7525 7531

Date: 21 March 2017

Dear Mr Scarborough,

Breach of Premises Licensing Conditions for Rock Island, 320-322 Old Kent Road, London, SE1 5UE.

I am writing to you in your capacity as the premises licence holder for Rock Island, 320-322 Old Kent Road, London, SE1 5UE. On Saturday, 11th March, 2017, at 19.30pm, I visited your venue to do a premises licence inspection.

The following conditions from the premises licence were not being complied with:

Condition 289. "That the premises will install a CCTV system and maintain the system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. All CCTV footage will be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to officers of the police or council."

Condition 288. "That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the police or other authorised officer."

When I visited, neither you nor any of your staff were able to operate the CCTV.

Condition 345. "That a written dispersal policy is provided to the licensing authority and shall be kept at the premises and made immediately available for inspection by the police and authorised council officers."

When I visited you were unable to show me your dispersal policy.

Condition 293. "That all staff concerned in the sale or supply intoxicating liquor undergoes a training scheme for such duties. Records of such training will be kept and made available for inspection, immediately on request by police or other authorised officer."

Condition 4AB. "All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck "Challenge 25" policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

When I visited you were unable to show me any training records.

Condition 346. "That all incidents of violence and or disorder that result in an injury to another will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection immediately by any authorised officer from the police or council."

When I visited you were unable to show me the incident report book.

Condition 4AC. "Agecheck or "Challenge 25" signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck "Challenge 25" policy applies and proof of age may be required."

When I visited no such signs were displayed at the venue.

Condition 353. "All refusals of the sale of alcohol shall be recorded. The register shall be available for inspection at the premises on request by the council's authorised officers or the police."

When I visited you were unable to show me the refusals register.

Condition 305. "Signs shall be displayed requesting patrons to respect the neighbours and behave in a courteous manner."

When I visited no such signs were displayed.

On Friday evening 17th March, 2017, one of my Council colleagues visited your venue. Although he didn't do a full inspection, you were not unable to show him previous CCTV footage for the venue. You were also unable to show him staff training records when requested to do so.

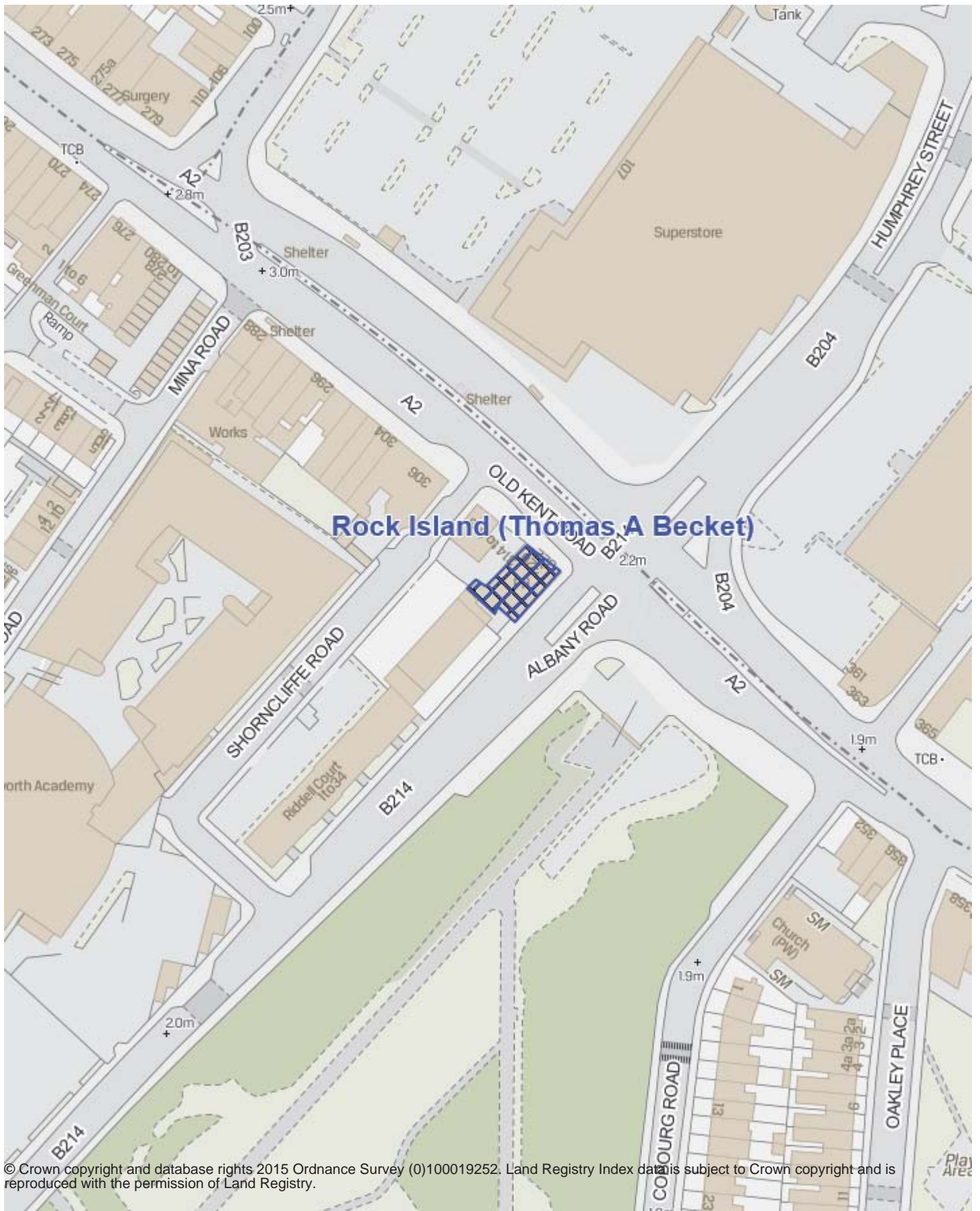
Not complying with the conditions of your premises licence is an offence contrary to The Licensing Act, 2003. This letter is a formal warning that you have breached the conditions of your licence. A copy of it will be kept in my Department's records. If further breaches of the licence are discovered, this letter will be taken into account when deciding what action to take about those breaches.

Yours sincerely,

Mr A. Lisowski,
Licensing Enforcement Officer,
The London Borough of Southwark.




Rock Island - 320-322 Old Kent Road, SE1 5UE



Rock Island (Thomas A Becket)

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10-May-2017
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