

Licensing Sub-Committee

Friday 4 August 2017

10.00 am

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

Membership

Councillor Sunny Lambe
Councillor Lorraine Lauder MBE
Councillor Maria Linforth-Hall

Reserves

Councillor Sandra Rhule

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: 25 July 2017



Licensing Sub-Committee

Friday 4 August 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.	ELECTION OF CHAIR	
	To elect a chair for this sub-committee	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	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.	
5.	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.	
6.	LICENSING ACT 2003: ELEPHANTASTIC PIZZA, UNIT 5, THE ARTWORKS, ELEPHANT ROAD, LONDON SE17 1AY	1 - 30
7.	LICENSING ACT 2003: LONDRINO RESTAURANT, 36 SNOWFIELDS YARD, LONDON SE1 3QQ	31 - 70

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 25 July 2017

Item No. 6.	Classification: Open	Date: 4 August 2017	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Elephantastic Pizza, Unit 5, The Artworks, Elephant Road, London SE17 1AY	
Ward(s) of group(s) affected		East Walworth	
From		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Kyle Shearer to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Elephantastic Pizza, Unit 5, The Artworks, Elephant Road, London SE17 1AY.
2. Notes:
 - a) This application seeks to vary the premises licence held under current legislation in respect of the premises known as: Elephantastic Pizza, Unit 5, The Artworks, Elephant Road, London SE17 1AY under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to outstanding representations submitted by local residents and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 10 to 14 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B.
 - c) Paragraphs 15 to 16 of this report deal with the representation submitted in respect of the application. A copy of the representation submitted by the council's licensing department is attached to this report in Appendix C. A map showing the location of the premises is attached to this report as Appendix E.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence issued in respect of the premises known as Elephantastic Pizza, Unit 5, The Artworks, Elephant Road, London SE17 1AY was issued on 16 March 2016 and allows the following licensable activities:
 - The sale of alcohol to be consumed on the premises
Monday to Sunday from 12:00 to 23:00
 - Opening hours:
Monday to Sunday from 12:00 to 23:00.
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 31 May 2017, Kyle Shearer applied for a full variation of the premises licence at Elephantastic Pizza, Unit 5, The Artworks, Elephant Road, London SE17 1AY. The application was to increase the area for the provision of alcohol (to both on and off sales) with a change of layout, to include the whole of the courtyard area within the Artworks, immediately outside the premises.
11. Mr Shearer was advised that as the courtyard area is used by a number of other licensed premises in the immediate vicinity, this could potentially make his premises

liable for the actions both the other businesses and their customers. From the licensing authority's enforcement perspective, it may be difficult to ascertain from which premises customers had purchased alcohol for consumption in that area. Mr Shearer subsequently withdrew that application.

12. Mr Shearer submitted a replacement application on 14 June 2017. This current application seeks to add off sales to the existing premises licence to account for deliveries and the use of the courtyard area, and to add an additional hour to the morning of alcohol sales.
13. The application and is summarised as follows:
 - The supply by retail of alcohol (both on and off sales)
Monday to Sunday from 11:00 to 23:00
 - Opening hours
Monday to Sunday from 11:00 to 23:00
 - The designated premises supervisor of the premises continues to be Kyle Shearer (also the Applicant) who holds a personal licence from the London Borough of Southwark.
14. A copy of the application is attached to this report in Appendix B.

Representations from responsible authorities

15. A representation has been received from this council's licensing authority in relation to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance. The author states that there are no further measures added to the operating schedule to address how the premises will discourage patrons from drinking alcohol sold for 'off sales' in the street. Additional conditions have therefore been requested to be added to the operating schedule, namely:
 - Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.
 - That clear legible signage shall be prominently displayed at the premises, where it can be easily seen and read, requesting.
16. A copy of the representation is available in Appendix C.

Representations from other persons

17. No other representations have been received.

Conciliation

18. The applicant was sent a copy of the representation. The applicant has responded stating that the reason for making the application was specifically to use the courtyard, that these conditions would prevent that; further that he had followed the advice of the licensing authority. A copy of that response is available in Appendix D.

Premises history

19. There is currently a premises licence in place. A copy of the current licence is available for information in Appendix A.
20. There is no history of complaints associated with the premises received by the licensing authority. An inspection was carried out on 17 February 2017. A number of breaches of the current licence were found, namely:
 1. The Premises Licence Summary (or certified copy) was not on display and/or the Premises Licence (or certified copy) was not kept at the premises. This is in breach of Sections 57(2) & (3) of the Licensing Act 2003.
 2. The CCTV installed at the premises was not working and as such the CCTV footage which should be kept for a period of 31 days was not available. Contrary to conditions 288 and 289 on the premises licence.
 3. Staff training records regarding responsibilities under the licensing act 2003 were not available for inspection, contrary to condition 340 on the premises licence.
 4. Notices requesting customers 'to respect the needs of local residents and leave the area quietly' were not displayed at the premises, contrary to condition 311 on the premises licence
 5. There was no signage regarding 'Challenge 25' on display at points of sale or where alcohol is displayed for sale, as such and after speaking to staff, there was no evidence that a 'Challenge 25' policy has been established at the premises, contrary to condition 4AC and 4AG on the premises licence.
21. A warning letter was provided for the offences found. A revisit inspection was carried out on 5 May 2017. All issues were found to be resolved and the inspection was found to be fully satisfactory. The licence holder was again written to in order to confirm that all was satisfactory at the revisit.

Deregulation of entertainment

22. 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 at on-licensed premises provided the audience does not exceed 500 people. 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').

Map

23. A map showing the location of the premises is attached to this report as Appendix E. There is a high concentration of licensed premises in the immediate vicinity:

Longwave Bar and Café, 1 The Artworks, Elephant Road, London SE17 1AY

- The sale by retail of alcohol (both on and off sales)
 - Monday to Sunday from 11:00 to 00:30 (the following day)
- The provision of late night refreshment (both indoors and outdoors)
 - Monday to Sunday from 23:00 to 01:00 (the following day)

Six Yard Box, Unit 6, The Artworks, Elephant Road, London SE17 1LB

- The sale by retail of alcohol (on sales only)
 - Monday to Sunday from 12:00 (midday) to 23:00

The Trunk, Unit 2, The Artworks, Elephant Road, London SE17 1AY

- The sale by retail of alcohol (both on and off sales)
 - Sunday to Thursday from 11:00 to 23:30
 - Friday and Saturday from 11:00 to 00:30 (the following day)
- The provision of late night refreshment (both indoors and outdoors)
 - Monday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:30 (the following day)
- The provision of regulated entertainment in the form of films (indoors)
 - Sunday to Thursday from 08:30 to 23:30
 - Friday and Saturday from 08:30 to 00:00 (midnight)
- The provision of regulated entertainment in the form of live music, recorded music, plays and the performance of dance (all indoors)
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:00 (midnight)

Black Acorn Tapas, Unit 16 The Artworks, Elephant Road, London SE17 1AY

- The sale by retail of alcohol (on sales)
 - Monday to Sunday from 10:00 to 23:00

Marcel and Sons,18, The Artworks, Elephant Road, London SE17 1LB

- The sale by retail of alcohol (on sales)
 - Tuesday to Saturday from 12:00 (midday) to 22:00
 - Sunday from 12:00 (midday) to 17:00

Lost Rivers, Elephant Road, London SE17 1AY

- The sale by retail of alcohol (both on and off sales)
 - Sunday to Thursday from 11:00 to 23:30
 - Friday and Saturday from 11:00 to 00:30 (the following day)
- The provision of late night refreshment (both indoors and outdoors)
 - Monday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:30 (the following day)
- The provision of regulated entertainment in the form of live music, recorded music, films, play and the performance of dance (all indoors)
 - Sunday to Thursday from 10:00 to 23:30
 - Friday and Saturday from 10:00 to 00:30 (the following day)

Distaindina, Unit 6, Farrell Court, Elephant Road, London SE17 1LB

- The sale by retail of alcohol (both on and off sales)
 - Sunday to Thursday from 08:00 to 03:00 (the following day)
 - Friday and Saturday from 08:00 to 04:00 (the following day)

Bola 8 – Railway Arches 113c and 122, Elephant Road, London SE17 1LB

- The sale by retail of alcohol (on sales)
 - Monday to Wednesday from 11:00 to 02:00 (the following day)
 - Thursday to Saturday from 11:00 to 04:30 (the following day)
 - Sunday from 11:00 to 02:30 (the following day)
- The provision of late night refreshment (indoors)
 - Sunday to Thursday from 23:00 to 02:30 (the following day)
 - Friday and Saturday from 23:00 to 05:00 (the following day)
- The provision of regulated entertainment in the form of live music (indoors)
 - Monday to Sunday from 11:00 to 00:00 (midnight)
- The provision of regulated entertainment in the form of recorded music and anything similar (indoors)
 - Sunday to Thursday from 11:00 to 02:30 (the following day)
 - Friday and Saturday from 11:00 to 05:00 (the following day).

Southwark council statement of licensing policy

24. Council assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. Council assembly approved Southwark's statement of licensing

policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016.

25. Further 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.
26. 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.
27. Within Southwark's statement of licensing policy, the premises are identified as being outside of a cumulative impact zone but inside the Elephant and Castle major town centre. Relevant closing times recommended in the Statement of Licensing Policy is as follows:
- Restaurants and cafes:
 - Sunday to Thursday until 00:00
 - Friday and Saturday until 01:00

- Public houses:
 - Sunday to Thursday until 23:00
 - Friday and Saturday until 00:00.

Resource implications

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

Consultation

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

Community impact statement

30. 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

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

Principles for making the determination

33. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
34. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
35. Relevant representations are those which
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

36. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation.

Conditions

37. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
38. The four licensing objectives are
- The prevention of crime and disorder;
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
39. 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.
40. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
41. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced 3 new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional 2 conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
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 to vary the premises licence, 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 to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

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. 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.
52. 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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of existing premises licence
Appendix B	Application for variation
Appendix C	Representations submitted by Responsible Authorities – the Council's Licensing Department
Appendix D	Response from Applicant
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	14 July 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	19 July 2017	

Licensing Act 2003 Premises Licence



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

Premises licence number

851093

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Elephantastic Pizza The Artworks Unit 5 Elephant Road London SE17 1AY	
Ordnance survey map reference (if applicable),	
Post town London	Post code SE17 1AY
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

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	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 23:00

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

Sale by retail of alcohol to be consumed on premises

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

Part 2

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

Kyle Shearer
[Redacted]
[Redacted]

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

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

Kyle Shearer
[Redacted]
[Redacted]

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

Licence No. [Redacted]
Authority L.B Southwark

Licence Issue date 16/03/2016

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

Annex 1 - Mandatory conditions

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

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

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

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

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

289 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 reasonable request.

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

341 Intoxicating liquor shall not be sold or supplied on the premises other than to persons taking table meals and is for consumption by such person as an ancillary to this meal. Alcohol will only be provided by waiter/waitress service.

311 That notices shall be displayed requesting customers to respect the needs of local resident and to leave the area quietly.

342 That the toilet areas will be supervised and drugs awareness training given to staff.

343 That windows and doors will be kept closed where possible.

4AG The premises shall operate a 'Challenge 25' policy whereby customers purchasing alcohol who appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age.

Approved forms of proof of age shall comprise a photographic driving licence, passport, photographic UK armed services ID card or a Proof of Age Standards Scheme (PASS) approved proof of age card.

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

344 That children wil only be allowed in the company of an adult.

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

Annex 4 - Plans - Attached

Licence No. 851093
Plan No. N/A
Plan Date 25.1.2016

APPENDIX B

14/06/2017

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

Ref No. 834423

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

	Kyle Shearer
Premises licence number	851093

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

£	2000
---	------

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

Address Line 1	UNIT 5
Address Line 2	THE ARTWORKS ELEPHANT ROAD
Town	LONDON
County	
Post code	SE17 1AY
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

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

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

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

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

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

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

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

	We would like to add off sales to our licence
--	---

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

Please select number from range	Less than 5000
If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

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

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

Provision of regulated entertainment

Provision of late night refreshment

--	--

Supply of alcohol

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

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

	Both
--	------

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

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

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

--	--

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

--	--

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

	We are a small pizzeria serving alcohol with food and would like to sell online and with take away. We are a family restaurant and have a strong challenge 25 policy and zero tolerance to anti-social behaviour.
--	---

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

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

State any seasonal variations (Please read guidance note 5)

--	--

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

--	--

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

	we will comply with all our current conditons
--	---

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

	We are a small family pizzeria. We wish to add off sales to our licence so our customers can enjoy a drink with their food outdoors.
--	--

b) the prevention of crime and disorder

	There is a security guard on site and the restaurant and surrounding area are comprehensively covered by cctv
--	---

c) public safety

	We operate a strict challenge 25 policy and never serve anyone who is drunk or anti social.
--	---

d) the prevention of public nuisance

	Customers are reminded to leave quietly
--	---

e) the protection of children from harm

	We will have a security guard on site at all times. 24hr CCTV and anything suspicious will be reported to the Police
--	--

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

Upload proposed plans	
Upload existing plans	

Checklist

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

I agree to the above statement

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

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

Full name	Kyle Shearer
Date (DD/MM/YYYY)	14/06/2017
Capacity	Owner

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

Full name	
Date (DD/MM/YYYY)	
Capacity	

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

Contact name and address for correspondence	Kyle Shearer Elephantastic Pizza Unit 5, The Artworks Elephant Rd London SE17 1AY
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

Please tick to indicate agreement

	<input type="checkbox"/> I am a company or limited liability partnership
--	--

Please upload proof of entitlement to work in the UK

	<u>JotNot-31-05-2017-page-2.pdf</u>
--	-------------------------------------

I agree to the above statement

	Yes
--	-----

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.

MEMO: Licensing Unit

To	Licensing Unit	Date	7 July 2017	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Elephantastic Pizza, Unit 5 The Artworks, Elephant Road, SE171AY

– Application to vary the premises licence

I write with regards to the above application to vary a premises licence submitted by Kyle Shearer under the Licensing Act 2003, which seeks to add the following licensable activities:

- Supply of alcohol (**off the premises**) on Monday to Sunday from 11:00 to 23:00
- Overall opening times shall be on Monday to Sunday from 11:00 to 23:00

The premises variation is described as *'We would like to add off sales to our licence'*

This premises is situated in the Elephant and Castle Major Town Centre area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times **for Public Houses, Wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and on Friday and Saturday is 00:00 hours**

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

There are no further measures added to the operating schedule to address how the premises will discourage patrons from drinking alcohol sold for 'off sales' in the street.

To address my concerns I ask the applicant to consider adding the further conditions below to the operating schedule to promote the licensing objectives

- Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises
- That clear legible signage shall be prominently displayed at the premises, where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises

I therefore submit this representation and welcome any discussion with the applicant

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 - southwark statement of licensing policy 2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

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

Heron, Andrew

From: Kyle Shearer [REDACTED]
Sent: 10 July 2017 20:41
To: Heron, Andrew
Subject: Re: Licence Application

Andrew,

I find this hard to believe?!

As you know the reason we have spent time and money on changing our licence was to serve drinks in the courtyard.

The representation stating alcohol is to be supplied in closed containers and to not to be drunk in the vicinity of the premises is nonsense!

Why, after dealing and acting on your advice do we find ourselves in this ridiculous situation and why are two licencing officers from the same council opposing each other?

Kyle

On 10 July 2017 at 17:01, Heron, Andrew <Andrew.Heron@southwark.gov.uk> wrote:

Dear Mr Shearer,

Further to your application for a variation to the premises licence at Elephantastic Pizza, Unit 5, the Artworks, I am writing to advise that the period for consultation is now complete.

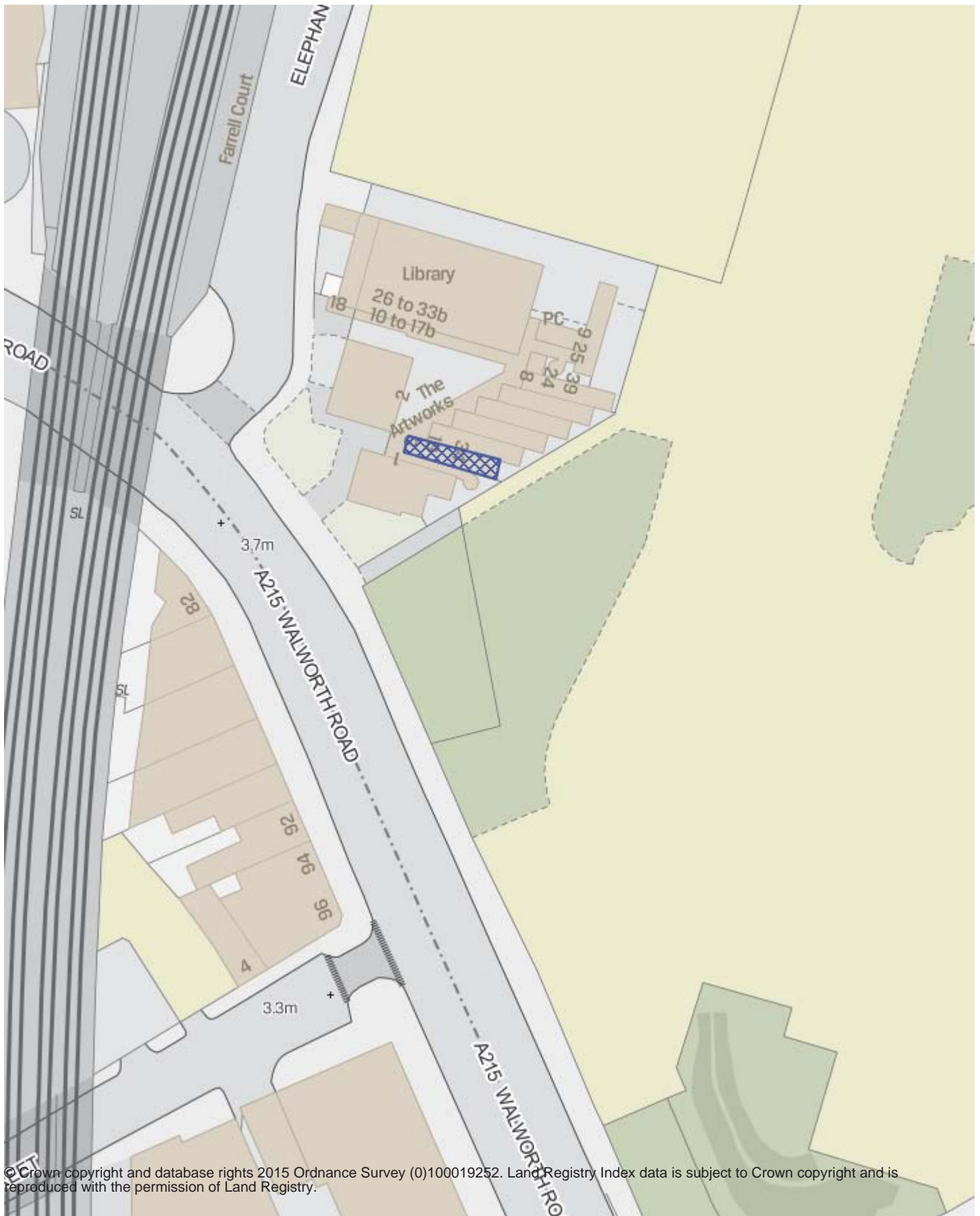
The application has received a representation from the Licensing Authority. Please find attached a copy. They are asking for you to agree to additional conditions on your operating schedule. If you are in a position to agree to those conditions, please write back to confirm at your earliest opportunity and I will have the new premises licence issued. Alternatively, if you are not in a position to agree, please advise in writing and I will arrange for a Hearing of the Licensing Sub Committee to decide on these matters.

I look forward to hearing from you.

Regards,

Andrew Heron

Principal Licensing Officer



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12-Jul-2017

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Item No. 7.	Classification: Open	Date: 4 August 2017	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Londrino Restaurant, 36 Snowsfields Yard, London SE1 3QQ	
Ward(s) of group(s) affected		Grange	
From		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Respite Management Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Londrino Restaurant, 36 Snowsfields Yard, London SE1 3QQ.
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 16 of this report deal with the representations submitted in respect of the application. A copy of the representation submitted by the Licensing Authority is attached as Appendix B and copies of representations by local residents are found in Appendix C. A map showing the location of the premises is attached to this report as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 9 June 2017 Respite Management Limited applied to this council for the grant of a premises licence in respect of Londrino Restaurant, 36 Snowfields Yard, London SE1 3QQ. The premises are described within the application as follows:
 - "36 Snowfields is part of a new development. The restaurant is collaboration between a well known hotel and restaurant operator, Peng Loh, and highly experienced Portuguese Chef Leandro Carreira. This will be a beautifully designed premises with a focus on quality food and drink in a non-fussy atmosphere.

 - The premises sit in a busy mixed use commercial area very close to the iconic Shard. Whilst the premises are just within the Borough cumulative impact area, we respectfully submit that it should not contribute to any concerns with the licensing objectives as customers will be seated and served, and dining at different times. The new restaurant and bar will contribute to the excellence of Southwark's food and drink facilities.

 - The formal restaurant area is to the left of the entrance with a seasonal terrace. To the right is an informal area for lighter snacks and drinks without the need for a full meal where customers will be seated and served by waiter or waitress. We would request up to 12 persons to be able to stand at the bar whilst waiting for a table. There will not be any regulated entertainment, only background recorded music".

9. The application is summarised as follows:
- The supply by retail of alcohol (both on and off sales)
 - Sunday to Wednesday from 10:00 to 23:30 (midnight)
 - Thursday to Saturday from 10:00 to 00:00 (midnight)
 - Seasonal Variation
 - From the terminal hour on New Year's Eve to the commencement of regulated hours the following day. Sundays prior to Bank Holidays to be treated as Saturdays for the purposes of regulated hours and activities.
 - Non-standard Timings
 - Off sales only in a sealed container and only until 23:00.
 - The provision of late night refreshment (indoors):
 - Sunday to Wednesday from 23:00 to 00:00 (midnight)
 - Thursday to Saturday 23:00 to 00:30 (the following day)
 - Opening hours
 - Sunday to Wednesday 09:00 to 00:00 (midnight)
 - Thursday to Saturday 08:00 to 00:30 (the following day)
 - The proposed designated premises supervisor of the premises is Martina Baxter who has been granted a personal licence by London Borough Ealing.
10. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures 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 any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

Representations from responsible authorities

11. A representation was initially submitted by the Metropolitan Police Service (Licensing Division) but this was subsequently withdrawn.
12. The licensing authority's representation has been submitted in respect of the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The representation is concerned essentially with the location of the premises, which sits within the Borough and Bankside cumulative impact zone. The representation is looking to condition the following:
- 1) An accommodation limit for the outside area as indicated on the plans and an accommodation limit or the inside of the premises;
 - 2) To provide a written dispersal policy for the premises;

- 3) Alcohol shall be supplied only to those seated and taking a table meal at the premises except for persons who may wait at the bar whilst waiting for a table;
 - 4) 'Off sales' of alcohol shall be sold in closed containers and taken away from the premises;
 - 5) That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises;
 - 6) That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that customers leave the area in a quiet and orderly manner.
13. A copy of the representation submitted by the licensing authority is attached in Appendix B.

Representations from other persons

14. Representations have been submitted by eight other persons whom remain anonymous for the purposes of the report. Many of the representations are borderline in their validity. Almost all refer to the planning permissions granted for the site. Other representations were received that were subsequently rejected as they failed to address the licensing objectives in any way. There is however an overriding concern with the potential for noise and anti-social behaviour resulting from the granting of an additional premises licence in such close proximity to residential addresses.
15. A copy of the redacted representations are available in Appendix C.

Conciliation

16. Copies of representations have been provided to the applicant's legal agent. At the point of this report being published, conciliatory responses had not been received.

Premises history

17. The venue is a new build has not been in possession of a premises licence previously, nor has it been subject to temporary events notices.

Deregulation of entertainment

18. 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 at on-licensed premises provided the audience does not exceed 500 people. 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').

Map

19. A map showing the location of the premises is attached to this report as Appendix D. The following licensed premises are in the vicinity of the premises application:

Lost Rivers Delibar, Unit 2, 7-13 Melior Street, London SE1 3QP

(Members may wish to note that this neighbouring application was recently granted by means of a hearing of the Southwark licensing sub-committee on 5 May 2017)

- The sale of alcohol (both on and off sales)
 - Sunday to Thursday from 11:00 to 23:00
 - Friday and Saturday from 11:00 to 23:30
- The provision of late night refreshment (indoors and outdoors)
 - Friday and Saturday from 23:00 to 23:30
- The provision of regulated entertainment in the form of recorded music (indoors)
 - Friday and Saturday from 23:00 to 23:30
- Opening Hours
 - Sunday to Thursday from 08:00 to 23:30
 - Friday and Saturday from 08:00 to 00:00 (midnight)

The Horseshoe Inn, 26 Melior Street, London SE1 3QP

- The sale of alcohol (both on and off sales)
 - Monday to Saturday 10:00 to 00:00 (midnight)
 - Sunday 12:00 to 23:00
- The provision of late night refreshment (indoors)
 - Monday to Saturday from 23:00 to 00:30 (the following day)
 - Sunday from 23:00 to 23:30
- The provision of regulated entertainment in the form of films indoor sporting events, live and recorded music (all indoors)
 - Monday Saturday from 10:00 to 00:00 (midnight)
 - Sunday from 10:00 to 23:00

Texas Joes, 8-9 Snowfields, London SE1 3SU

- The sale of alcohol (both on and off sales)
 - Monday to Sunday from 11:00 to 23:30

- The provision of late night refreshment (indoors and outdoors)
 - Monday to Sunday from 23:00 to 23:30
- The provision of regulated entertainment in the form of recorded music (indoors)
 - Monday to Sunday from 11:00 to 23:30

Champor-Champor, 32-64 Weston Street, London SE1 3QJ

- The sale by retail of alcohol (on sales only)
 - Monday to Saturday from 11:00 to 00:00 (midnight)
 - Sunday from 11:00 to 23:30
- The provision of late night refreshment (indoors)
 - Monday to Saturday from 23:00 to 00:30 (the following day)
 - Sunday from 23:00 to 00:00 (midnight)

The Savanna, Unit SU 58 London Bridge Station, St Thomas Street, London SE1 3QX

- The sale by retail of alcohol (both on and off sales)
 - Monday to Friday from 11:00 to 22:00
 - Saturday and Sunday from 09:00 to 22:00

Yo! Sushi, 49 Wolfson House, St Thomas Street, London SE1 3QX

- The sale by retail of alcohol (both on and off sales)
 - Monday to Saturday from 08:00 to 23:00
 - Sunday from 08:00 to 22:30
- The provision of late night refreshment (indoors and outdoors)
 - Monday to Saturday from 23:00 to 23:30

The Rose, 123 The Rose Snowfields, London SE1 3ST

- The sale by retail of alcohol (both on and sales)
 - Monday to Sunday from 12:00 to 23:00
- The provision of regulated entertainment in the form of recorded music (indoors)
 - Monday to Sunday from 12:00 to 23:00

The Greenwood Theatre, 55 Weston Street, London, SE1 3RA:

- The sale by retail of alcohol (on sales only)
 - Monday to Saturday from 12:00 to 23:00
 - Sunday from 12:00 to 22:30
- The provision of regulated entertainment in the form of live music, recorded music, and performances of dance (indoors)
 - Sunday to Thursday from 09:00 to 23:00
 - Friday and Saturday from 09:00 to 00:00 (midnight)
- The provision of regulated entertainment in the form of plays and films (indoors)
 - Monday to Sunday from 09:00 to 00:00.

Southwark council statement of licensing policy

20. Council assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016.
21. Further sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 1. 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
 2. 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.
 3. 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
 4. 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.
 5. Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
 6. Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective

7. Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
 8. Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
22. 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.
 23. Within Southwark’s statement of licensing policy, the premises are identified as being within the Borough and Bankside cumulative impact zone. Relevant closing times recommended in the statement of licensing policy for licensed premises in residential areas are as follows:
 - Closing time for restaurants and cafes:
 - Sunday to Thursday: 00:00 (midnight)
 - Friday and Saturday: 01:00 (the following day)
 - Closing time for public houses, wine bars or other drinking establishments:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00 (midnight)
 - Closing time for off-licences and alcohol sales in grocers and supermarkets:
 - Monday to Sunday: 00:00
 - Closing time for take-away establishments:
 - Sunday to Thursday: 00:00 (midnight)
 - Friday and Saturday: 01:00 (the following day).

Resource implications

24. A fee of £100.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value bands D/E.

Consultation

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

Community impact statement

26. 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

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

Principles for making the determination

29. 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.
30. 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.
31. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates
 - To refuse to specify a person in the licence as the premises supervisor
 - To reject the application.

Conditions

32. 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.

33. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
34. 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.
35. 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.
36. 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

37. 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

38. 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.
39. 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

40. 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.
41. 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.
42. 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.
43. 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.
44. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

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

45. 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.

46. 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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representation submitted by the licensing authority
Appendix C	Representations submitted by other persons
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	14 July 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		19 July 2017

APPENDIX A

09/06/2017

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

Ref No. 831891

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

	RESPITE MANAGEMENT LIMITED
--	----------------------------

Premises Details

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

£	0
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	LONDRINO RESTAURANT
--	---------------------

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

Address Line 1	36 SNOWFIELDS YARD
Address Line 2	
Town	LONDON
County	
Post code	SE1 3QQ
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

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)
--	---

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	RESPITE MANAGEMENT LIMITED
------	----------------------------

Address - First Entry

Street number or building name	26
Street Description	Red Lion Square,
Town	London,
County	
Post code	WC1R 4AG
Registered number (where applicable)	03511991
Description of applicant (for example, partnership, company, unincorporated association etc)	PRIVATE LIMITED COMPANY

Contact Details - First Entry

Telephone number	██████████
Email address	████████████████████

Operating Schedule

When do you want the premises licence to start?

	01/07/2017
--	------------

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)

	<p>36 Snowfields is part of a new development. The restaurant is a collaboration between a well known hotel and restaurant operator, Peng Loh, and highly experienced Portuguese Chef Leandro Carreira. This will be a beautifully designed premises with a focus on quality food and drink in a non-fussy atmosphere. More can be read in the attachments.</p> <p>The premises sit in a busy mixed use commercial area very close to the iconic Shard. Whilst the premises are just within the Borough cumulative impact area, we respectfully submit that it should not contribute to any concerns with the licensing objectives as customers will be seated and served, and dining at different times. The new restaurant and bar will contribute to the excellence of Southwark's food and drink facilities.</p> <p>The formal restaurant area is to the left of the entrance with a seasonal terrace. To the right is an informal area for lighter snacks and drinks without the need for a full meal where customers will be seated and served by waiter or waitress. We would request up to 12 persons to be able to stand at the bar whilst waiting for a table. There will not be any regulated entertainment, only background recorded music.</p>
--	---

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

Provision of late night refreshment

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

Supply of alcohol

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

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)

	Sale of hot food and drink
--	----------------------------

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

Day	Start	Finish
Mon	23:00	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:30
Fri	23:00	00:30
Sat	23:00	00:30
Sun	23:00	00:00

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

	From the terminal hour on New Year's Eve to the commencement of regulated hours the following day. Sundays prior to Bank Holidays to be treated as Saturdays for the purposes of regulated hours and activities.
--	--

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)

--	--

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	10:00	23:30
Tues	10:00	23:30
Wed	10:00	23:30
Thur	10:00	00:00
Fri	10:00	00:00
Sat	10:00	00:00
Sun	10:00	23:30

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

	From the terminal hour on New Year's Eve to the commencement of regulated hours the following day. Sundays prior to Bank Holidays to be treated as Saturdays for the purposes of regulated hours and activities.
--	--

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)

	Off sales only in a sealed container and only until 23:00.
--	--

Please upload the consent form completed by the proposed premises supervisor

	Consent-signed.pdf
--	------------------------------------

Premises Supervisor

Full name of proposed designated premises supervisor

First names	MARTINA
Surname	BAXTER

Address of proposed designated premises supervisor

Street number or Building name	█
Street Description	██████████
Town	██████████
County	██████████
Post code	██████

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

Personal licence number (if known)	██████
Issuing authority (if known)	EALING

K

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

	NONE
--	------

L - Hours premises are open to public

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

Day	Start	Finish
Mon	09:00	00:00
Tues	09:00	00:00
Wed	09:00	00:00
Thur	09:00	00:30
Fri	09:00	00:30
Sat	09:00	00:30
Sun	09:00	00:00

State any seasonal variations (Please read guidance note 4)

	From the terminal hour on New Year's Eve to the commencement of regulated hours the following day. Sundays prior to Bank Holidays to be treated as Saturdays for the purposes of regulated hours and activities.
--	--

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

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

	The premises are described at Part 2 above. The applicants respect Southwark's Licensing Policy but respectfully submit that the premises are situated in a busy mixed use commercial area adjacent to The Shard and will predominantly operate as a restaurant where customers are seated and served and where food is always available. The sale by retail of alcohol is always ancillary to the main focus of the restaurant, namely its food. The premises will fully comply with the licensing objectives and will not be a contributor to the problems of late night
--	--

	cumulative impact issues.
--	---------------------------

b) the prevention of crime and disorder

	Off Sales will only be up to 2300 in sealed containers for consumption away from the premises The premises will have digital CCTV to a standard approved by Southwark Police. The premises will not to stock high strength beers etc.
--	---

c) public safety

	Public safety is taken seriously and H&S, RIDDOR and fire risk assessments will be kept up to date. Staff are comprehensively trained and a record is kept of all incidents and accidents.
--	---

d) the prevention of public nuisance

	The restaurant will have great respect for its neighbours. It will not normally have large crowds dispersing as patrons dine at different times and stagger their departure. Refuse deliveries are arranged so as not to disturb residents. Smoking is very rarely an issue but a policy is in place and no glasses may be removed from the premises.
--	--

e) the protection of children from harm

	Children are welcome if accompanied by a responsible adult for the purposes of having a meal. Staff are trained on their responsibilities to not sell alcohol to persons who are or appear to be underage and Challenge 25 is in place.
--	---

Please upload a plan of the premises

	Binder.pdf
--	----------------------------

Please upload any additional information i.e. risk assessments

	Presentation-F.pdf
--	------------------------------------

Checklist

	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

<input type="checkbox"/>	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

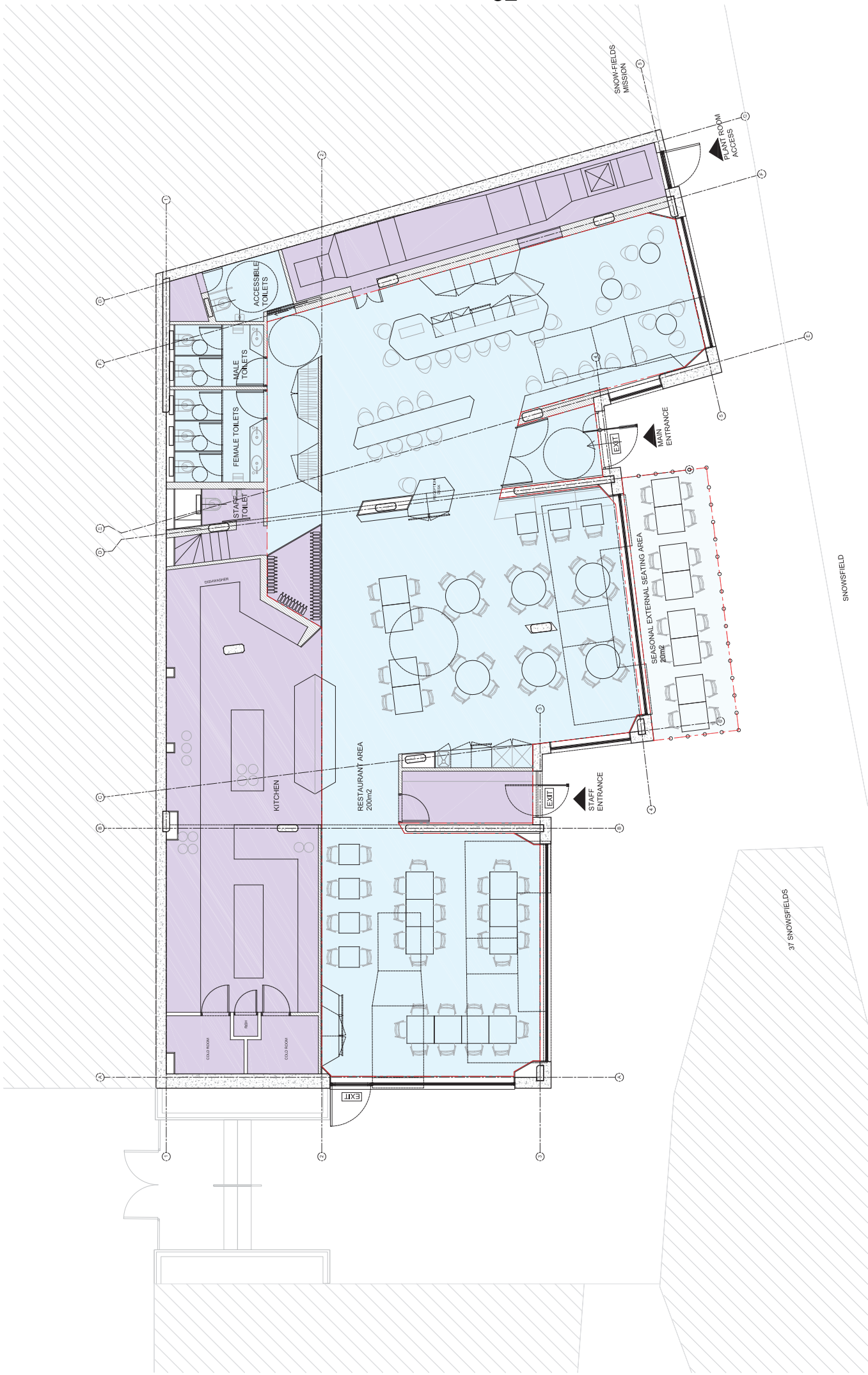
<input type="checkbox"/>	20170606-202542.jpg
--------------------------	---------------------

Declaration

I agree to the above statement

<input type="checkbox"/>	Yes
PaymentDescription	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
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.



rare www.rarearchitects.com | T: +44(0)20 3299 8302

SNOWFIELDS YARD PROJECT **RESPIRE MANAGEMENT LIMITED** PRODUCT

PLAN FLOOR GROUND FLOOR **DEVELOPED** STATUS

1:100@A3 SCALE **30 MAY 17** DATE **A** REVISION **0** ZONE **1400** NUMBER **3** PHASE **SNY** CODE

0 1 2 5 SCALE BAR

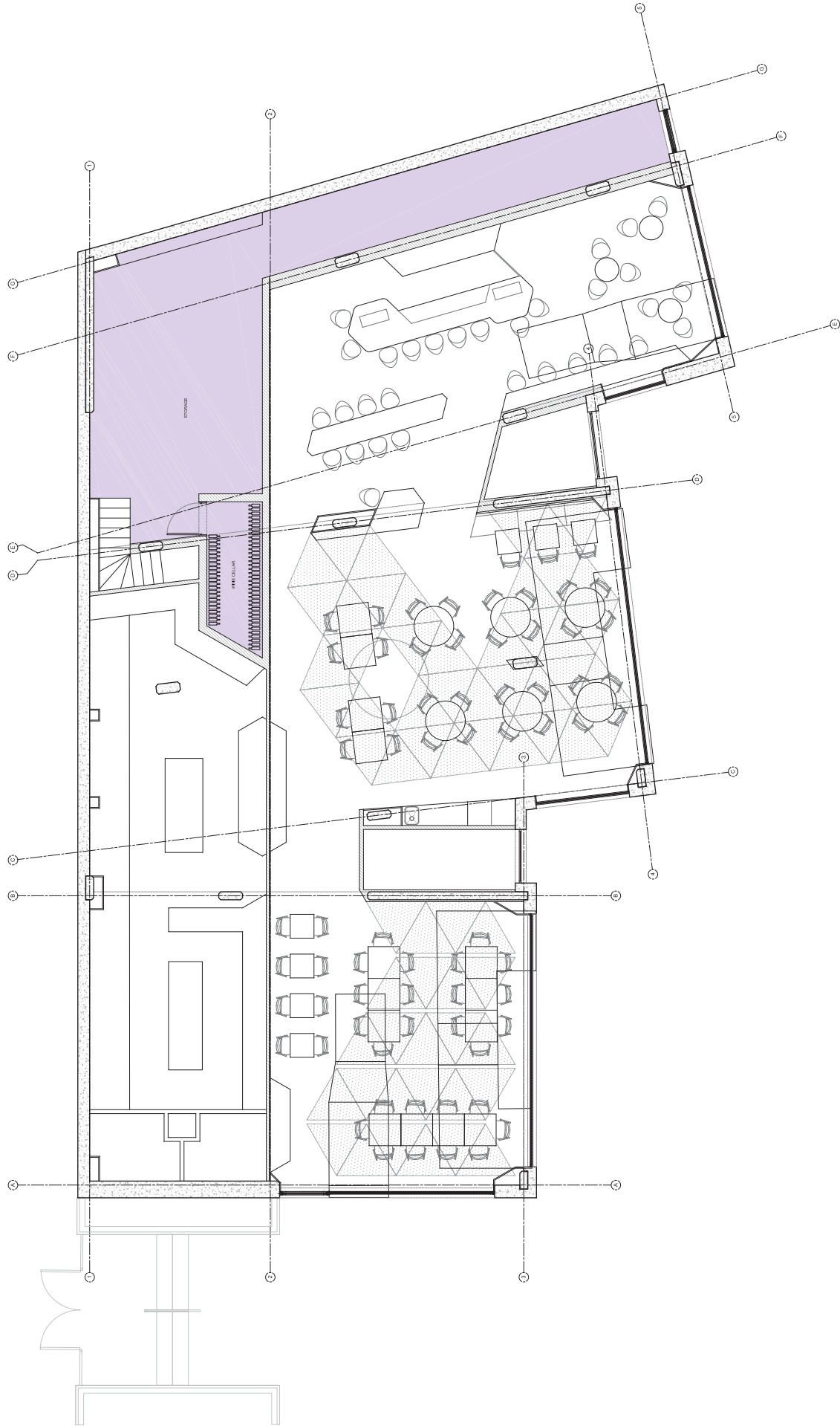
NOTES
 Internal layouts shown for illustrative purposes only.
 Study drawings not suitable for construction and to be used in combination with relevant specifications and technical drawings. Dimensions should not be scaled from this drawing. All dimensions and levels to be checked on site for information only.

LICENSABLE AREA —

DATE **PHASE** **ZONE** **NUMBER** **REVISION** **STATUS**

PUBLIC — **STAFF** —

37 SNOWFIELDS



rare

DRAWING TITLE

SNOWFIELDS YARD

PRODUCT

RESPITE MANAGEMENT LIMITED

CLIENT

CODE

SNY

PHASE

3

NUMBER

1401

ZONE

1401

SCALE

30MAY17

DATE

A

REVISION

0

STATUS

1:100@A3

MEZZANINE

DEVELOPED

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0 1 2 5

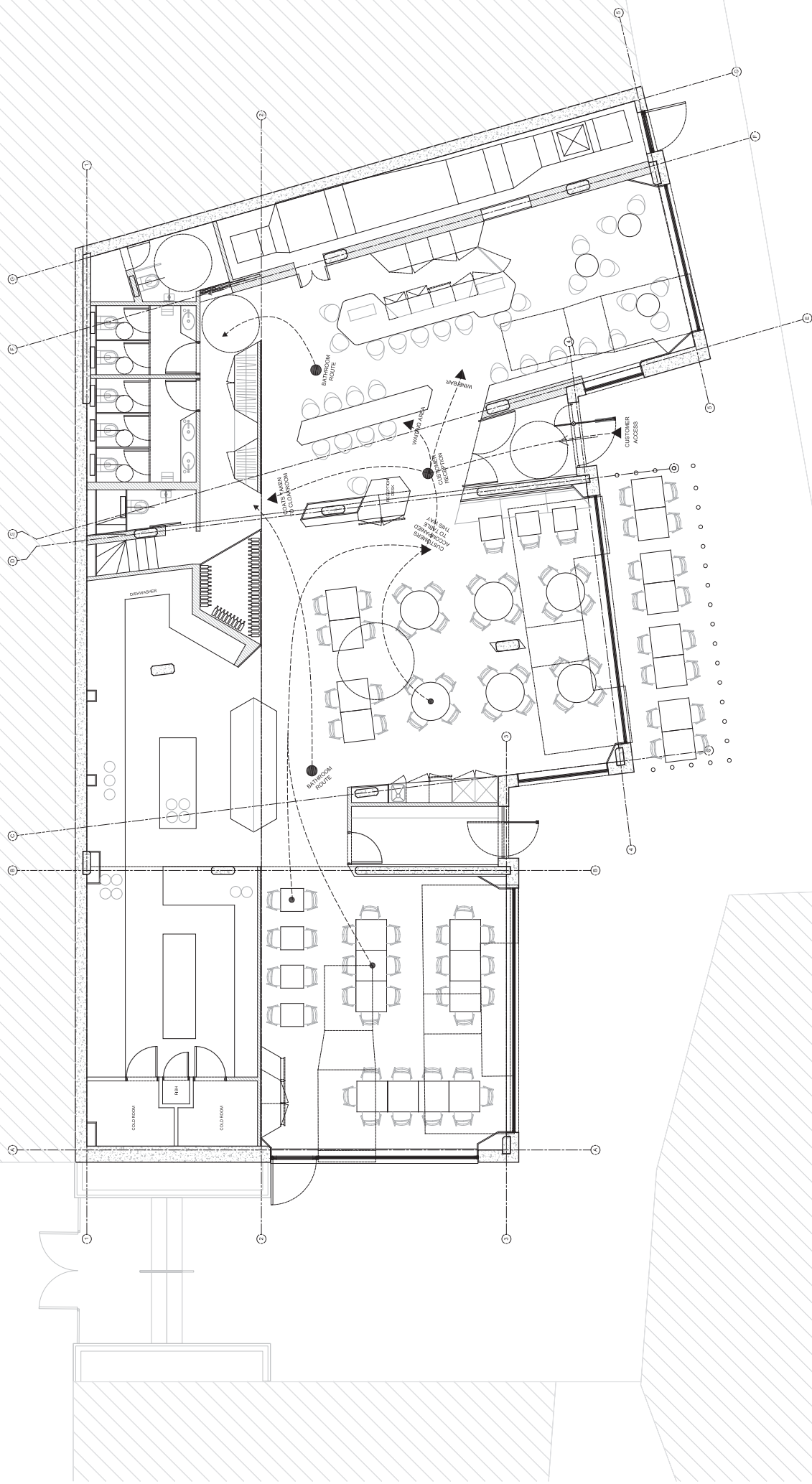
NOTES

Internal layouts shown for illustrative purposes only.
 Study drawings not suitable for construction and to be used in combination with
 relevant specifications and technical drawings. Dimensions should not be scaled from
 this drawing. All dimensions and levels to be checked on site for correspondence.

DATE

REVISION

REVISION



rare

DRAWING TITLE

SNOWFIELDS YARD

PROJECT

RESPIRE MANAGEMENT LIMITED

CLIENT

0 1 2 5

SCALE

1:100@A3

DATE

30 MAY 17

ZONE

1400

NUMBER

3

PHASE

SNY

REUSE

A

0

STATUS

DEVELOPED

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INTERNET

REVISION

DATE

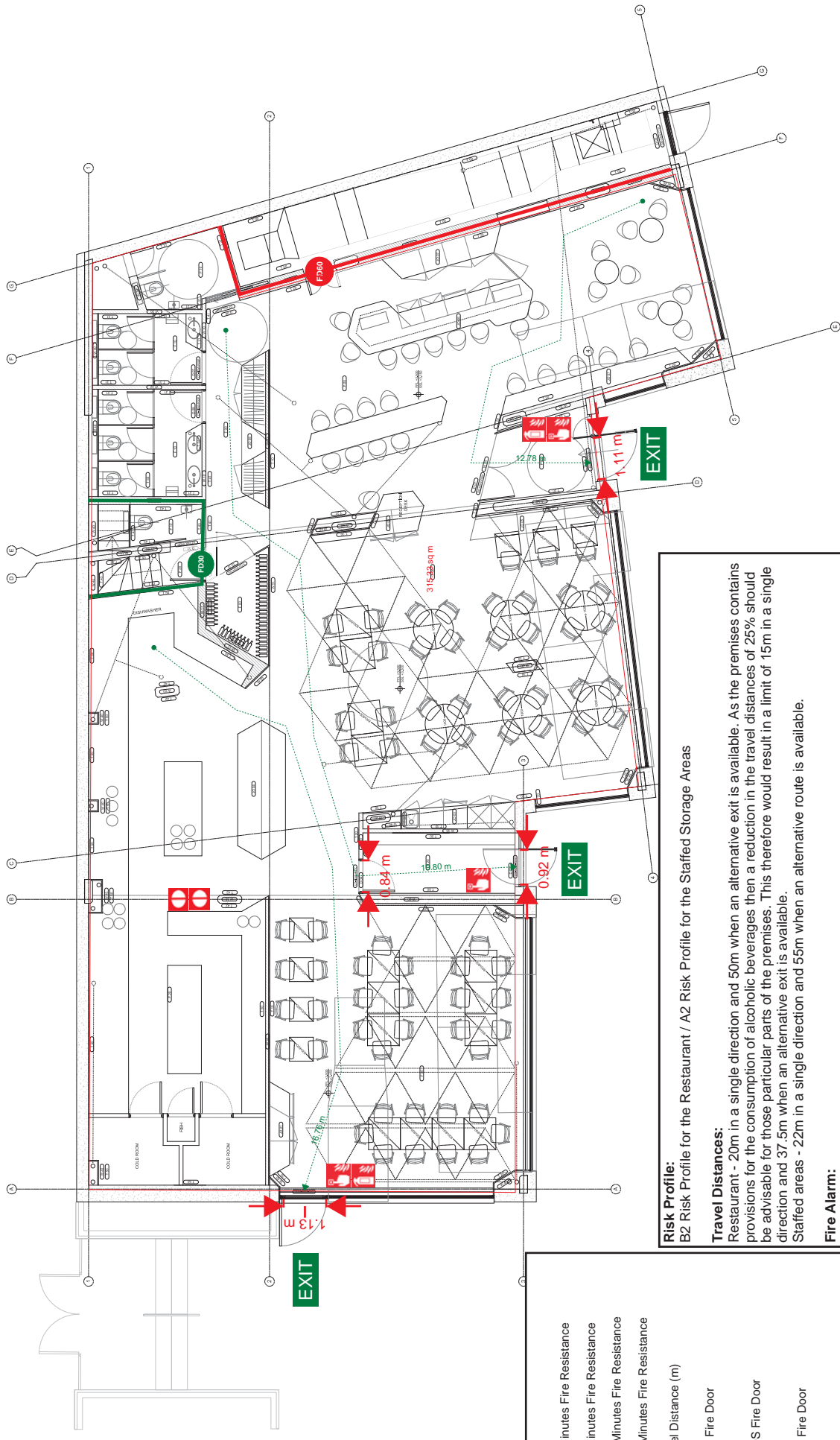
NOTES

Internal layouts shown for illustrative purposes only. Study drawings not suitable for construction and to be used in combination with relevant specifications and technical drawings. Dimensions should not be scaled from this drawing. All dimensions and levels to be checked on site for discrepancies.

PLAN THROUGH

DEVELOPED

MLM
 CONCEPT FIRE COMPARTMENTATION
 FOR INFORMATION ONLY
 Project number: 620706
 Date: 03/06/17
 Author: JD
 Reviewed: RB



Key:

- 30 Minutes Fire Resistance
- 60 Minutes Fire Resistance
- 120 Minutes Fire Resistance
- 240 Minutes Fire Resistance
- Travel Distance (m)
- FD30 Fire Door
- FD30S Fire Door
- FD60 Fire Door
- FD60S Fire Door
- Manual Call Point
- 13A Fire Extinguisher + 34B Fire Extinguisher
- Fire Blanket

Risk Profile:
 B2 Risk Profile for the Restaurant / A2 Risk Profile for the Staffed Storage Areas

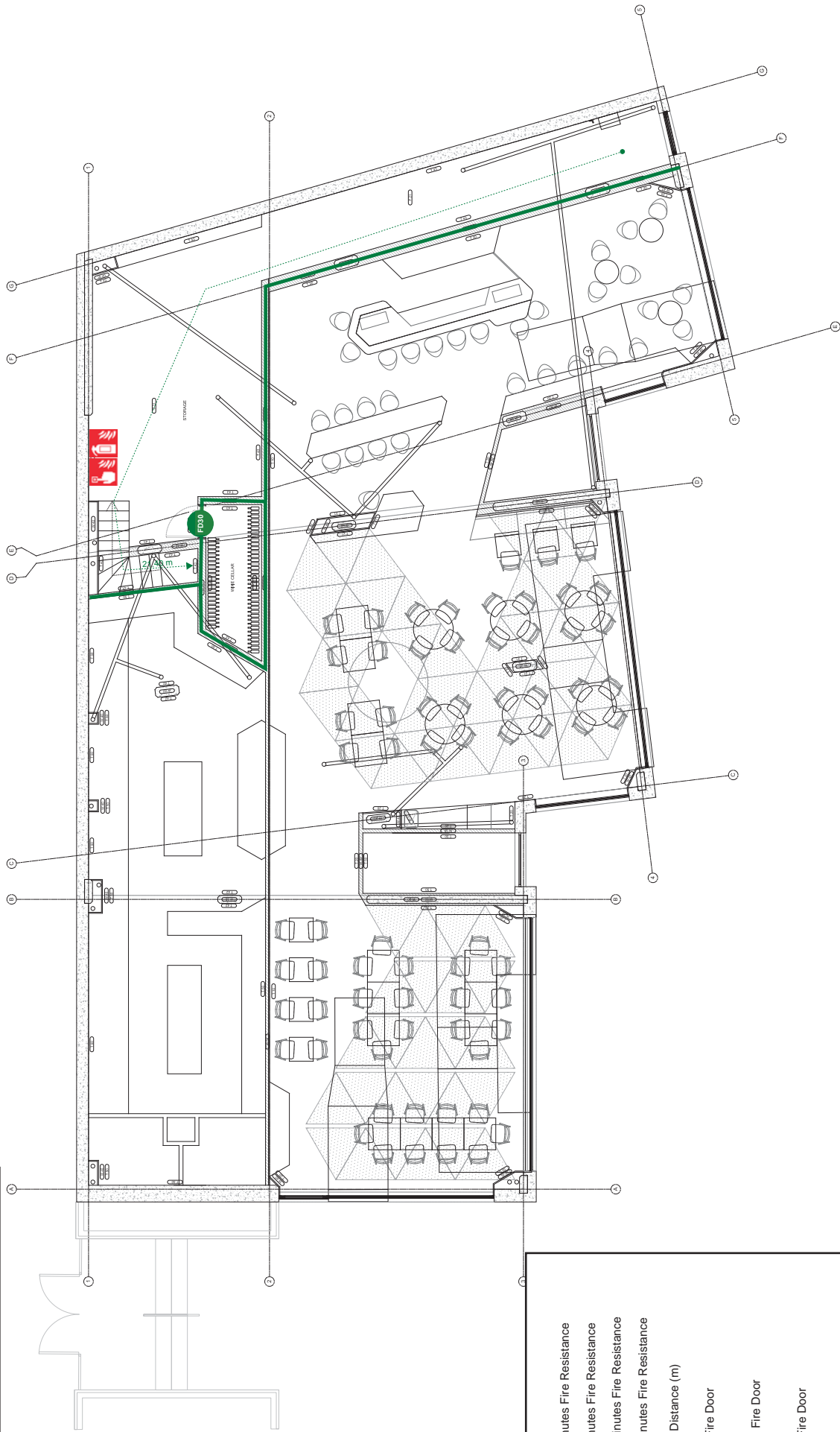
Travel Distances:
 Restaurant - 20m in a single direction and 50m when an alternative exit is available. As the premises contains provisions for the consumption of alcoholic beverages then a reduction in the travel distances of 25% should be advisable for those particular parts of the premises. This therefore would result in a limit of 15m in a single direction and 37.5m when an alternative exit is available.
 Staffed areas - 22m in a single direction and 55m when an alternative route is available.

Fire Alarm:
 Minimum requirement: A Category Manual System. This would require manual call points on all exits as well as the high risk areas such as the kitchen. Occupants should not be expected to walk more than 30/45m to operate a call point.

Total Capacity:
 Based on the number of exits available the total allowable occupancy is limited to 332 people.

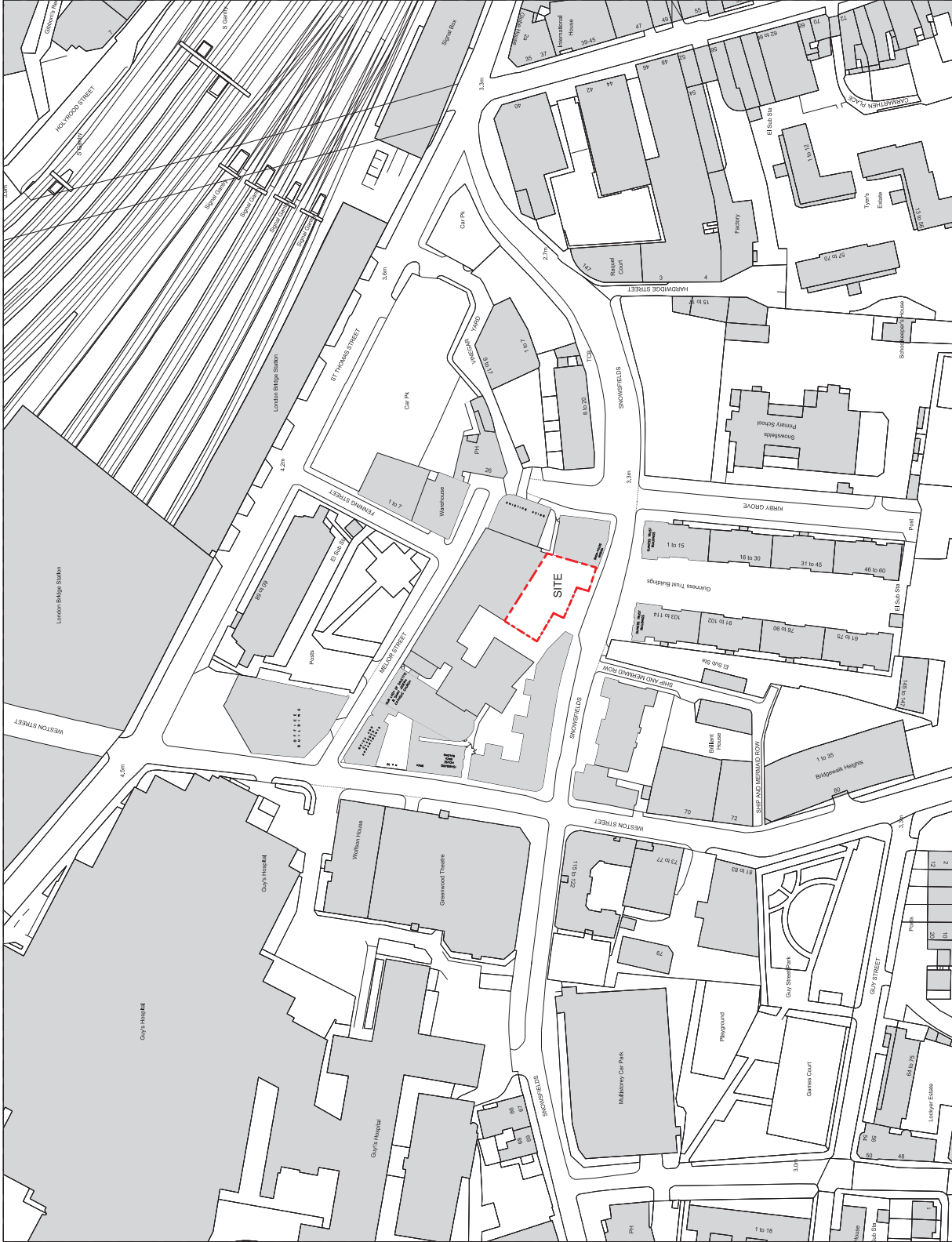
Fire Service Access:
 Access to all areas should be within 45m of the fire service appliance parking location.

MLM
CONCEPT FIRE COMPARTMENTATION
FOR INFORMATION ONLY
 Project number: 620706
 Date: 03/06/17
 Author: JD
 Reviewed: RB



Key:

- 30 Minutes Fire Resistance
- 60 Minutes Fire Resistance
- 120 Minutes Fire Resistance
- 240 Minutes Fire Resistance
- Travel Distance (m)
- FD30 FD30 Fire Door
- FD30S FD30S Fire Door
- FD60 FD60 Fire Door
- FD60S FD60S Fire Door
- Manual Call Point
- 13A Fire Extinguisher +
34B Fire Extinguisher
- Fire Blanket



MEMO: Licensing Unit

To	Licensing Unit	Date	7 July 2017	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Londrino Restaurant, 36 Snowsfields Yard, London, SE1 3QQ
Application for a premises licence

I write with regards to the above application for a premises licence submitted by Respite Management Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors) on Sunday to Wednesday from 23:00 to 00:00 and on Thursday to Saturday from 23:00 to 00:30 the following day
- Supply of alcohol (on and off the premises) on Sunday to Wednesday from 10:00 to 23:30 and on Thursday to Saturday from 10:00 to 00:00
- Overall opening times shall be on Sunday to Wednesday from 09:00 to 00:00 and on Thursday to Saturday from 10:00 to 00:30 the following day

The application describes the premises as

'36 Snowsfields is part of a new development. The restaurant is collaboration between a well known hotel and restaurant operator, Peng Loh, and highly experienced Portuguese Chef Leandro Carriera. This will be a beautifully designed premises with a focus on quality food and drink in a non-fussy atmosphere. More can be read in the attachments. The premises will sit in a busy mixed used commercial area very close to the iconic Shard. Whilst the premises are just within the Borough cumulative impact area, we respectfully submit that it should not contribute to any concerns with the licensing objectives as customers will be seated and served, and dining at different times. The new restaurant and bar will contribute to the excellence of Southwark's food and drink facilities. The formal restaurant area is to the left of the entrance with a seasonal terrace. To the right is an informal area for lighter snacks and drinks without the need for a full meal where customers will be seated and served by waiter or waitress. We would request up to 12 persons to be able to stand at the bar whilst waiting for a table. There will not be any regulated entertainment, only background recorded music'

The premises is situated in Bankside and Borough District Town Centre Area and also falls within the Borough and Bankside CIP Area.

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Borough and Bankside policy area as defined in paragraph 129 of the policy and as a restaurant this premises falls into the class of premises in 130 of the policy.

Therefore under 119 of the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area, the following conditions would address my concerns and could assist the applicant in this rebuttal.

Due to the limited information on the application form and to promote the licensing objectives I ask the applicant to provide the following information:

- An accommodation limit for the outside area as indicated on the plans and an accommodation limit for the inside of the premises. (to be conditioned)
- To provide a written dispersal policy for the premises. (to be conditioned)

Add further conditions to the operating schedule as follows:

- Alcohol shall be supplied only to those seated and taking a table meal at the premises except for 12 persons who may wait at the bar whilst waiting for a table.
- 'Off sales' of alcohol shall be sold in closed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that customers leave the area in a quiet and orderly manner.

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 - southwark statement of licensing policy 2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

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

**APPENDIX C
PARTY A****Heron, Andrew**

From: Regen, Licensing
Sent: 15 June 2017 13:40
To: Heron, Andrew
Cc: Jerrom, Charlie
Subject: FW: objection to license #859122

From: [REDACTED]
Sent: Thursday, June 15, 2017 1:36 PM
To: Regen, Licensing
Subject: objection to license #859122

Good Morning, My name is [REDACTED]. While I do not object to the proposed restaurant on the Meilor Place address, I do wish to object to the proposed hours of operation. These hours are longer than similar businesses in the area and are outside the bounds for a reasonable mixed use development. The proposed hours of operation would represent a public nuisance especially to those residents of Snowfields Yards. In addition, the application refers to operation of a Bar with on and off premises sales. Is this different from restaurant use only which would only allow on-site consumption?

Thank you for your consideration.

[REDACTED]

PARTY B6th July 2017

Dear Sir/Madam,

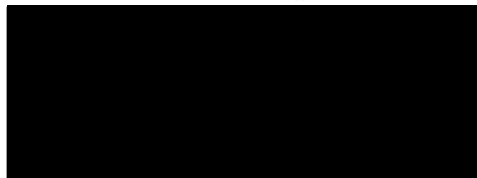
Please refer to premises licence application referenced 859122.

I wish to register my objections to the above referenced licence application. These objections are as follows :

- I am concerned about the hours of operation requested in the above application as this will expose other residents of Snowfields Yard and myself to noise very late into the evening. In this regard please note that the planning permission that was granted for a restaurant in these same premises placed a tighter restriction on times of operation. Should you be minded to grant a licensing application, please limit the approval to the same hours of operation as those approved for the planning permission.
- The planning permission for these premises was for restaurant use only. This licensing application is such that it suggests use of the premises for a bar which will generate additional noise. Please ensure that any licence granted restricts the sale of drinks to people consuming food and consuming food in the restaurant area.

I would be grateful if you would include the above restrictions if you should grant a licence.

Yours faithfully,



[REDACTED]

[REDACTED]

3 July 2017

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

BY EMAIL ONLY

Dear Sirs

PREMISES LICENCE APPLICATION – REF 859122

This letter confirms my formal objection to the Premises Licence Application Ref 859122.

The premises in question have planning permission for A3 restaurant use (plus A1 and B1 use) but the application appears to go beyond this and is tantamount to A4 bar use.

I therefore request that the application is limited to A3 restaurant use, with the normal provision in such circumstances that drink shall only be sold with food and its consumption shall be ancillary to that food.

You should also be aware that the original planning permission (ref 13/AP/3059) imposes hours of use restrictions such that the permitted use of the premises cannot be carried on outside the hours of 07:00 to 23:00 on Monday to Saturday and not at all on Sundays or Bank Holidays. This is to “safeguard the amenity of neighbouring residential properties”. You should note also that other premises on Snowfields also operate zero or restricted hours on Sundays.

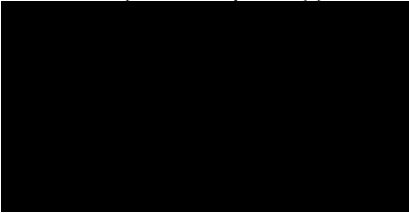
Please can you ensure that the licensing hours mirror this restriction.

You should further be aware that a recent planning permission for a new shopfront with fold and slide panels (ref 17/AP/1505) included a Condition that the fold and slide panels must be fully closed by no later than 9pm on each day that the units are operational. This is “in the interests of preventing noise outbreak that might adversely affect the amenity of residential occupiers immediately above” the premises.

Please can you ensure that any Licence conditions also support this restriction, particularly also with regard to any outside seating.

I hope you will take all these matters into account when considering this Premises Licence application and impose suitable Conditions to mitigate the risk of nuisance to local residential occupiers.

Yours sincerely



PARTY D

Heron, Andrew

From: Jerrom, Charlie
Sent: 30 June 2017 09:34
To: Heron, Andrew
Subject: FW: Premises licence application 859122

fyi

From: Jerrom, Charlie **On Behalf Of** Regen, Licensing
Sent: Friday, June 30, 2017 9:08 AM
To: Jerrom, Charlie
Subject: FW: Premises licence application 859122

From: [REDACTED]
Sent: Friday, June 30, 2017 8:46 AM
To: Regen, Licensing
Subject: Premises licence application 859122

Dear Sirs,

I would like to raise an objection to this licence application for the commercial units below my apartment on Snowsfields as they are not within the hours granted in the planning permission granted (13/AP/3059).

The increased hours together with the application to sell alcohol as a separate activity to operating a restaurant will create an increased risk of public nuisance and thus lead to a diminished enjoyment of my own property.

I ask you to reject these increased hours and place a restriction that drinks may only be served within the premises as an ancillary item whilst dining at the restaurant.

Thank you for your consideration.

[REDACTED]

30th June 2017

Heron, Andrew**PARTY E**

From: Regen, Licensing
Sent: 06 July 2017 14:00
To: Tahir, Sarah
Cc: Heron, Andrew
Subject: FW: Contact form for: Licensing Team

-----Original Message-----

From: www.southwark.gov.uk Website [<mailto:noreply@southwark.gov.uk>]
Sent: Thursday, July 06, 2017 1:45 PM
To: Regen, Licensing
Subject: Contact form for: Licensing Team

A visitor to the www.southwark.gov.uk website has used the Email Us facility to send you an email from a contact on a webpage.

Contact Name: Licensing Team
Page Name: Objecting a licensing application Page Type: Content Page
Link: <http://www.southwark.gov.uk/admin/system/ShowEntity?entity=bridge%3A%2F%2Fsouthwark-internet%2Fmodules%2Fm.Content~%2F~%2F.Entry%2F2224>

Senders Email Address: [REDACTED]

Message:

Dear Sirs

Londrino - Licence Application - 859122

I am writing to object to this Application.

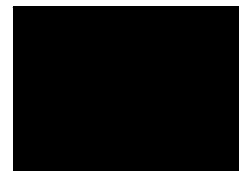
1. The application Licencing hours are outside the planning permission hours;
2. The use is for a restaurant and not a bar so any Licence should include a restriction 'that alcohol shall not be sold on the premises other than to persons having food on the premises ... and consumption is ancillary to this food';
3. The bar area within the restaurant plan is quite significant so noise of any kind emanating for the bar area will inevitably creat a nuisance to residents of both Snowsfield Yard and the Guinness Trust buildings opposite;
4. Drinking outside the premisis should not be allowed for the same reason;
5. Tables and chairs should not be permitted outside since these would restrict the pavement walkway.

Yours faithfully

[REDACTED]

PARTY F

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



6th July 2017

RE: PREMISES LICENCE APPLICATION – REF 859122

Dear Sirs,

I am writing to submit my formal objection to the Premises Licence Application Ref: 859122.

It has come to my attention that there are discrepancies between the hours of operation and use originally granted as part of the 2013 planning application and therefore held by the premises and the requests that are being made in this Premises Licence Application. The premises in question hold permission for A3 restaurant use (with additional A1 and B1 use), however the aforementioned application seems to seek permission for use more in line with an A4 bar licence. I therefore ask that the application is limited to the use stated in the original planning application, and that alcoholic drinks are only sold alongside food, as is the case in other establishments in the nearby area.

In addition, the original planning application for the premises (REF 13/AP/3059), states a set of hours of operation which are once again not reflected in the relevant Premises Licence Application. The original permission stated that the permitted use 'shall not be carried on outside the hours of 7:00 to 23:00 on Monday to Saturday and on Sundays and Bank Holidays'. It would be advantageous to the immediate neighbours and residents of Snowfields that the licensing hours granted to the premises reflect these operating hours, thus actively attempting at 'safeguarding the amenity of neighbouring residential properties, as originally stated in the 2013 planning permission.

Furthermore, I wish to highlight the importance of the Pre-Occupation Condition imposed in the granted planning permission Ref 17/AP/1505, which states that the fold and slide panels 'will be fully closed by no later than 9pm on each day the unit is operational' in 'the interest of preventing noise outbreak that might adversely affect the amenity of residential occupiers immediately above'.

Due to the heavily residential nature of the area, I would like to add how inappropriate the presence of an establishment with such extended operational hours would be. The allowed sale of alcohol until the late hours would potentially lead to heavy noise pollution for the neighbouring residential properties.

I hope that the contents of this letter will be taken into consideration for the final decision regarding the Premises Licence Application, and that the interest of the residents be kept as a priority in the decision making process, in order to limit the detrimental effect of this establishment in the area.

Yours sincerely,



PARTY G**Heron, Andrew**

From: Regen, Licensing
Sent: 07 July 2017 16:50
To: Tahir, Sarah
Cc: Heron, Andrew
Subject: FW: Licence application Ref 859122

rep

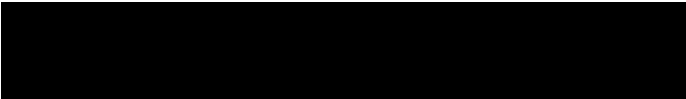
From: [REDACTED]
Sent: Friday, July 07, 2017 4:00 PM
To: Regen, Licensing
Subject: Licence application Ref 859122

Licensing should be restricted to the hrs of 7.00 and 23.00 on Monday - Saturday and not at all Sundays or bank Holidays in line with other licensed premises in Snowfields. This is intended to safeguard the neighbouring residential premises. The application needs to confirm with this strict requirement.

Please take these matters into consideration when considering the application and impose suitable conditions to mitigate and preserve the amenity of local residential occupiers.

Please acknowledge receipt of this objection.

[REDACTED]

PARTY H

06 July 2017

Licensing Team
Southwark Council
Regulatory Services
3rd Floor Hub 2
PO Box 64529
London
SE1P 5LX

BY EMAIL ONLY

Dear Sirs

PREMISES LICENCE APPLICATION – REF 859122

This letter provides my objection to the Premises Licence Application Ref 859122.

The premises in question have planning permission for a restaurant use but the application appears to be for a bar use.

Licensing permission shall be for a restaurant use and not a bar use hence I kindly do require that alcohol shall not be sold on the premises other than to persons having food on the premises. Please can you make sure the limitation of the sale is clearly stated in the licensing permission.

In addition, in order to prevent public nuisance and provide public safety for the surrounding areas it shall be required for sale of alcohol on and off premises to not be carried on outside of the hours 07:00 to 23:00 on Monday to Saturday and on Sundays and Bank Holidays, as per the planning permission hours.

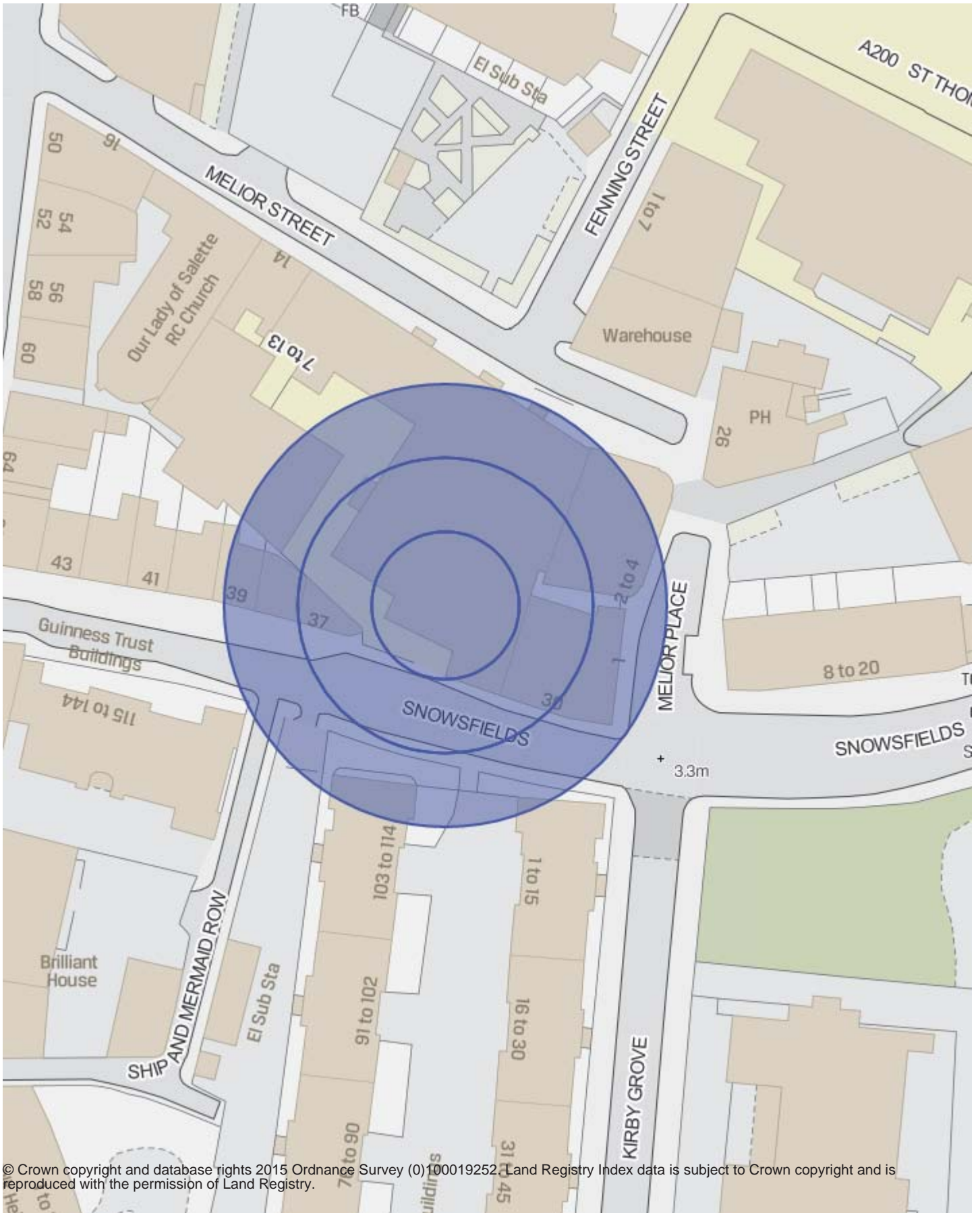
Lastly, please if you could make sure that the external seating area shall be for customers use until 21:00 only as our windows are just above the premises and any outside activity from the premises beyond this hour could cause considerable nuisance and disturbance.

Please can you ensure that any Licence conditions also support this restriction with regard to outside seating.

Thank you for your consideration

Best Regards





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