

## Licensing Sub-Committee

Tuesday 8 August 2017

10.00 am

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

### Membership

Councillor Sunil Chopra  
Councillor David Hubber  
Councillor Adele Morris

### Reserves

Councillor Sandra Rhule

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#### Access to information

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#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 31 July 2017



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RECYCLED PAPER

# Licensing Sub-Committee

Tuesday 8 August 2017  
10.00 am

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

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>ELECTION OF CHAIR</b>	
	To elect a chair for this sub-committee.	
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
4.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
5.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
6.	<b>LICENSING ACT 2003: DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD</b>	1 - 46
7.	<b>LICENSING ACT 2003: BRIDGE WALK FOOD AND WINE, 3 LONDON BRIDGE WALK, LONDON SE1 2SX</b>	47 - 95

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
8.	<b>LICENSING ACT 2003: LICENSING ACT 2003: HAWKES, 92 DRUID STREET, LONDON SE1 2HQ</b>	96 - 149

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

Date: 31 July 2017

**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.”

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 8 August 2017	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Dulwich Picture Gallery, Gallery Road, London SE21 7AD	
<b>Ward(s) of group(s) affected</b>		Village Ward	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATIONS

1. That the licensing sub-committee considers an application made by Dulwich Picture Gallery Limited for a time limited premises licence to be granted under the Licensing Act 2003 in respect of the temporary pavilion and gardens at the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD from 1 September to 8 October 2017.
2. Notes:
  - a) This application forms a new application for a time limited 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 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 14 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted are attached to this report in Appendix D. 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 premises licence application**

8. Previously, on 15 March 2017 Dulwich Picture Gallery (a charity registered with the UK Charity Commission) applied for a time limited premises licence to be granted under the Licensing Act 2003 in respect of the temporary pavilion and gardens at the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD to run from 1 June to 31 August 2017.
  
9. This application received representations from local residents and went to a hearing of the Southwark licensing sub-committee on 15 May 2017. The application was granted. A copy of the notice of decision from that hearing is available in Appendix B. A copy of the issued time limited premises licence is in Appendix C.
  
10. On 12 June 2017 a new application was made. The current application mirrors the existing time limited licence, to run from 1 September to 8 October 2017. The application effectively extends the current licence, but has removed the additional regulated entertainment for live and recorded music and altered the designated premises supervisor. The application mirrors the current licence and is summarised as follows:

The supply by retail of alcohol (on sales only)

- Monday - 12:00 to 21:00
- Tuesday and Wednesday - 12:00 to 22:00
- Thursday to Saturday - 12:00 to 23:00
- Sunday - 12:00 to 22:00.

The provision of regulated entertainment in the form of films (indoors):

- Friday and Saturday - 18:00 to 23:00
- Sunday - 18:00 to 22:00.

Opening hours from 1 June to 31 August 2017

- Monday - 08:00 to 21:00
- Tuesday and Wednesday - 08:00 to 22:00
- Thursday to Saturday - 08:00 to 23:00
- Sunday - 08:00 to 22:00.

11. The proposed designated premises supervisor of the premises is David Anthony Michael who has been granted a personal licence by London Borough of Lambeth.
12. 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**

13. No representations have been made by any of the responsible authorities.

#### **Representations from other persons**

14. Representations have been received from 2 local addresses. The objectors complain that there have been noise issues with the current granted time limited licence and fear that this will extend the nuisance.
15. Copies of all representations are available in Appendix D.

#### **Conciliation**

16. Copies of all representations (with personal details redacted) were provided to the applicant throughout the application, with a full bundle presented on 11 July 2017. No further contact had been made by the Applicant at the point of publication of this report.

#### **Premises history**

17. The Dulwich Picture Gallery is a long-standing gallery within the borough. The main building has a premises licence in place. As advised in paragraph 9, there is a time limited premises licence in place, a copy of which is available in Appendix C1.
18. Further to the hearing on 15 May 2017, no appeal was received, and the premises licence was subsequently issued. It later came to light that there were errors within the main body of the issued licence. A copy of the incorrectly issued premises licence is available for Members' information as Appendix C2. The incorrect licence was collected from the premises and the correct version issued the same day.

19. Since the current time limited licence has been granted, the licensing authority has received complaints from local residents. Below are a list of complaints received (please note that this does not include complaints made to environmental protection (noise) as they have not made representation).

<b>Date Received</b>	<b>Complainant</b>	<b>Complaint</b>
11/06/2017	Local resident	Complaint of music noise until midnight on 10/06/2017
11/06/2017	Local resident	Complaint of music noise until midnight on 10/06/2017
11/06/2017	Local resident	Complaint of music noise until midnight on 10/06/2017
13/06/2017	Local resident	Complaint of noise from pavilion over the weekend
16/06/2017	Local resident	Event held Saturday 10/06/2017 – loud music until midnight, also, Sunday 11/06/2017 loud music from 11:00 to 17:00 and Tuesday 13/06/2017 loud music until 23:00

20. It is noted that all the complaints (with exception of the latest complaint received on 16 June) all relate to an incident on 10 June. Since the granting of the last time limited licence, the premises have also applied for temporary events notices (TENs).

<b>Date of Application</b>	<b>Date of Event</b>	<b>Applicant</b>	<b>Licensable Activities</b>	<b>Issue of counter notice?</b>
10/07/2017	From 29/07/2017 to 29/07/2017  12:00 - 17:00	David Michel	Alcohol to be consumed on the premises/regulated entertainment	No
19/06/2017	From 09/07/2017 to 09/07/2017  15:00-18:30	David Michel	Alcohol to be consumed on the premises/regulated entertainment	No
30/05/2017	From 13/06/2017 to 13/06/2017  18:00 - 23:00	Sally Muckley	Alcohol to be consumed on the premises/regulated entertainment	No
30/05/2017	From 11/06/2017 to 11/06/2017  12:00 - 17:00	David Michel	Alcohol to be consumed on the premises/regulated entertainment	No

<b>Date of Application</b>	<b>Date of Event</b>	<b>Applicant</b>	<b>Licensable Activities</b>	<b>Issue of counter notice?</b>
13/04/2017	From 19/08/2017 to 19/08/2017  12:00-00:00	David Michel	Alcohol to be consumed on the premises/regulated entertainment	No
20/02/2017	From 10/06/2017 to 10/06/2017  15:00 - 00:00	Mark Stephen Hone	Alcohol to be consumed on the premises/regulated entertainment	No
06/02/2017	From 15/07/2017 to 15/07/2017  12:00 - 23:00	Sophie Schneider	Alcohol to be consumed on the premises/regulated entertainment	No
03/02/2017	From 07/07/2017 to 07/07/2017  17:00 - 00:00	Sophie Schneider	Alcohol to be consumed on the premises/regulated entertainment	No
30/01/2017	From 24/06/2017 to 24/06/2017  15:00 - 00:00	Sophie Schneider	Alcohol to be consumed on the premises/regulated entertainment	No

21. It is therefore concluded that the complaints relate to a temporary events notice, not the current granted premises licence. Complainants have all received advice on formally reporting noise incidents. In addition, the management of the Dulwich Picture Gallery have been made aware of the local residents' complaints.

### **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 are not many licensed premises in the immediate vicinity, the following similarly licensed premises in the area are:

**Dulwich Picture Gallery, College Road SE21 7GB** licenced for:

The sale of alcohol (on sales only)

- Monday to Friday - 11:00 to 23:30
- Saturday - 10:00 to 23:30
- Sunday - 12:00 to 23:30.

The provision of late night refreshment (indoors)

- Monday to Sunday - 23:00 to 01:30 (the following day).

The provisions of regulated entertainment in the form of films, plays, performances of dance, live and recorded music (all indoors)

- Monday to Sunday - 09:00 to 23:00.

**The Edward Alleyn Club, Burbage Road SE24 9HD** licenced for:

The sale of alcohol (on sales only)

- Monday to Sunday - 10:00 to 23:30.

The provision of late night refreshment (indoors)

- Monday to Friday - 23:00 to 23:30
- Saturday and Sunday - 23:00 to 23:59.

The provision of regulated entertainment in the form of performances of dance, live and recorded music (all indoors)

- Monday to Saturday - 10:00 to 23:30
- Sunday - 12:00 to 22:30.

**Old College Lawn Tennis and Croquet Club, 10 Gallery Road SE21 7AB** licensed for a club licence for:

The sale of alcohol (to member indoors)

- Monday to Sunday - 12:00 to 23:00.

## Southwark council statement of licensing policy

24. 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 within the Dulwich Village local town centre area, which is outside of any of Southwark's cumulative impact zones. Therefore 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 is 23:00 and for Friday and Saturday is 00:00 (midnight).
- Closing time for Public Houses Wine bars or other drinking establishments:
- 23:00 daily.

### **Resource implications**

28. 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.

### **Consultations**

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 for a premises licence under section 17 of the Licensing Act 2003.
32. The principles which sub-committee members must apply are set out below.

### **Principles for making the determination**

33. 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.
34. 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.
35. 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**

36. 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.
37. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
38. 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.
39. 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.
40. 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**

41. 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**

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

- If given permission by the committee, question any other party.
  - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
43. This matter relates to the determination of an application 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**

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

48. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
49. 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.
50. 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.
51. 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

52. 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.

### BACKGROUND DOCUMENTS

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

### APPENDICES

Name	Title
Appendix A	Application for a time limited premises licence
Appendix B	Notice of Decision from 15 May 2017
Appendices C1 and C2	Copies of current time limited premises licence
Appendix D	Representations by local residents
Appendix E	Map of the local area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	27 July 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		27 July 2017

12/06/2017

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

Ref No. 832836

## 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

	Dulwich Picture Gallery Limited
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## Premises Details

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

£	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

	Dulwich Picture Gallery (Pavilion)
--	------------------------------------

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

Address Line 1	DULWICH PICTURE GALLERY GALLERY ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE21 7AD
Ordnance survey map reference	
Description of the location	Temporary Pavilion at the Gallery
Telephone number	

## Applicant Details

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

	a charity
--	-----------



## Other Applicants

## Personal Details - First Entry

Name	Dulwich Picture Gallery Limited
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## Address - First Entry

Street number or building name	Dulwich Picture Gallery
Street Description	Gallery Road
Town	London
County	
Post code	SE21 7AD
Registered number ( where applicable )	1171287 (Charity Number)
Description of applicant ( for example, partnership, company, unincorporated association etc )	Charity Registered with the UK Charity Commission

## Contact Details - First Entry

Telephone number	[REDACTED]
Email address	[REDACTED]

## Operating Schedule

When do you want the premises licence to start?

	01/09/2017
--	------------

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

	08/10/2017
--	------------

General description of premises ( see guidance note 1 )

	A temporary Pavilion in the grounds of Dulwich Picture Gallery
--	--

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

	b) films

Provision of late night refreshment

--	--

Supply of alcohol

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

B- Films

Will the exhibition of films take place indoors or outdoors or both? ( Please read guidance note 2 )

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

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

	Film screenings in the Pavilion
--	---------------------------------

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

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

State any seasonal variations for the exhibition of films ( Please read guidance note 4 )

	01/09/17 to 08/10/17
--	----------------------

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

--	--

J - Supply of Alcohol

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

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

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

Day	Start	Finish
Mon	12:00	21:00
Tues	12:00	22:00
Wed	12:00	22:00
Thur	12:00	23:00
Fri	12:00	23:00
Sat	12:00	23:00
Sun	12:00	22:00

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

	01/09/17 to 08/10/17
--	----------------------

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

--	--

Please upload the consent form completed by the proposed premises supervisor

	DPS-consent-Dulwich-Picture-Gallery.pdf
--	---

Premises Supervisor

Full name of proposed designated premises supervisor

First names	David Anthony
Surname	Michel

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 )	London Borough of Lambeth

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
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L - Hours premises are open to public

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

Day	Start	Finish
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Mon	08:00	21:00
Tues	08:00	22:00
Wed	08:00	22:00
Thur	08:00	23:00
Fri	08:00	23:00
Sat	08:00	23:00
Sun	08:00	22:00

State any seasonal variations ( Please read guidance note 4 )

	01/09/17 to 08/10/17
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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 )

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M - Steps to promote four licencing objectives

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

	<ol style="list-style-type: none"> <li>1) That staff, café and restaurant managers are to be made aware of licensing laws.</li> <li>2) That all guests shall be registered with the Dulwich Picture Gallery.</li> <li>3) That visitors can still use the gallery and make full use of its facilities and grounds during normal opening hours (i.e. before 5.00pm) without registering.</li> </ol>
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b) the prevention of crime and disorder

	4) That a dispersal plan will be prepared and made available with the premises licence for inspection by the responsible authorities.
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c) public safety

	<ol style="list-style-type: none"> <li>5) Fire extinguishers and equipment shall be efficiently maintained in satisfactory working order and kept available for instant use.</li> <li>6) That all staff are to be trained in fire and emergency procedures.</li> <li>7) That there must be a first aider on site always.</li> <li>8) That the premises shall have a capacity of a maximum of 150. This 150 capacity will form part of the overall capacity of 500 of the Dulwich Picture House.</li> </ol>
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d) the prevention of public nuisance

	<ol style="list-style-type: none"> <li>9) That the College Road exit shall be closed at 21:30 each day with the exception of emergency access/ingress.</li> <li>10) That the premises licence will only be in operation for a maximum of six days per week.</li> <li>11) That there shall be no promotional DJ events.</li> </ol>
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	<p>12) That the premises shall advertise parking on Gallery Road only.</p> <p>13) That guests must be encouraged to leave by Gallery Road entrance at night away from neighbours.</p> <p>14) That taxis shall be encouraged to park on Gallery Road not College Road.</p> <p>15) That guests must be told to wait quietly.</p> <p>16) That any amplified sound must be directed away from residents.</p> <p>17) That the speakers within the Pavilion shall be directed away from the residents.</p> <p>18) That the premises licence holder shall display a dedicated mobile telephone number for local residents to contact management of the premises as and when is necessary.</p>
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e) the protection of children from harm

	<p>19) That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council.</p> <p>20) That an age identification scheme shall be established and maintained. The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.</p>
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Please upload a plan of the premises

	<a href="#">Dulwich-Picture-Gallery-Pavilion-Layout-Plans.pdf</a>
--	---

Please upload any additional information i.e. risk assessments

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Checklist

	<p>I have enclosed the plan of the premises.</p> <p>I understand that I must now advertise my application.</p> <p>I understand that if I do not comply with the above requirements my application&lt;br&gt; will be rejected.</p>
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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

	<a href="#">DULWICH- PICTURE- GALLERY- Overview- free- company- information- from- Companies- House- .mht</a>
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Declaration

I agree to the above statement

	Yes
PaymentDescription	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	ks102 94212
PaymentContactEmail	

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



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 15 MAY 2017

#### LICENSING ACT 2003: DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON, SE21 7AD

##### 1. Decision

That the application made by Dulwich Picture Gallery, for a time limited premises licence (1 June 2017 to 31 August 2017), to be granted under the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD is granted as follows:

Licensable activity	Hours
The supply of alcohol (for consumption on premises)	Monday 12:00 to 21:00 Tuesday and Wednesday from 12:00 to 22:00 Thursday to Saturday from 12:00 to 23:00 Sunday from 12:00 to 22:00
The provision of regulated entertainment in the form of films (indoors):	Friday and Saturday 18:00 to 23:00 Sunday from 18:00 to 22:00
The provision of regulated entertainment in the form of live music and recorded music (both indoors and outdoors):	Friday from 17:00 to 23:00 Saturday from 12:00 to 23:00 Sunday from 12:00 to 22:00
The provision of regulated entertainment in the form of performances of dance (both indoors and outdoors):	Friday from 17:00 to 23:00
Operating hours	From 1 June to 31 August 2017  Monday from 08:00 to 21:00 Tuesday to Wednesday from 08:00 to 22:00 Thursday to Saturday from 08:00 to 23:00 Sunday from 08:00 to 22:00

##### 2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and the following additional conditions agreed by the sub-committee:

1. That the premises licence shall contain the same conditions attached to the premises licence 855319 with the exception of conditions 340, 345, 348, 350 and 351.
2. That the speakers within the Pavillion shall be directed away from residents



3. That the College Road exit shall be closed at 21:30 each day with the exception of emergency access/ingress.
4. That the premises shall have a capacity of a maximum of 150. This 150 capacity will form part of the overall capacity of 500 of the Dulwich Picture Gallery.
5. That the premises licence will only be in operation for a maximum of six days per week.
6. That the premises licence holder shall display a dedicated mobile telephone number for local residents to contact management of the premises as and when necessary.
7. That a dispersal plan will be prepared and made available with the premises licence for inspection by the responsible authorities.
8. That all guests shall be registered with the Dulwich Picture Gallery.
9. That there shall be no promotional DJ events.
10. That the premises shall advertise parking on Gallery Road only.
11. That visitors can still use visit the gallery and make full use its facilities and grounds during normal opening hours (i.e. before 5.00 p.m.) without registering.

### **3. Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who informed the committee that the premises, the Dulwich Picture Gallery already had a premises licence (number 855319) which permitted licensable activities between 09:00 to 23:00 seven days a week. This application was for a time limited application from 1 June to 31 August 2017 for a premises licence in respect of a new temporary building, the pavilion. They advised that the applicant intended to carry out some licensable activities within the pavilion and the grounds by hosting a programme of public events including film screenings and small scale live music or performances, inspired by the gallery's existing artistic programme. The pavilion would have a small fixed bar/cafe pod which would sell and serve alcohol and snacks. The pavilion would be available for community groups in addition to being hired out for private events to generate income for the charity, using both internal and external catering companies.

The licensing sub-committee heard from four local residents objecting to the application (parties 5, 10, 13 and 15) who complained that the pavilion was extremely close to their homes and were concerned of the level of noise that would come from a structure with no walls and no sound installation. Potentially the residents would endure events taking place each night for three months. The pavilion would increase the footfall and traffic (which would result in parking issues and the use of College Road, which is a private road). Intoxicated patrons departing the premises could also produce alcohol related nuisance.

The licensing sub-committee notes the representations of the 13-local residents who were not in attendance at the meeting.

It was noted that no representations were made by any of the responsible authorities.

The licensing sub-committee considered<sup>23</sup> the concerns of the local residents very carefully. Regarding the issue of noise escape, the licensing sub-committee accepted that the loud rock music was not in keeping with premises style and unlikely to be provided at the premises. The application was time limited and the environmental protection team would have a duty to serve a noise abatement notice if there was a statutory noise nuisance. This would jeopardise any future application. Residents were concerned about the frequency of events proposed to take place at the premises under the licence applied for. In response, the applicant amended the application to allow for events a maximum of six days a week. Whilst concerns of bad behaviour have been raised, the premises already have a premises licence and no complaints have ever been made when the premises has been operated under the existing licence. The parking issues raised by local residents are not a consideration for the licensing sub-committee. However, the applicant has agreed to provide a full dispersal policy, in addition to agreeing additional conditions relating to parking. In any event, none of the responsible authorities have submitted objections raising issue with this application.

Ultimately, the Dulwich Picture Gallery already had a licence which would permit the premises as a whole (and which include the external grounds) to carry out licensable activities. This includes the provision live entertainment, as a result of the Live Music Act 2012. This application was made to allow licensable activities in the pavilion, being a fixed structure. A variation of the existing premises licence or the submission of temporary event notices would not have been suitable or applicable under the Act. In the circumstances, this licensing sub-committee can not find any justifiable reason not to grant this application.

The licensing sub-committee note the concerns of the residents and recommend that there is a continued open dialogue between them and the applicant and note that the first meeting to discuss the operation of the premises is due to take place on 26 June 2017.

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

#### **4. Appeal rights**

The applicant may appeal against any decision:

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

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

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

may appeal against the decision.

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

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

Date: 15 May 2017

# Licensing Act 2003 Premises Licence



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

Premises licence number

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
DULWICH PICTURE GALLERY (ART GALLERY) Dulwich College Picture Galler College Road London SE21 7BG	
Ordnance survey map reference (if applicable), 173624533077	
<b>Post town</b> London	<b>Post code</b> SE21 7BG
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b> 1st June to 31 August 2017
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<b>Licensable activities authorised by the licence</b>
Films - Indoors Live Music - Indoors and Outdoors Recorded Music - Indoors and Outdoors Performance of Dance - Indoors and Outdoors Sale by retail of alcohol to be consumed on premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday 08:00 - 21:00 Tuesday 08:00 - 22:00 Wednesday 08:00 - 22:00 Thursday 08:00 - 23:00 Friday 08:00 - 23:00 Saturday 08:00 - 23:00 Sunday 08:00 - 22:00

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

**The times the licence authorises the carrying out of licensable activities**

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

**Films - Indoors**

Friday 18:00 - 23:00  
Saturday 18:00 - 23:00  
Sunday 18:00 - 22:00

**Live Music - Indoors and Outdoors**

Friday 17:00 - 23:00  
Saturday 12:00 - 23:00  
Sunday 12:00 - 22:00

**Recorded Music - Indoors and Outdoors**

Friday 17:00 - 23:00  
Saturday 12:00 - 23:00  
Sunday 12:00 - 22:00

**Performance of Dance - Indoors and Outdoors**

Friday 17:00 - 23:00

**Sale by retail of alcohol to be consumed on premises**

Monday 12:00 - 21:00  
Tuesday 12:00 - 22:00  
Wednesday 12:00 - 22:00  
Thursday 12:00 - 23:00  
Friday 12:00 - 23:00  
Saturday 12:00 - 23:00  
Sunday 12:00 - 22:00

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

Dulwich Picture Gallery Trust  
Gallery Road, London, SE21 7AD  
0208 2998727  
[REDACTED]

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

1040942

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

David Michel  
[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 Camden

Licence Issue date 15/05/2017

[REDACTED]  
Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
licensing@southwark.gov.uk

## **Annex 1 - Mandatory conditions**

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

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

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

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

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

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

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

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

**489** The responsible person shall ensure that -

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

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

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula

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

where-

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

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

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

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

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

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



**Annex 2 - Conditions consistent with the operating Schedule**

**340** There is to be extensive CCTV coverage across the site and an out of hours intruder alarm in the Gallery and offices.

**341** During public opening times and during events a Duty Manager will be on site as well as a Supervisor and /or Events Organiser. Staff will be rostered according to the requirements of each event required. Some events will be ticketed and/or private.

**342** The Pavilion will be built to a standard safe for use by the public and a building regulations inspector has been appointed to manage the process and ensure compliance.

**343** A robust evacuation procedure will be in place, with all members of the public requested to leave the main site via the 3 exits (2 on Gallery road and 1 on College road). This procedure will remain in place throughout the Pavilion 3 month lifespan.

**344** Dulwich Picture Gallery will have a comprehensive Health and Safety policy in place with risk assessments being carried out as appropriate. This rigour will be extended to include the activity of the Pavilion within our grounds.

**345** Depending on event capacity an appropriate number of first aid trained staff will be present on site for the duration of events.

**346** Emergency service access- the attendance of emergency services will be coordinated by the event officer and Duty Manager and the Gallery car park will be kept accessible for emergency vehicles to use.

**347** Staff working at the events will be equipped with radios and able to call for assistance.

**348** Customers buying alcohol that look under the age of 18 will be asked for verification and if they cannot prove their age the sale will be refused and the refusal logged in a refusal register.

**349** Staff and signage will encourage visitors to leave the premises quietly and in respect of our local neighbours, and visitors will be encouraged to leave via the Gallery road entrance at night.

**350** The admission of children to films will be restricted in accordance with the recommendations of the British Board of Film Classification. Where the programme includes a film in the 12a, 15, or 18 category then no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate will be admitted. The Gallery shall display in a conspicuous position a sign in the following terms - 'persons under the age of (insert appropriate age) cannot be admitted'exception of emergency access/ingress.

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

**840** That the premises shall have a capacity of a maximum of 150. This 150 capacity will form part of the overall capacity of 500 of the Dulwich Picture Gallery.

**842** That the premises licence will only be in operation for a maximum of six days per week.

**841** That the premises licence holder shall display a dedicated mobile telephone number for local residents to contact management of the premises as and when necessary.

**843** That a dispersal plan will be prepared and made available with the premises licence for inspection by the responsible authorities.

**844** That all guests shall be registered with the Dulwich Picture Gallery.

**845** That there shall be no promotional DJ events.

**846** That the premises shall advertise parking on Gallery Road only.

**847** That victors can still use visit the gallery and make full use its facilities and grounds during normal opening hours (i.e. before 5.00 p.m.) without registering.

**848** That the premises licence shall contain the same conditions attached to the premises licence 855319 with the exception of conditions 340, 345, 348, 350 and 351, namely:

**849** That all events shall be guarded by six wardens and a resident custodian whilst event is taking place

**850** That all neighbours are to be told about an event in advance by email.

**851** That evening events must be private or by tickets holders

**852** That children under 16 will not usually sit in the Gallery during wedding receptions; They sit in Linbury Room with babysitter and refreshments.

**853** That Gallery should close at 17:00 everyday unless there is a private events.

**853** That the speakers within the Pavilion shall be directed away from residents

**854** That the College Road exit shall be closed at 21:30 each day with the exception of emergency access/ingress

**Annex 4 - Plans - Attached**

Licence No. 858115  
Plan No. 1701 PL01  
Plan Date 17 February

# Licensing Act 2003 Premises Licence



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

Premises licence number

858115

## Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
DULWICH PICTURE GALLERY (ART GALLERY) Dulwich College Picture Galler College Road London SE21 7BG  Ordnance survey map reference (if applicable), 173624533077	
<b>Post town</b> London	<b>Post code</b> SE21 7BG
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b> Time Limited 01/06/2017 - 31/08/2017
--

<b>Licensable activities authorised by the licence</b>  Films - Indoors Live Music - Indoors and Outdoors Recorded Music - Indoors and Outdoors Performance of Dance - Indoors and Outdoors Sale by retail of alcohol to be consumed on premises
--

<b>The opening hours of the premises</b> For any non standard timings see <b>Annex 2</b>  Monday            08:00 - 21:00 Tuesday           08:00 - 22:00 Wednesday       08:00 - 22:00 Thursday          08:00 - 23:00 Friday              08:00 - 23:00 Saturday          08:00 - 23:00 Sunday             08:00 - 22:00
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<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b> Sale by retail of alcohol to be consumed on premises
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**The times the licence authorises the carrying out of licensable activities**

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

**Films - Indoors**

Friday 18:00 - 23:00  
Saturday 18:00 - 23:00  
Sunday 18:00 - 22:00

**Live Music - Indoors and Outdoors**

Friday 17:00 - 23:00  
Saturday 12:00 - 23:00  
Sunday 12:00 - 22:00

**Recorded Music - Indoors and Outdoors**

Friday 17:00 - 23:00  
Saturday 12:00 - 23:00  
Sunday 12:00 - 22:00

**Performance of Dance - Indoors and Outdoors**


Friday 17:00 - 23:00

**Sale by retail of alcohol to be consumed on premises**

Monday 12:00 - 21:00  
Tuesday 12:00 - 22:00  
Wednesday 12:00 - 22:00  
Thursday 12:00 - 23:00  
Friday 12:00 - 23:00  
Saturday 12:00 - 23:00  
Sunday 12:00 - 22:00

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

Dulwich Picture Gallery Trust  
Gallery Road  
London  
SE21 7AD


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

1040942


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

David Michel

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

Licence No.   
Authority L.B Camden

Licence Issue date 15/05/2017



Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
[licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Annex 1 - Mandatory conditions**

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

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

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

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

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

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

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

**489** The responsible person shall ensure that -

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

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

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

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

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

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

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

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

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

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

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence:

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

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

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



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

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

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

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

**Annex 2 - Conditions consistent with the operating Schedule**

**340** There is to be extensive CCTV coverage across the site and an out of hours intruder alarm in the Gallery and offices.

**341** During public opening times and during events a Duty Manager will be on site as well as a Supervisor and /or Events Organiser. Staff will be rostered according to the requirements of each event required. Some events will be ticketed and/or private.

**342** The Pavilion will be built to a standard safe for use by the public and a building regulations inspector has been appointed to manage the process and ensure compliance.

**343** A robust evacuation procedure will be in place, with all members of the public requested to leave the main site via the 3 exits (2 on Gallery road and 1 on College road). This procedure will remain in place throughout the Pavilion 3 month lifespan.

**344** Dulwich Picture Gallery will have a comprehensive Health and Safety policy in place with risk assessments being carried out as appropriate. This rigour will be extended to include the activity of the Pavilion within our grounds.

**345** Depending on event capacity an appropriate number of first aid trained staff will be present on site for the duration of events.

**346** Emergency service access- the attendance of emergency services will be coordinated by the event officer and Duty Manager and the Gallery car park will be kept accessible for emergency vehicles to use.

**347** Staff working at the events will be equipped with radios and able to call for assistance.

**348** Customers buying alcohol that look under the age of 18 will be asked for verification and if they cannot prove their age the sale will be refused and the refusal logged in a refusal register.

**349** Staff and signage will encourage visitors to leave the premises quietly and in respect of our local neighbours, and visitors will be encouraged to leave via the Gallery road entrance at night.

**350** The admission of children to films will be restricted in accordance with the recommendations of the British Board of Film Classification. Where the programme includes a film in the 12a, 15, or 18 category then no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate will be admitted. The Gallery shall display in a conspicuous position a sign in the following terms - 'persons under the age of (insert appropriate age) cannot be admitted' exception of emergency access/ingress.

**351** That the premises shall have a capacity of a maximum of 150. This 150 capacity will form part of the overall capacity of 500 of the Dulwich Picture Gallery.

**352** That the premises licence will only be in operation for a maximum of six days per week.

**353** That the premises licence holder shall display a dedicated mobile telephone number for local residents to contact management of the premises as and when necessary.

**354** That a dispersal plan will be prepared and made available with the premises licence for inspection by the responsible authorities.

**355** That all guests shall be registered with the Dulwich Picture Gallery.

**356** That there shall be no promotional DJ events.

**357** That the premises shall advertise parking on Gallery Road only.

**358** That victors can still use visit the gallery and make full use its facilities and grounds during normal opening hours (i.e. before 17:00) without registering.

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

**Annex 4 - Plans - Attached**

Licence No. 858115  
Plan No. 1701 PL01  
Plan Date 17 February

**Heron, Andrew**

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**From:** Regen, Licensing  
**Sent:** 11 July 2017 08:30  
**To:** Heron, Andrew  
**Subject:** FW: Licence application 859168 - objection

---

**From:** [REDACTED]  
**Sent:** Monday, July 10, 2017 5:58 PM  
**To:** Regen, Licensing  
**Subject:** Licence application 859168 - objection

Dear Sirs,

I am writing to object to the above application by Dulwich Picture Gallery to extend their premises license for the 'Pavilion' until 8 October.

I am aware that the Picture Gallery already have a premises license covering the building and the grounds, but in my view the erection and use of this outdoor 'Pavilion' is massively increasing the ability of the Picture Gallery to disturb its neighbours.

Music played in the Pavilion is frequently clearly audible in my house and disturbs me and my family, including my young children whose sleep is disturbed.

I have of course complained to Southwark's noise team about this.

Whereas in the past, the Picture Gallery only rarely used its garden to host music events, the existence of the Pavilion seems to be enabling it to host many more noisy events causing misery to its neighbours including children, and for this reason I think the application should be turned down, and the Picture Gallery can use its extensive indoor premises to host these events without disturbing their neighbours.

I have appended my objection to the previous application, for the period until the end of August, for reference.

Regards

[REDACTED]

**From:** [REDACTED]  
**Date:** 11 April 2017 at 15:49:06 BST  
**To:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)  
**Cc:** [REDACTED]  
**Subject:** Licence application 858115 - objection

Dear Sirs,

I am writing to object in the strongest possible terms to the application by the Dulwich Picture Gallery for a license to erect a pavilion in its grounds and then to serve alcohol and play live or recorded music into the night for various nights each week over the summer.

We live about 150 meters from the Picture Gallery. Various 'events' including live music and films have been put on in the Picture Gallery grounds in prior years and the noise carries straight into our house. One live music event left us unable to hear each other speak - in our own home. We have also had to put up with deafening noise from the Cinema in the park and from Belair House - the latter, much further away from us than the Picture Gallery.

The noise and nuisance extends to the merriment of event goers especially when they have been drinking.

It is intolerable to think that this arrangement is being institutionalised at the Picture Gallery via this licensing application.

We have young children who need to sleep, have homework and like us have lives to live.

The Dulwich Picture Gallery has no shortage of inside space so if they want to host event of this nature, they should do so indoors.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Sent from my iPad

Sent from my iPad

**Heron, Andrew**

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**From:** Regen, Licensing  
**Sent:** 11 July 2017 08:42  
**To:** Heron, Andrew  
**Subject:** FW: Contact form for: Licensing Team

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

From: [www.southwark.gov.uk](http://www.southwark.gov.uk) Website [<mailto:noreply@southwark.gov.uk>]

Sent: Monday, July 10, 2017 7:15 PM

To: Regen, Licensing

Subject: Contact form for: Licensing Team

A visitor to the [www.southwark.gov.uk](http://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:

I wish to object to application number 859168 Dulwich Picture Gallery ( Pavillion ) on the grounds of public nuisance due to noise from films and other entertainment which can be amplified in what is essentially an open air space with sound able to bounce back from the extensive facade of The Gallery behind the structure directly towards homes on the opposite side of College Road where I live. I note that this application is for " films indoors", but The Pavillion has no sides and only an open mesh roof with an overhang of approximately 25% of its height so in no way can be considered " indoors ".

The Gallery advertises it's " Pavillion Bar " widely so as well as noise from at least 50 people drinking in the open air local residents have to endure the unregulated and very difficult to contain noise from the dispersal of customers. The bar operates every day from noon & with alcohol on sale until 23.00 hrs 3 nights every week when dispersal noise obviously continues until at least midnight. The Gallery and its grounds are an important local amenity but they should not be enjoyed by some at the expense of local residents' ability to enjoy their own homes .

I recognise that this application is for an extension of the existing licence ( 858115 ) experience of which has proved disruptive and has disturbed many residents who have complained to the Galley management on numerous occasions and a recent " neighbourhood meeting " has not as yet lead to any proposals from The Gallery to alleviate residents's concerns.

I therefore see no reason why the disturbance and distress suffered by residents should be allowed to continue further into the autumn .

Yours Sincerely,

[REDACTED]



# Dulwich Picture Gallery



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19-Apr-2017

Scale = 1 : 1323.000

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 8 August 2017	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Bridge Walk Food and Wine, 3 London Bridge Walk, London SE1 2SX	
<b>Ward(s) of group(s) affected</b>		Riverside Ward	
<b>From:</b>		Strategic Director of Environment	

## RECOMMENDATIONS

1. That the licensing sub-committee considers an application made by Bhaskaran Sivakumar for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Bridge Walk Food and Wine, 3 London Bridge Walk, London SE1 2SX.
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 a representation from a responsible authority 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 14 of this report deal with the representation submitted in respect of the application. A copy of the representations submitted by the Metropolitan Police and the council's trading standards and public health departments are attached to this report in Appendix B. A map showing the location of the premises is attached to this report as Appendix F.
  - 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 12 April 2017 Bhaskaran Sivakumar applied to this council for the grant of a premises licence in respect of Bridge Walk Food and Wine, 3 London Bridge Walk, London SE1 2SX. The premises are described in the application as:
- 'Grocery, news agent and supply of alcohol (consumption off the premises).'*
9. The application is summarised as follows:
- The supply by retail of alcohol (off sales only)
- Monday to Wednesday - 08:00 to 23:00
  - Thursday and Friday - 08:00 to 00:00 (midnight)
  - Saturday and Sunday - 09:00 to 22:00
- Opening hours
- Monday to Wednesday - 07:00 to 23:00
  - Thursday and Friday - 07:00 to 00:00 (midnight)
  - Saturday and Sunday - 07:00 to 22:00.
10. The proposed designated premises supervisor of the premises is Bhaskaran Sivakumar who has a personal licence by London Borough of Croydon.
11. 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**

12. A representation has been submitted by the Metropolitan Police (Licensing Unit). The representation has been made under the licensing objective of the prevention of crime and disorder. A joint visit was conducted with the council's trading standards department on 19 April 2017. The premises were found to be selling alcohol under a temporary events notice (TEN). The applicant was not present; however, one member of staff present was subsequently arrested as he was wanted by UK Border Force for being an absconder and over-staying with no entitlement to work. A copy of the representation is attached to this report in Appendix B.
13. A representation was submitted by this council's public health authority. The representation was made under the licensing objectives of the prevention crime and disorder, the prevention of public nuisance and public safety due to concerns in relation to the availability of alcohol. The following has been recommended:
  - (That) the start time for alcohol sales be changed to 11:00, daily
  - (That) no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%.

The applicant's legal agent has since agreed to the recommendations to have the above as conditions in the operating schedule. The public health authority has subsequently withdrawn their representation. A copy of the representation and withdrawal is attached to this report in Appendix B.

14. A representation has been submitted by this council's trading standards authority in relation to the prevention of crime and disorder and the protection of children from harm. The representation advises that the premises had been operating under an invalid licence due to the premises licence holder company having dissolved some five years previously. The author reiterates the concerns upon finding an employee without the right to work. Further, there are concerns in relation of the potential sale of alcohol to children. A copy of this representation is available in Appendix B.

### **Representations from other persons**

15. No other representations have been received.

### **Conciliation**

16. The applicant's agent was sent copies of the representations. At the time that this report went to print, the applicant and the objectors had not formally mediated.

### **Premises history**

17. The premises had a licence in place which was originally issued in May 2011. A copy is attached for Members' information in Appendix C. It provided for the sale by retail of alcohol to be consumed off the premises for the following hours:

- Monday to Wednesday - 07:00 to 23:00
  - Thursday and Friday - 07:00 to 00:00 (midnight)
  - Saturday - 07:00 to 22:00
  - Sunday - 12:00 (midday) to 22:00.
18. The previous premises licence holder was Bridge Walk Food and Wine Limited (05792224). A Companies House search shows that the company was dissolved on 24 July 2012. A copy of the Companies House search is available in Appendix D.
19. On 29 March 2017, the premises were visited by the licensing authority, further to information received from the trading standards authority that the premises licence was now invalid. The owner was advised to remove alcohol from sale. On 30 March 2017, the premises were written to in order to provide a formal warning. A copy of that correspondence is available in Appendix E.
20. The premises have been trading with a series of temporary events notices.

<b>Date of Application</b>	<b>Date of Event</b>	<b>Applicant</b>	<b>Licensable Activities</b>	<b>Issue of Counter Notice?</b>
30/03/2017	From 10/04/2017 to 14/04/2017 09:00 - 23:00	Sivakumar Bhaskaran	Sale by retail of alcohol to be consumed off the premises	No
10/04/2017	From 20/04/2017 to 21/04/2017 09:00 - 23:00	Sivakumar Bhaskaran	Sale by retail of alcohol to be consumed off the premises	No
13/04/2017	From 03/05/2017 to 05/05/2017 09:00 - 23:00	Sivakumar Bhaskaran	Sale by retail of alcohol to be consumed off the premises	No

21. There is no history of complaints associated with the premises received by the licensing authority.

### **Map**

22. A map showing the location of the premises is attached to this report as Appendix F. There are a large number of licenced premises in the immediate vicinity, namely:

#### **Barrow Boy and Banker, 8 Borough High Street SE1 9QQ**

The sale by retail of alcohol (on and off sales)

- Sunday to Friday from 08:00 to 01:00 (the following day)
- Saturday from 08:00 to 02:00 (the following day).

The provision of late night refreshment (indoors)

- Sunday to Friday from 23:00 to 01:00 (the following day)
- Saturday from 23:00 to 02:00 (the following day).

**The News Building, 1 London Bridge Street SE1 9SG**

The sale by retail of alcohol (both on and off sales)

- Monday to Sunday from 10:00 to 00:00 (midnight).

The provision of late night refreshment (indoors)

- Monday to Sunday from 23:00 to 00:00 (midnight).

The provision of regulated entertainment in the form of live music, recorded music and films (indoors)

- Monday to Sunday from 10:00 to 00:00 (midnight).

**Boro Bistro, 6 - 10 Borough High Street SE1 9QQ**

The sale by retail of alcohol (both on and off sales)

- Monday to Tuesday from 10:00 to 23:00
- Wednesday to Saturday from 10:00 to 03:00 (the following day)
- Sunday from 10:00 to 22:30.

The provision of late night refreshment (indoors)

- Monday to Tuesday from 23:00 to 23:30
- Wednesday to Saturday from 23:00 to 03:00 (the following day).

The provision of regulated entertainment in the form of live music (indoors)

- Wednesday to Saturday from 11:00 to 03:00 (the following day)

The provision of regulated entertainment in the form of recorded music (indoors)

- Wednesday to Saturday from 11:00 to 03:30 (the following day).

**Pizza Express Limited, 4 Borough High Street**

The sale by retail of alcohol

- Monday to Saturday from 10:00 to 00:00 (midnight)
- Sunday from 12:00 (midday) to 22:30.

**Glaziers Hall Ltd, 9 Glaziers Hall, Montague Close SE1 9DD**

The sale by retail of alcohol (on sales)

- Monday to Saturday from 07:00 to 01:30 (the following day)
- Sunday from 10:00 to 23:30.

The provision of late night refreshment (indoors)

- Monday to Saturday from 23:00 to 01:30 (the following day)

- Sunday from 23:00 to 23:30.

The provision of regulated entertainment in the form of live and recorded music (indoors)

- Monday to Thursday from 09:00 to 23:45
- Friday from 09:00 to 00:45 (the following day)
- Saturday from 10:00 to 00:45 (the following day)
- Sunday from 10:00 to 23:45.

The provision of regulated entertainment in the form of films (indoors)

- Monday to Saturday from 07:00 to 02:00 (the following day)
- Sunday from 10:00 to 00:00 (midnight).

Boxing or wrestling (indoors)

- Thursday to Saturday from 18:00 to 00:00 (midnight).

### **Grind, Ground Floor, 2 London Bridge SE1 9RA**

The sale by retail of alcohol (both on and off sales)

- Monday to Thursday from 11:00 to 00:00 (midnight)
- Friday and Saturday from 11:00 to 01:00 (the following day)
- Sunday from 11:00 to 22:30.

The provision of regulated entertainment (indoors)

- Monday to Friday from 23:00 to 00:00 (midnight)
- Friday and Saturday from 23:00 to 01:00 (the following day).

### **Oddbins, 7 Borough High Street SE1 9SU**

The sale by retail of alcohol (both on and off sales)

- Monday to Saturday from 08:00 to 23:00
- Sunday from 10:00 to 22:30.

### **The Mug House, 1 - 3 Tooley Street SE1 2PF**

The sale by retail of alcohol (both on and off sales)

- Monday to Sunday from 07:30 to 02:00 (the following day).

The provision of late night refreshment (indoors)

- Monday to Saturday from 23:00 to 02:00 (the following day).

The provision of regulated entertainment in the form of live and recorded music (indoors)

- Monday to Sunday from 07:30 to 02:00 (the following day).

**Number 1 Bar Limited, 1 Duke Street Hill SE1 2SW**

The sale by retail of alcohol (both on and off sales)

- Sunday to Wednesday from 12:00 (midday) to 03:00 (the following day)
- Thursday to Saturday from 12:00 (midday) to 06:00 (the following day).

The provision of late night refreshment (indoors)

- Sunday to Wednesday from 23:00 to 03:00 (the following day)
- Thursday to Saturday from 23:00 to 06:00 (the following day).

The provision of regulated entertainment in the form of live music and recorded music (indoors)

- Sunday to Wednesday from 12:00 (midday) to 03:00 (the following day)
- Thursday to Saturday from 12:00 (midday) to 06:00 (the following day).

**Azzura, Unit 31 Cottons Centre SE1 2QJ**

The sale by retail of alcohol (both on and off sales)

- Monday to Saturday from 10:00 to 00:00 (midnight)
- Sunday from 12:00 (midday) 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).

**Southwark Council statement of licensing policy**

23. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016.
24. 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.
25. 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.
26. Within Southwark’s statement of licensing policy, the premises are identified as being inside the Borough and Bankside cumulative impact zone and inside a residential area. Relevant closing times recommended in the statement of licensing policy for off licences are as follows:
- Monday to Sunday - 00:00 (midnight) daily.

### **Resource implications**

27. 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.

### **Consultations**

28. 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**

29. 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**

30. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.

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

### **Principles for making the determination**

32. 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.

33. Relevant representations are those which:

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

34. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:

- 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**

35. 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.

36. The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm.

37. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

38. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to 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.
39. 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**

40. 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**

41. 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.
42. 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**

43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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.
49. Under the Human Rights Act 1998. The sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
50. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

## Guidance

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

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark statement of licensing Policy Case file	Southwark Licensing c/o Community Safety 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	Representations submitted by Responsible Authorities – the Metropolitan Police and the council's public health and trading standards departments
Appendix C	Copy of previous (now invalid) premises licence
Appendix D	Companies House search
Appendix E	Warning letter date 30 March 2017
Appendix F	Map of the local area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	27 July 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	27 July 2017	

## APPENDIX A

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We BHASKARAN SIVAKUMAR  
(Insert name(s) of applicant)

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
BRIDGE WALK FOOD & WINE 3 LONDON BRIDGE WALK LONDON			
Post town	LONDON	Postcode	SE1 2SX
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 22750	

**Part 2 - Applicant details**

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

- a) an individual or individuals \*       please complete section (A)
- b) a person other than an individual \*
- i as a limited company/limited liability partnership       please complete section (B)
- ii as a partnership (other than limited liability)       please complete section (B)
- iii as an unincorporated association or       please complete section (B)
- iv other (for example a statutory corporation)       please complete section (B)
- c) a recognised club       please complete section (B)
- d) a charity       please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

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

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  

2	5	0	4	2	0	1	7
---	---	---	---	---	---	---	---



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

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

Please give a general description of the premises (please read guidance note 1)

GROCERY, NEWS AGENT & SUPPLY OF ALCOHOL  
(CONSUMPTION OFF THE PREMISES)

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

N/A
-----

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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



**In all cases complete boxes K, L and M**

A

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

## B

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

C

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

## D

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

E

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

F

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



## G

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

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p> <p style="text-align: center; font-size: 2em;">N/A</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					




## I

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> – <b>please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	00:00			
Fri	08:00	00:00			
Sat	09:00	22:00			
Sun	09:00	22:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MR. SIVAKUMAR BHASKARAN.	
Date of birth		
Address		
Postcode		
Personal licence number (if known)		
Issuing licensing authority (if known)	CROYDON COUNCIL	

□□□□

K

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

N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	23:00	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	00:00	
Fri	07:00	00:00	
Sat	07:00	22:00	
Sun	07:00	22:00	

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

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

- 1) ANY PERSON WHO APPEARS TO BE DRUNK/AGGRESSIVE WILL NOT BE PERMITTED ON THE PREMISES.
- 2) NOTICE TO BE PLACED IN PROMINENT POSITIONS TO ASK PATRONS TO LEAVE THE PREMISES QUIETLY.
- 3) A SUITABLE EVALUATION PLAN IN CASE OF EMERGENCY.

**b) The prevention of crime and disorder**

- 1) ALCOHOL SHALL NOT BE SOLD AN OPEN CONTAINER OR BE CONSUMED IN THE LICENCED PREMISES.
- 2) A REFUSALS BOOKS TO RECORD EVERY INSTANCE THAT SALES OF ALCOHOL AND ANY OTHER AGE RESTRICTED GOODS ARE REFUSED SHALL BE MAINTAINED.
- 3) THE REFUSAL BOOK SHALL BE AVAILABLE FOR INSPECTION BY AN AUTHORISED OFFICER OF THE LICENCING AUTHORITY, TRADING STANDARDS OFFICERS OR THE POLICE

**c) Public safety**

- 1) MAINTENANCE OF FULL RISK ASSESSMENTS APPROPRIATE FOR PROPOSED PREMISES OPERATIONS.
- 2) I WILL FULLY SUPPORT ANY DIRECTIVES RECEIVED FROM THE AUTHORITIES
- 3) STAFF WILL BE FULLY AWARE OF LICENCE LAW.
- 4) REGULAR ELECTRIC SAFETY AND GAS SAFETY CHECKS BY A COMPETENT PERSON

**d) The prevention of public nuisance**

DELIVERIES TO AND FROM THE PREMISES SHALL BE LIMITED TO BETWEEN 08:30 HOURS AND 18:00 HOURS ONLY.

**e) The protection of children from harm**

- 1) NOTICES SHALL BE STRATEGICALLY AND PROMINENTLY PLACED THE PREMISES DETAILING THE RESTRICTIONS ON SALES OF CHILDREN
- 2) EVIDENCE OF AGE IN THE FORM OF ID SHALL BE REQUESTED FROM ANY PERSON APPEARING TO THOSE SELLING OR SUPPLYING ALCOHOL TO BE UNDER THE AGE OF 18 AND WHO IS ATTEMPTING TO BUY ALCOHOL

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

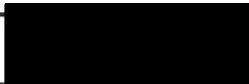
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	
Capacity	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	12/04/2017
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

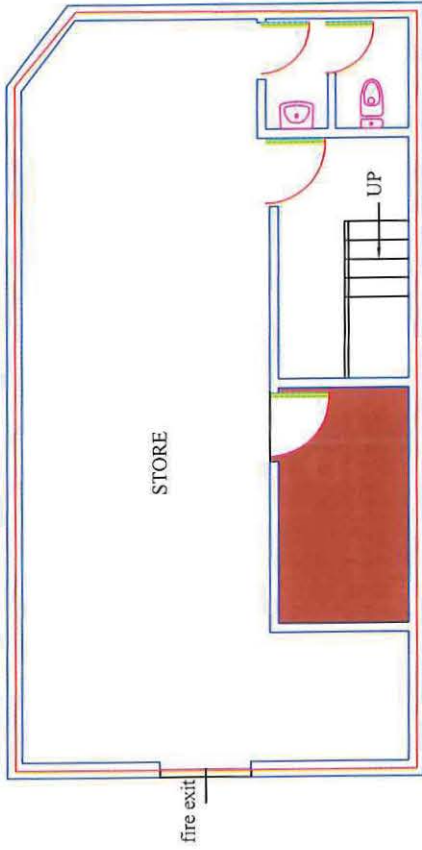
#### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:





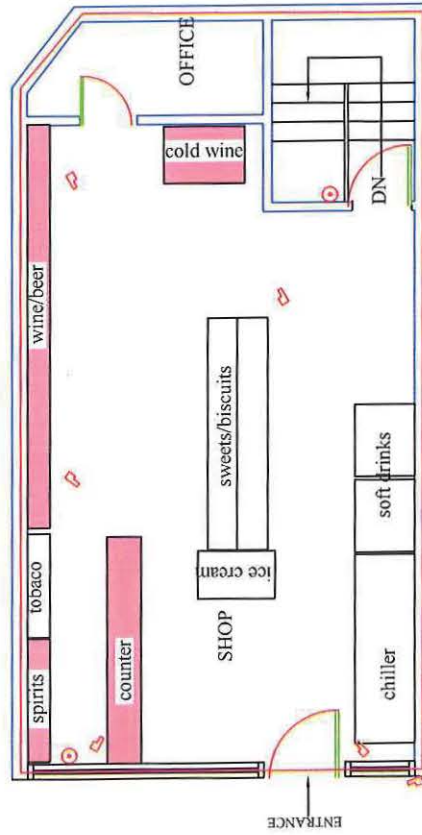
FRONT VIEW



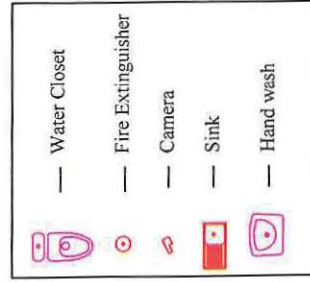
BASEMENT FLOOR PLAN



LOCATION MAP



GROUND FLOOR PLAN



LEGEND

 <p><b>THALAM</b> DESIGNERS</p>	<p>TITLE: 3 LONDON BRIDGE WALK, SE1 2SX</p>	<p>Design by: T S L</p>	<p>Dwg.no: TSL/SIV/01</p>	<p>Date:- 09/04/2017</p>
	<p>Scale:- 1:100</p>			



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

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

Tel: 020 7232 6756  
 Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/ 2957/17

**Date:** 9th May 2017

Dear Sir/Madam

**Re:- Bridge Walk Food & Wine, 3 London Bridge Walk, London**

Police are in possession of an application from the above for a new premise licence. The application is to allow off sales for the following times.

Opening Hours

Mon – Wed	07.00hrs – 23.00hrs
Thurs – Fri	07.00hrs – 00.00hrs
Sat – Sun	07.00hrs – 22.00hrs

Supply of Alcohol.

Mon – Wed	07.00hrs – 23.00hrs
Thurs – Fri	07.00hrs – 00.00hrs
Sat – Sun	07.00hrs – 22.00hrs

Police object to the granting of the licence as we believe it would be prejudicial to the prevention of illegal working and immigration crime.

On Wednesday the 19<sup>th</sup> April 2017 Police officers from the Night Time economy team, Police Licensing and Southwark Council Trading Standards did a joint visit at the applicant's premises. No licence was in operation but the applicant had been granted Temporary event notices for the sale of alcohol but not on the day of the visit.

The applicant was not present and the only member of staff was Mr [REDACTED]. During the visit it was discovered that Mr [REDACTED] was wanted by UK Border force for being an absconder and over stayer with no entitlement to work. He was arrested and taken to Lewisham Police station.

The venue is situated within the Borough & bankside Cumulative impact zone and the presumption is to refuse unless satisfied that it will not have an adverse effect on licensing objectives. The police believe it will, and as such have offered no conditions or conciliation.

Police believe the granting of the licence would not promote the licensing objectives and further immigration offences would occur.

The Following is submitted for your consideration.

Yours Sincerely

**PC Graham White 288MD**

Southwark Police Licensing Unit

Tel: 0207 232 6756

From: Sharpe, Carolyn On Behalf Of Public Health Licensing  
Sent: Friday, May 05, 2017 2:44 PM  
To: Regen, Licensing  
Cc: Public Health Licensing  
Subject: RE: New Premises Licence for 3 London Bridge Walk

To whom it may concern:

Re: 3 London Bridge Walk, London SE1 2SX

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

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

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

#### General Comments

The applicant requests a new licence for the sale of alcohol off the premise between the hours of 08:00 and 23:00 Mondays – Wednesdays, 08:00 – 00:00 Thursday – Fridays and 09:00 – 22:00 Saturdays – Sundays. I have concerns regarding the hours of alcohol sales requested. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking.

Additionally, the applicant has made no mention of the types of alcohol that will be stocked. I would like some restriction on high- strength beers, lagers, and ciders, given that many purchasers of these drinks are alcohol misusers, and that one of these drinks exceeds the NHS's Safer Drinking Guidelines.

#### Recommendations

- I recommend the start time for alcohol sales be changed to 11am daily
- I recommend that no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%.

Carolyn Sharpe

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

Carolyn Sharpe | [carolyn.sharpe@southwark.gov.uk](mailto:carolyn.sharpe@southwark.gov.uk) | 02075250025 | 07733307539

Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

**Heron, Andrew**

---

**From:** Sharpe, Carolyn  
**Sent:** 19 July 2017 12:51  
**To:** Heron, Andrew  
**Subject:** FW: Bridge Walk Food

**Sensitivity:** Confidential

Hi Andrew,

See below.

Many thanks,  
Carolyn

---

**From:** Sharpe, Carolyn  
**Sent:** 15 June 2017 16:35  
**To:** Baiju Thittala  
**Cc:** Mills, Dorcas  
**Subject:** RE: Bridge Walk Food  
**Sensitivity:** Confidential

Dear Baiju,

Thank you for your email. Given you have accepted the conditions recommended in my representation (below), I am happy to withdraw my representation.

- The start time for alcohol sales be changed to 11am daily
- No beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%

Thanks and best wishes,  
Carolyn

---

**From:** Baiju Thittala [REDACTED]  
**Sent:** Thursday, June 15, 2017 1:21 PM  
**To:** Sharpe, Carolyn  
**Subject:** Bridge Walk Food  
**Importance:** High  
**Sensitivity:** Confidential

Dear Ms Carolyn Sharpe,

Kindly find attached letter, as per our telephone conversation.

Please feel free to contact us if you have any queries in this matter.

Yours Faithfully,

B. Thittala LLB (Hons), Grad. NALP

Bridgeway Solicitors  
175-177, First Floor  
Newmarket Road  
Cambridge

From: Masini, Bill [bill.mansini@southwark.gov.uk](mailto:bill.mansini@southwark.gov.uk)  
Sent: Wednesday, May 10, 2017 11:13 PM  
To: Regen, Licensing  
Cc: Tear, Jayne  
Subject: Application for premises licence - Bridge Walk Food & Wine 3  
London Bridge Walk SE1 2SX

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of an application for a Premises Licence for Bridge Walk Food and Wine at 3 London Bridge Walk London SE1 2SX and respond accordingly under the Licensing Objectives.

The premise is situated within the Borough and Bankside Cumulative Impact Zone where there is a presumption to refuse unless the Licensing Authority is satisfied the premise will not have an adverse effect on the licensing objectives.

In April 2017 Trading Standards visited the premise because it had received a complaint that tobacco products offered for sale were on display contrary to The Tobacco Advertising and Promotion Display (England) Regulations 2010. The complaint was validated and the business was issued with advice and a warning. Enquiries were made about the premises licence that was apparently operational. Alcohol was being sold. The Premises Licence had been in a company name, Bridge Walk Food and Wine Limited (company number – 05792224). A quick on-line check with Companies House showed that the company had been dissolved on 24 July 2012- nearly 5 years ago. The First Gazette Notice for Compulsory Strike off was published on 23 August 2011.

It is understood the current owners, and applicant here, bought the business after the company had been dissolved some 3 years ago. It is further understood no attempt to transfer the Premise Licence was made.

Since the Premises Licence lapsed in this case where the body corporate ceased to exist , alcohol has been sold by the current owners for the whole time they have operated a business at this premise. This is a “basic” but serious criminal offence under the Act.

The current owners have applied and operated under TENS whilst their application was made and being processed.

A visit was made by Trading Standards and Licensing Police on 19 April to see if alcohol was being sold. A standard “person check” was carried out on the only person working in the shop, Mr Jafar Thottungal. Those checks showed he was wanted by UK Border Force because he was an absconder and overstayer, and as such not permitted to work. He was duly arrested and the Police locked the shop behind him in order to secure the premise.

Trading standards express their concerns that alcohol had been sold by the applicant for a considerable period of time without a valid Premises Licence being operational and that even during the application process they had employed one or more illegal workers.

Dealing with the application itself, the applicant has not properly addressed the issue of preventing the sale of alcohol to children.

In view of the events leading to date, Trading Standards do not offer any conditions or conciliation here because it has little confidence that the licensing objectives will be adhered to if a Premises Licence was issued. Refusal to grant a licence is therefore recommended.

Bill Masini - Trading Standards Officer  
Southwark Council Trading Standards | Environment & Social  
Regeneration  
3rd Floor Hub 1, PO Box 64529 | London SE1P 5LX  
Direct line 020 7525 2629 | Fax 020 7525 5735 | Call Centre 020 7525  
2000

Visit our web pages [www.southwark.gov.uk/TradingStandards](http://www.southwark.gov.uk/TradingStandards)  
Need clear practical consumer advice? Visit Consumer Direct at  
[www.direct.gov.uk/consumer](http://www.direct.gov.uk/consumer)

# Licensing Act 2003 Premises Licence

## APPENDIX C



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

Premises licence number

834398

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
BRIDGE WALK FOOD AND WINE 3 London Bridge Walk London SE1 2SX  Ordnance survey map reference (if applicable), 180322532853	
<b>Post town</b> London	<b>Post code</b> SE1 2SX
<b>Telephone number</b> [REDACTED]	

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Sale by retail of alcohol to be consumed off premises

**The opening hours of the premises**

For any non standard timings see **Annex 2**

Monday	07:00 - 23:00
Tuesday	07:00 - 23:00
Wednesday	07:00 - 23:00
Thursday	07:00 - 00:00
Friday	07:00 - 00:00
Saturday	07:00 - 22:00
Sunday	12:00 - 22:00

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

Sale by retail of alcohol to be consumed off premises



**The times the licence authorises the carrying out of licensable activities**

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

**Sale by retail of alcohol to be consumed off premises**

Monday	07:00 - 23:00
Tuesday	07:00 - 23:00
Wednesday	07:00 - 23:00
Thursday	07:00 - 00:00
Friday	07:00 - 00:00
Saturday	07:00 - 22:00
Sunday	12:00 - 22:00

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

Bridge Walk Food & Wine Limited  
106 - 108 Burnt Oak Broadway  
Edgware  
Middx  
HA8 0BE  
[REDACTED]

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

05792224

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

Samuel Daniels  
[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**

[REDACTED]

Licence Issue date 04/05/2011

.....  
Community Safety Enforcement  
Business Unit Manger  
Chaplin Centre  
Thurlow Street  
London SE17 2DG  
020 7525 5748  
licensing@southwark.gov.uk

**Annex 1 - Mandatory conditions**

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

a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

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

**488** (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

**Annex 2 - Conditions consistent with the operating Schedule**

**334** That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

**340** The Store will display signage around the premises informing both staff and customers of their 'THINK 21' policy.

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

**Annex 4 - Plans - Attached**

Licence No. 834398

Plan No. 2 - C - 5320

Plan Date July 2005

The screenshot shows a web browser window displaying the Companies House profile for Bridge Walk Food & Wine Limited. The browser's address bar shows the URL: https://beta.companieshouse.gov.uk/company/05792224. The main heading is "BRIDGE WALK FOOD & WINE LIMITED" with a "Follow this company" button. Below this, the company number "05792224" is listed. There are three tabs: "Overview" (selected), "Filing history", and "People". The "Overview" section contains the following information:

- Registered office address:** 106-108 Burnt Oak Broadway, Edgware, Middlesex, HA8 0BE
- Company status:** Dissolved on 24 July 2012
- Company type:** Private limited Company
- Incorporated on:** 24 April 2006

Below this, there are two sections:

- Accounts:** Last accounts made up to 30 April 2010
- Annual return:** Last annual return made up to 24 April 2010

At the bottom, the "Nature of business (SIC)" is listed as 7487 - Other business activities.

The browser window also shows a calendar for July 2017 on the right side and a taskbar at the bottom with various application icons and the system clock showing 15:06 on 14/07/2017.

## APPENDIX E

Mark Orton  
Licensing Enforcement Officer  
Licensing Team  
Regulatory Services

mark.orton@southwark.gov.uk

Tel: 02075254236

Date: 30 March 2017

Mr [REDACTED]  
Bridge Walk Food & Wine  
3 London Bridge Walk  
SE1 2SX

**BY HAND**

**Ref:** [Click here to enter reference.](#)

Dear [REDACTED]

**LICENSING ACT 2003: LAPSE OF PREMISES LICENCE  
BRIDGE WALK FOOD & WINE LIMITED, 3 LONDON BRIDGE WALK, SE1 2SX**

Dear Sir,

Please note that the premises licence for Bridge Walk Food & Wine Limited, 3 London Bridge Walk, SE1 2SX has lapsed as of 24 July 2012 due to the company holding the licence being dissolved.

Following my visit to your premises of 29 March 2017 at 17:00hrs and my advice to you, being as you stated that you were the person in charge with the title of manager, that no alcohol should be on display and that no sale of alcohol to the public should take place. I also advised that you should contact the licensing team to apply for a premises licence if you wish to sell alcohol for consumption off the premises, as you have been doing in the past.

**YOU SHOULD ENSURE THAT NO LICENSABLE ACTIVITIES TAKE PLACE AT THE PREMISES WITHOUT THE CORRECT AUTHORISATION. THIS MEANS THAT NO SALE OF ALCOHOL CAN TAKE PLACE.**

To do so would be a criminal offence as there is no authorisation under the Licensing Act 2003 at this premises. A person found guilty of an offence under S136(1)(a) is liable on summary conviction to imprisonment for a term not exceeding 6 months or to an unlimited fine.

If you need any clarification of this letter, do not hesitate to contact this office for assistance.

Regards

*Mark Orton*



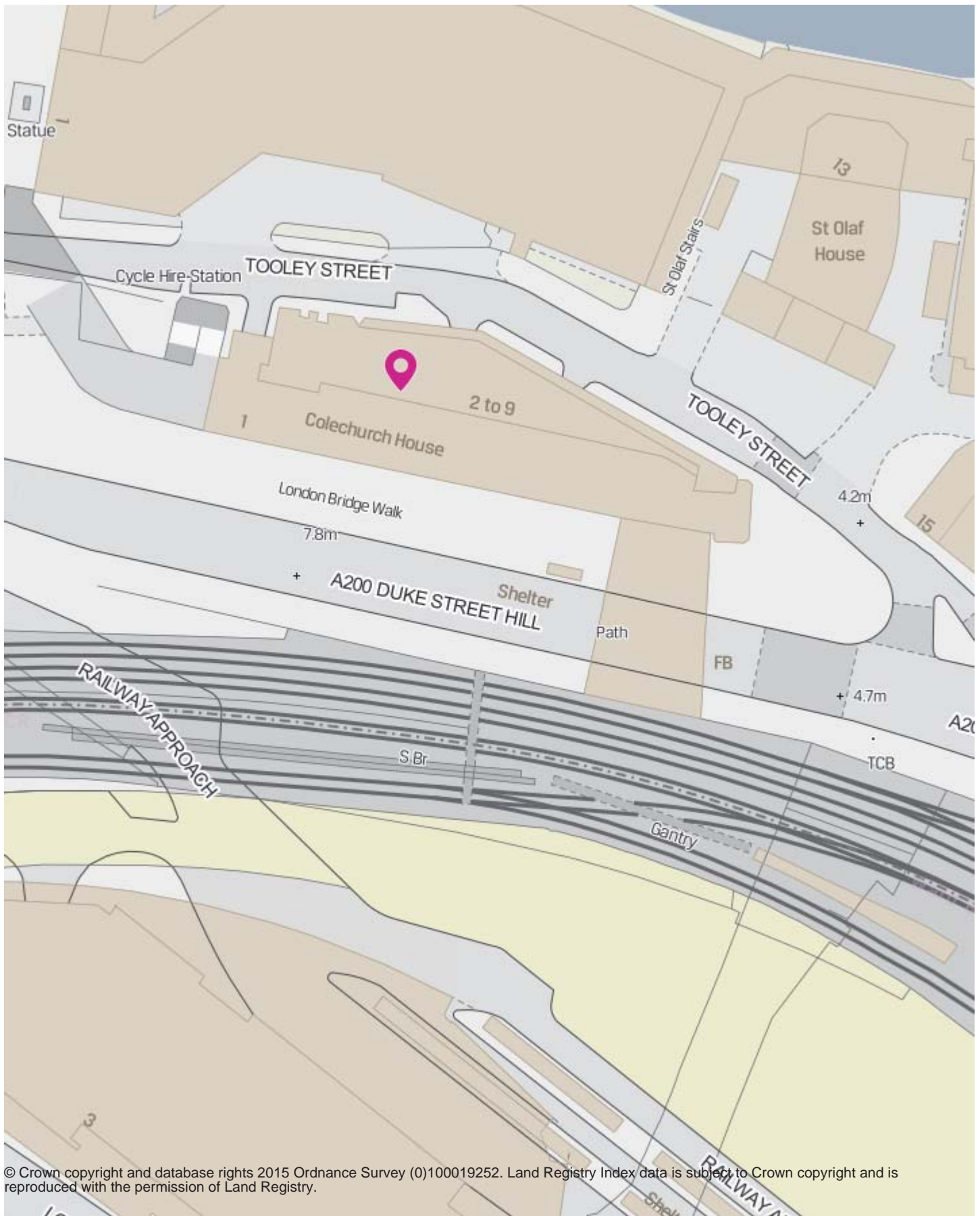
**Mark Orton**  
**Licensing Enforcement Officer**

**Licensing Unit** – Regulatory Services – Environment & Leisure, Hub 1, Floor 3, 160 Tooley Street,  
London, SE1 2QH **Switchboard** - 020 7525 5000 Website - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director Environment & Housing** - Deborah Collins



BRIDGEWALK FOOD AND WINE, 3, LONDON BRIDGE WALK, SE1 2SX



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# Agenda Item 8

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 8 August 2017	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Hawkes, 92 Druid Street, London SE1 2HQ	
<b>Ward(s) or groups affected:</b>		Riverside	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATIONS

1. That the licensing sub-committee considers an application made by Hawkes Brewing Company for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Hawkes, 92 Druid Street, London SE1 2HQ.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 11 to 19 of this report deals with the representations received to the premises licence application and conciliations progress made. Copies of the relevant representations from responsible authorities and correspondence are attached as Appendices B and C. The premises licence is attached as Appendix D.
  - d) Paragraphs 18 to 23 deals with the issue with regards to the outside area and the proposed correspondences are attached as Appendix E.
  - e) Paragraph 24 deals with licensed premises within a 100m radius of the premises. A map of the area is attached as Appendix F.
  - f) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

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

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 20 January 2017, Hawkes Brewing Company applied to this council for the grant of a new premises licence in respect of the premises known as, Hawkes, 92 Druid Street, London SE1 2QH. The premises are mainly used for the production of cider with an auxiliary bar for on and off sales.

The application is summarised as follows (revised hours after conciliation):

- Supply of alcohol (indoors)  
Monday – Sunday from 10:00 to 22:30
  - Operating hours of premises  
Monday – Sunday from 07:00 to 23:00.
9. The premises licence application form provides the applicant operating schedule. Parts I, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

### **Designated premises supervisor**

10. The proposed designated premises supervisor Douglas Isherwood who has a personal licence issued by Tandridge Council.

### **Representations from responsible authorities**

11. Three representations were submitted by the Metropolitan Police, environmental protection team (EPT) and licensing (as a responsible authority).
12. The Metropolitan Police representation states that the venue does not benefit from any outside space on Druid Street and the doors to the venue exit immediately onto the public highway, it is also opposite large residential blocks of flats. They recommend the hours for Thursday be reduced to that within the statement of licensing policy and have suggested a number of conditions which if agreed will assist with the prevention of crime and disorder and anti-social behaviour in the area.
13. The EPT representation also state that there are residents extremely close by and directly opposite the premises who would be adversely affected by noise, in particular from dispersal of patrons at 00:30. There is a history of complaints about noise from residents regarding patrons of other premises in railway arches in the street operating to 23:00. This shows the potential for public nuisance in this case. The request to include the external area in the licensable area is inappropriate as this is comprised of a loading bay which forms part of the public highway. Having patrons externally will also greatly increase the likelihood of noise adversely affecting local residents. The EPT indicated that they will only withdraw their representation if the outside area is removed from the application and the hours curtailed to 10:00 to 23:00 every day.
14. The licensing representation state the premises is situated in a residential area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for restaurants, cafes, public houses, wine bars or other drinking establishments is 23:00 hours. They have requested additional information and also recommended a couple of conditions for consideration.
15. Copies of the representations are attached as Appendix B.

### **Representation from other persons**

16. There are no representations from other persons.

### **Conciliation**

17. The representations received were forwarded to the applicant who agreed to all the proposed conditions, a reduction in hours and re-submitted new plan without the outside area. Corresponding emails are attached as Appendix C.

### **The outside area**

18. Following the conciliation in February 2017, the licence was issued with all agreed conditions. However, there appears to be conditions that are contradictory in terms of conditions agreed prior with licensing for the outside area (condition 347) and also the prohibition of the use of the outside area by the EPT which both appear on the licence (condition 340). The licence is attached as Appendix D.

19. The applicant has indicated he wishes to use of the outside area with the condition 340 agreed with Licensing RA and does not now agree to condition 347 and the revised plans as agreed with EPT.
20. A meeting was held on 26 July 2017 between all parties concerned to try and resolve the issue of the outside area and to find a way forward.
21. To this effect applicant has submitted an independent licensing report from Mr Adian Studd, an outside management plan, proposed amendments to the premises licence conditions relevant to the outside area and reverted to the original plans for the application which included the outside area. Also submitted is correspondence from licensing officer, Mr Mark Orton, to the applicant's barrister which is mentioned in the independent licensing report. These are attached as Appendix E.
22. The proposed conditions were agreed with the police, licensing and EPT responsible authorities, should members be minded to grant the use of the outside area, however EPT maintain their representation objecting to the use of the outside apart from use by smokers who do not take drinks outside, on the grounds of public nuisance to residents opposite, they also seek a condition that the applicant obtain permission from the Highways Team in accordance with section 115E of the Highways Act 1980.
23. It was agreed with the consent of the applicant that the unresolved issue of the outside area be referred for determination to the licensing sub-committee.

#### **The local area**

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

##### Public houses/restaurants:

- Marquis of Wellington Public House, 21 Druid Street SE1 (Monday – Wednesday until 23.00, Thursday until 00.00, Friday and Saturday until 01.00, Sunday until 00.00). Currently closed for operation.
- Elmadero, Railway Arch 840, 30 Druid Street SE1 (Monday – Sunday until 23.00)
- Southwark Brewing Company Limited, 46 Druid Street SE1 (Monday – Sunday until 23.00)
- Doodle Bar, 60 Druid Street SE1 (Sunday – Thursday until 23:00, Fri and Sat until 00:00)
- St John Bakery Company Ltd, 72 Druid Street SE1 (Monday – Sunday until 23.00)
- Bea's of Bloomsbury Railway Arch, 76 Druid Street SE1 (Monday – Sunday until 22.00)
- Maltby and Greek Wholesalers, Railway Arch, 76 Druid Street SE1 (Monday – Sunday until 22.00)

- Comptoir Gourmand, 98 Druid Street SE1 (Monday – Sunday until 23:00)
- Anspach and Hobday, 116 - 118 Druid Street SE1 (Monday – Sunday until 23:00)
- Bottles, 128 Druid Street SE1 (Monday – Sunday until 23:00)
- Lemporio, 134 Druid Street SE1 (Sunday – Wednesday until 22:00).

### **Deregulation of entertainment**

25. On 6 April 2015 entertainment became deregulated and as a result:

- Live unamplified music is deregulated between 08:00hrs – 23:00hrs on any premises.
- Live amplified music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people.

26. 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').

### **Southwark Statement of Licensing Policy**

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

- Closing time for restaurants and cafes: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours
- Closing time for public houses, wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours
- Closing time for hotel bars and guest houses: No restrictions for residents
- Closing time for night clubs (with sui generis planning classification): Monday to Thursday is 01:00 hours and for Friday and Saturday 03:00 hours and for Sunday 00:00 hours
- Closing time for off-licences and alcohol sales in grocers and supermarkets is 00:00 hours daily
- Closing time for take-away establishment: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours
- Closing time for cinemas and theatres is 02:00 hours daily
- Closing time for vessels is 23:00 hours daily
- Closing time for qualifying members club is 02:00 hours daily.

28. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and Scope of the Policy – This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
- Section 5 – Determining Applications for Premises Licences and Club Premises certificates – This explains how the policy works and considers issues such as

location; high standards of management; and the principles behind condition setting.

- Section 6 – Local Cumulative Impact Policies – This sets out this Authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
  - Section 7 – Hours of Operation – This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification. To be read in conjunction with Appendix B to the policy.
  - Section 8 – The Prevention of Crime and Disorder – This provides general guidance on the promotion of the first licensing objective
  - Section 9 – Public Safety – This provides general guidance on the promotion of the second licensing objective
  - Section 10 – The Prevention of Nuisance – This provides general guidance on the promotion of the third licensing objective
  - Section 11 – The Protection of Children from Harm – This provides general guidance on the promotion of the fourth licensing objective.
  - Closing time for Restaurants and Cafes: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours.
29. The purpose of Soutwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Resource implications**

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

### **Consultations**

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

### **Community impact statement**

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



## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

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

### **Principles for making the determination**

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

### **Conditions**

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

- The protection of children from harm.
40. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
  41. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
  42. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

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

### **Hearing procedures**

44. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
  - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.
    - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
  - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

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

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

46. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
47. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
48. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
49. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
50. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
51. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
52. Under the Human Rights Act 1998 the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
53. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days

beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### Guidance

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

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office 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	Mrs Kirty Read Tel: 020 7525 5748

### APPENDICES

Name	Title
Appendix A	Application premises licence
Appendix B	Representation from responsible authorities
Appendix C	Conciliation correspondence
Appendix D	Premises licence
Appendix E	Licensing report and conditions/email
Appendix F	Map of local area

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Dorcas Mills, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	28 July 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	28 July 2017	

20/01/2017

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

Ref No. 750753

## 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

	Hawkes Brewing Company
--	------------------------

## Premises Details

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

£	£20,838
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

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

Address Line 1	92 DRUID STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 2HQ
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	Hawkes Brewing Company
------	------------------------

## Address - First Entry

Street number or building name	C/O Smith & Watts Ltd
Street Description	Ipswich Road
Town	Colchester
County	
Post code	CO4 0AD
Registered number ( where applicable )	
Description of applicant ( for example, partnership, company, unincorporated association etc )	Limited Company

## Contact Details - First Entry

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

## Operating Schedule

When do you want the premises licence to start?

	01/03/2017
--	------------

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 )

	Used mainly for the production of cider with an auxiliary bar for on and off sales
--	--

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

--	--

Supply of alcohol

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

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	23:00

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

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

--	--

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

--	--

Please upload the consent form completed by the proposed premises supervisor

	<a href="#">southwarkDPS-1.pdf</a>
--	------------------------------------

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Douglas
Surname	Isherwood

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 )	Tandridge



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

	No such activities
--	--------------------

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	07:00	23:00
Tues	07:00	23:00
Wed	07:00	23:00
Thur	07:00	00:00
Fri	07:00	00:30
Sat	07:00	00:30
Sun	07:00	23:00

State any seasonal variations ( Please read guidance note 4 )

--	--

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

--	--

M - Steps to promote four licencing objectives

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

	<p>We aim to ensure that we compliment the current offers on Druid St, and in doing so go above and beyond expectations to ensure we are a valuable addition to the community.</p> <p>We will ensure that the four key licensing objectives are a central part of our overall business objectives.</p> <p>We will work with and alongside all the relevant and respected authorities to ensure all objectives and conditions are met.</p>
--	---

b) the prevention of crime and disorder

	<p>Presence of circuit television (CCTV) cameras both inside and immediately outside the premises generally.</p> <p>Signs shall be displayed at the entrance to the premises that state Management reserve the right to Refuse Entry'.</p>
--	--

	<p>A member of staff will be on duty at all times at the premises when open that is trained in the use of the CCTV and able to view and download images to a removable device.</p> <p>All staff will be trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months which will will make available upon request.</p> <p>We will ensure that alcohol sold for off premises is not ready to drink immediately and only sold in a vessel which helps restrictions this consumption</p> <p>We will operate a challenge 25 policy</p> <p>That there shall be a personal licence holder on duty on the premises at all times when selling alcohol</p>
--	---

c) public safety

	<p>Make Fire safety paramount importance</p> <ul style="list-style-type: none"> <li>• We will ensure appropriate access for emergency services such as ambulances;</li> <li>• Good communication with local authorities and emergency services</li> <li>• We will ensuring the presence of trained first aiders on the premises and appropriate first aid kits;</li> </ul> <p>We will ensuring the safety of people when leaving the premises</p> <p>We will ensure appropriate and frequent waste disposal, particularly of glass bottles;</p> <p>We will ensure appropriate limits on the maximum capacity of the premises</p> <p>CCTV in and around the premises</p> <p>Provide information on the premises of local taxi companies who can provide safe transportation home; and</p> <p>We will ensure we have adequate lighting outside the premises.</p> <p>We will ensure the number of persons permitted in the premises at any one time (excluding staff) shall not exceed 250 persons.</p>
--	--

d) the prevention of public nuisance

	<p>In relation to noise prevention we will undertake the following;</p> <ul style="list-style-type: none"> <li>- Installation of a secondary facade which will minimise noise from within the building when fully shut.</li> <li>- All other windows and external doors shall be kept closed after 23:00 except for immediate access and exit</li> <li>- notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and to use the area quietly.</li> <li>- No internal speakers near the entrance of the property</li> </ul>
--	--

e) the protection of children from harm

	<ul style="list-style-type: none"> <li>- All children must be accompanied by an appropriate adult</li> <li>- No entry to children after 8pm</li> <li>- All staff trained to ensure challenge 25 rule is adhered too</li> <li>- No activities classed as 'Adult Entertainment'</li> </ul>
--	--

Please upload a plan of the premises

	<p><a href="#">Floorplans92.pdf</a></p>
--	---

Please upload any additional information i.e. risk assessments

--	--

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.
--	--

Declaration

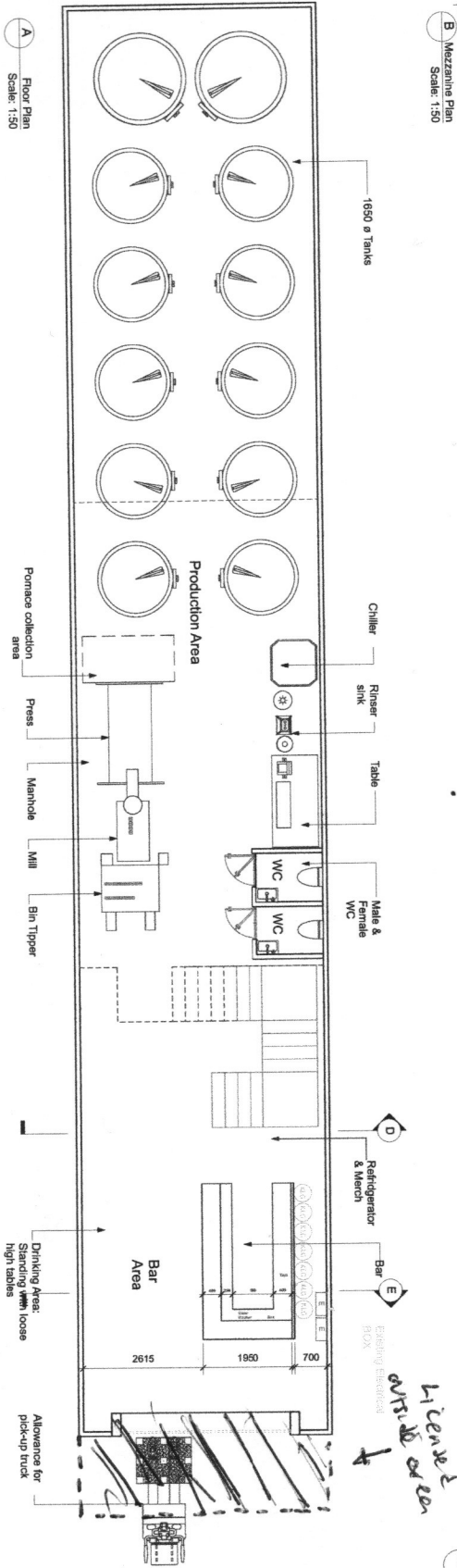
I agree to the above statement

	I agree
PaymentDescription	██████████
AuthCode	██████
LicenceReference	LPA-94212-288
PaymentContactEmail	

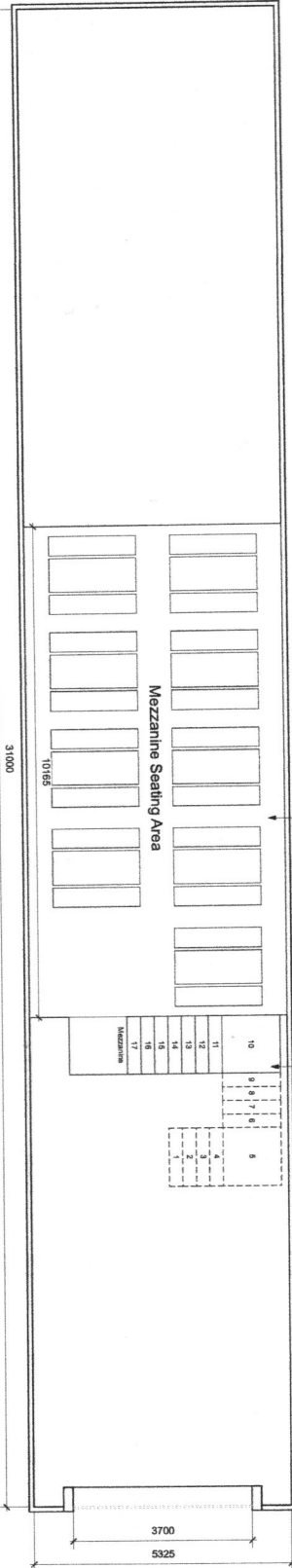
The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

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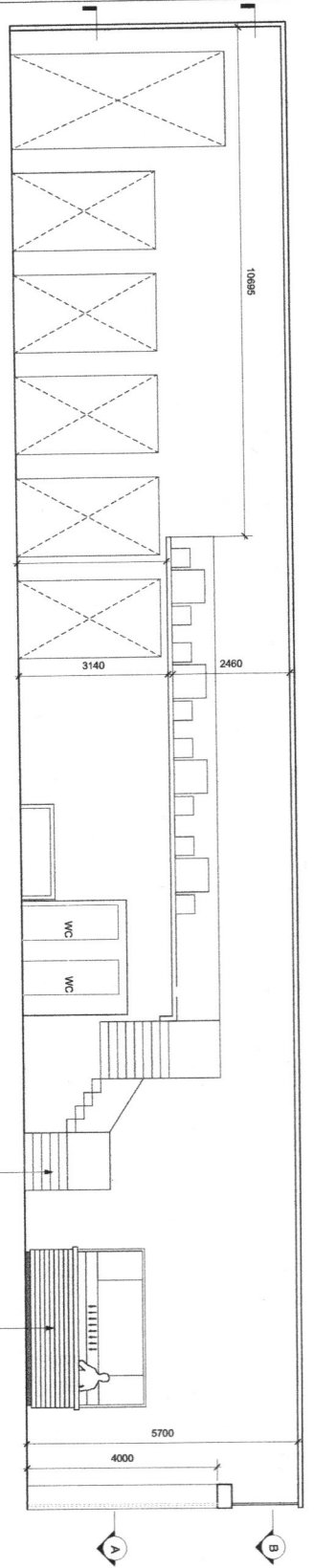
A Floor Plan  
Scale: 1:50



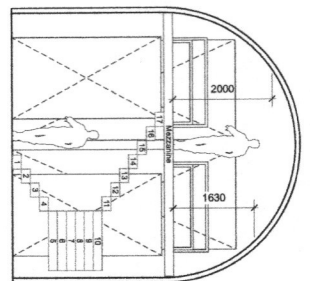
B Mezzanine Plan  
Scale: 1:50



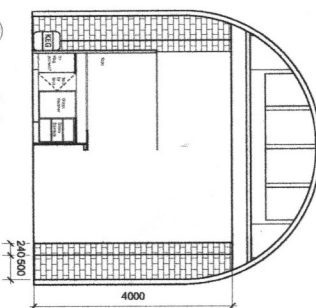
C Section  
Scale: 1:50



D Section  
Scale: 1:50



E Section  
Scale: 1:50



**HAWKES**  
LONDON

DRUID STREET

Urban Orchard Tunnel 92

Plants & Secklers

1:50

77

2017.01.05

2017.01.02

2017.01.05



Hawkes General Dispersal Policy  
December 2016

All Hawkes staff operate the following procedures, as required, to ensure that our premises operate in a neighbourly manner.

Effective management of customer behaviour within the premises is achieved by...

- High staff/management ratio present on site at all times
- Staff training in all areas, specifically on customer management
- Adoption of the company policy in effectively managing anti-social behaviour in and away from the premises
- 30 minute drinking up time which is incorporated into the license for the purpose of the 'Licensing Act 2003' which assists the gradual dispersal of all customers in the premises at the end of the evening
- Appropriate signage placed at the exits – reminding customers of close neighbours and their duty.
- Good staff presence in the customer area during the closing period time to ensure all customers leave quietly.
- All doors closed as customers leave the premises, with appropriate signage supporting this.
- Providing information to customers who require a taxi.
- Ensuring that any music played within the venue has been adjusted appropriately to encourage and aid the dispersal of customers.
- External disposal of any bottles / rubbish as customers leave the premises.



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/ 2914/17

**Date:** 8th February 2017

Dear Sir/Madam

**Re:- Hawkes, 92 Druid Street, London, SE1 2HQ**

Police are in possession of an application from the above for a new premise licence and the premises is described as a Cider Brewing company with auxiliary bar in the application. The venue does not benefit from any outside space on Druid Street and the doors to the venue exit immediately onto the public highway. It is also opposite large residential blocks of flats.

The hours applied for in the application are within that recommended by Southwark Council statement of licensing policy apart from Thursday when the recommended terminal hour is 23.00hrs and the applicant requests Midnight.

Police object to the granting of the licence and would recommend the hours be reduced to that within the statement of licensing policy. We would like to see the following conditions included on the licence as they will assist with the prevention of crime and disorder and anti-social behaviour in the area. Complaints have been received regarding other venues in the immediate vicinity with a similar business module.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises. It should cover all areas within the premises including the outside area to the front in all lighting conditions.
2. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device.
3. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council

4. 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.
5. That customers shall use no outside area to the front of the premises other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time. No drinks shall leave the premises other than off sales that are sold in a sealed container for consumption away from the premises.
6. That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers that require a tool such as a bottle opener or corkscrew to be opened.

The Following is submitted for your consideration.

Yours Sincerely

**PC Graham White 288MD**

Southwark Police Licensing Unit

Tel: 0207 232 6756

**From:** Earis, Richard  
**Sent:** Tuesday, February 07, 2017 3:55 PM  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** License application 750753: Hawkes Brewing Company Ltd

**RE: New Premises License – Hawkes Brewing Company Ltd 92 Druid Street  
CMU 848312**

I have considered the above application and I would like to object on the grounds of prevention of public nuisance.

Southwark Licensing Policy for this area recommends drinking establishments should not open beyond 23:00. There are residents extremely close by and directly opposite the premises who would be adversely affected by noise, in particular from dispersal of patrons at 00:30. There is a history of complaints about noise from residents regarding patrons of other premises in railway arches in the street operating to 23:00. This shows the potential for public nuisance in this case.

The request to include the external area in the licensable area is inappropriate as this is comprised of a loading bay which forms part of the public highway. Having patrons externally will also greatly increase the likelihood of noise adversely affecting local residents.

I would withdraw my objections if the following can be agreed:

- Submission of new plan with removal of the external areas from the licensable area of the premises
- Alteration of hours for supply of alcohol changed to 10:00-23:00 on any day

Additionally the following conditions would need to be agreed:

- That customers shall not use any outside area to the front of the premises other than those who temporarily leave the premises to smoke, and no more than 5 people shall be permitted to do so at any one time. No drinks shall leave the premises other than off sales that are sold in a sealed container for consumption away from the premises.
- That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers that require a tool such as a bottle opener or corkscrew to be opened.
- External waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00.
- Clearly legible signage shall be prominently displayed at all exits where it can easily be seen and read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.
- Noise from plant, patrons and activities at the premises shall be managed to ensure that public nuisance shall not be caused in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.



- All external doors and doors to noise lobbies used by patrons to enter the premises shall have self-closers to the doors in accordance with BS 6459 Pt. 1 1984.

Kind regards,

Richard

**Richard Earis**

Principal Environmental Protection Officer

**Environmental Protection Team**

**020 7525 2469**

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

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

[www.southwark.gov.uk](http://www.southwark.gov.uk)

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



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

## MEMO: Licensing Unit

---

To	Licensing Unit	Date	17 February 2017	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

---

Subject Re: Hawkes, 92 Druid Street, London, SE1 2HQ  
 – Application for a premises licence

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

- Supply of alcohol (on and off the premises) on Sunday to Wednesday from 10:00 to 23:00, Thursday to Saturday 10:00 to 00:00
- Overall opening times shall be on Sunday to Wednesday from 07:00 to 23:00, Thursday from 07:00 to 00:00 and on Friday and Saturday from 07:00 to 00:30

The premises is described as a *'Used mainly for the production of cider with an auxiliary bar for on and off sales'*

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2016 - 2020.

The premises is situated in a Residential Area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for Restaurants, Cafes, Public Houses, Wine bars or other drinking establishments is 23:00 hours.

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)
- To consider amending the application in to be in line with the opening hours recommended in the licensing policy (that the premises will close at 23:00 on each night)
- For the sales of alcohol 'on sales' to cease at least half hour before the closing time of the premises on each night.
- For the alcohol 'off sales' to cease at 23:00 on each night.

Add conditions to the operating schedule as follows:

- 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

**From:** [Graham.S.White@met.pnn.police.uk](mailto:Graham.S.White@met.pnn.police.uk) [mailto:[Graham.S.White@met.pnn.police.uk](mailto:Graham.S.White@met.pnn.police.uk)] **On Behalf Of** [SouthwarkLicensing@met.pnn.police.uk](mailto:SouthwarkLicensing@met.pnn.police.uk)  
**Sent:** Thursday, February 16, 2017 3:44 PM  
**To:** Mills, Dorcas  
**Cc:** [REDACTED]  
[REDACTED] a premises licence

Dorcas,

Please see below. They have agreed to all conditions on are representation along with reduction in hours. 23.00 close and 22.30 stopping licensable activities. We withdraw our objection.

Regards

Graham

**PC Graham White 288MD**

*Southwark Police Licensing Unit*

*323 Borough High Street*

*London*

*SE1 1JL*

*Tel: 0207 232 6756 (726756)*

[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)

[graham.white4@met.police.uk](mailto:graham.white4@met.police.uk)

**From:** Simon Wright [mailto:[REDACTED]]  
**Sent:** 16 February 2017 15:27  
**To:** MD Mailbox - Southwark Licensing <[SouthwarkLicensing@met.pnn.police.uk](mailto:SouthwarkLicensing@met.pnn.police.uk)>  
**Subject:** Re: 750753 : Application for a premises licence

Hi

Yes, I accept all the conditions and the alterations to the licensable hours.

Many thanks

Simon Wright

Chief Hawker

**Urban Orchard Cider - International Award Winning Cider 2015**

On 16 Feb 2017, at 15:02, <[SouthwarkLicensing@met.pnn.police.uk](mailto:SouthwarkLicensing@met.pnn.police.uk)>  
<[SouthwarkLicensing@met.pnn.police.uk](mailto:SouthwarkLicensing@met.pnn.police.uk)> wrote:

Mr Wright,  
Thank you for the email which I have now located.

Please confirm by return email that you agree to a terminal hour of 23.00hrs on all days

all licensable activities cease 30 mins prior to this.

You accept all 6 conditions set out in the police representation.

Regards

**PC Graham White 288MD**

*Southwark Police Licensing Unit  
323 Borough High Street*

*London*

*SE1 1JL*

*Tel: 0207 232 6756 (726756)*

[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)

[graham.white4@met.police.uk](mailto:graham.white4@met.police.uk)

**From:** Simon Wright [<mailto:> ]  
**Sent:** 15 February 2017 10:20  
**To:** MD Mailbox - Southwark Licensing <[SouthwarkLicensing@met.pnn.police.uk](mailto:SouthwarkLicensing@met.pnn.police.uk)>  
**Cc:** Dorcas Mills <[dorcas.mills@southwark.gov.uk](mailto:dorcas.mills@southwark.gov.uk)>  
**Subject:** 750753 : Application for a premises licence  
**Importance:** High

Dear Licensing Dept / PC Graham White 228MD

I am writing to you in regards to you attached counsel with Your reference:  
MD/21/ 2914/17

We would like to let you know that we fully accept your conditions and proposals. We apologise, we were not aware that there was a policy in place for the area. Needless to say that we ensure that all conditions are met i.e. CCTV and issues with dealing with public and correct staff training on all equipment.

If this meets your satisfaction, we have cc'd Southwark licensing dept so they can acknowledge your acceptance.

Please contact me with any further inquiries.

Kind regards.

Simon Wright

Chief Hawker

**From:** Earis, Richard  
**Sent:** Monday, February 13, 2017 9:20 AM  
**To:** Regen, Licensing  
**Cc:** 'Simon Wright'  
**Subject:** RE: License application 750753: Hawkes Brewing Company Ltd

Dear Licensing,

On the basis of the updated plan and hours of operation and acceptance of the conditions below I have no further objections to a license being granted.

Kind Regards,

Richard

**Richard Earis**  
Principal Environmental Protection Officer  
**Environmental Protection Team**

**020 7525 2469**

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

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

[www.southwark.gov.uk](http://www.southwark.gov.uk)

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



**From:** Tear, Jayne  
**Sent:** Wednesday, February 22, 2017 3:24 PM  
**To:** Mills, Dorcas  
**Cc:** 'Simon Wright'  
**Subject:** RE: Hawkes, 92 Druid Street, London, SE1 2HQ

Dear Dorcas,

Please see the emails attached below.

The applicant has agreed to all of my conditions and amendments to the opening hours/ licensable activities I therefore withdraw my representation,

With kind regards

Jayne

**Jayne Tear - Principal Licensing Officer**

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages <http://www.southwark.gov.uk/licensing>

**From:** Simon Wright [mailto:████████████████████]  
**Sent:** Wednesday, February 22, 2017 3:16 PM  
**To:** Tear, Jayne  
**Cc:** Mills, Dorcas  
**Subject:** Re: Hawkes, 92 Druid Street, London, SE1 2HQ

Hi Jayne

Thanks for this. Happy to agree to all the conditions, including the newly added condition regarding the sealed containers.

Kindest Regards

Simon

Simon Wright

Chief Hawker

**Urban Orchard Cider - International Award Winning Cider 2015**

On 22 Feb 2017, at 15:11, Tear, Jayne <[Jayne.Tear@SOUTHWARK.GOV.UK](mailto:Jayne.Tear@SOUTHWARK.GOV.UK)> wrote:

Dear Simon,

Thank you for responding so promptly and for agreeing my proposals.

Now that I have the information regarding dispersal and accommodation would you agree to the following conditions:

- That the accommodation limit for the outside area as hatched on the premises plans shall not exceed 30 persons.
- That the accommodation limit for the inside of the premises shall not exceed 250 persons.
- The written dispersal policy provided shall be kept at the premises with the licence and made available for inspection by authorised officers.

There is another condition regarding off sales that I would like added which is linked to the signage re off sales (which you have already agree below), which I would also like added to the premises licence which is:

- Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.

If we can agree all of the above today, then as well as what you have agreed below in your email – I will be in a position to withdraw my representation,

With kind regards

Jayne  
In the capacity as responsible authority for licensing  
**Jayne Tear - Principal Licensing Officer**

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages <http://www.southwark.gov.uk/licensing>



**From:** Simon Wright [mailto: ]  
**Sent:** Tuesday, February 21, 2017 6:53 PM  
**To:** Tear, Jayne  
**Subject:** Hawkes, 92 Druid Street, London, SE1 2HQ

Dear Jayne

Thank you for your letter regarding our application for a premise license, I would state here that we are completely comfortable with all your recommendations - we are purely here to work cohesively within the community and with the licensing dept. I must apologise that i wasn't aware on the policy for the area, otherwise I would have saved myself some time and just applied within the policy! I have also communicated acceptance on points raised with other departments.

Please see my answers to your points below...

- An accomodation limit for the outside area as indicated on the plans and an accomodation limit for the inside of the premises. (to be conditioned) **We would propose 30 outside (max) and 250 internally? Does this work for you?**
- To provide a written dispersal policy for the premises. (to be conditioned) **Please see attached - I trust this meets the standard.**
- To consider amending the application in to be in line with the opening hours recommended in the licensing policy (that the premises will close at 23:00 on each night) **We Accept this.**
- For the sales of alcohol 'on sales' to cease at least half hour before the closing time of the premises on each night. **We Accept**
- For the alcohol 'off sales' to cease at 23:00 on each night - **We Accept**

Add conditions to the operating schedule as follows:

- 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 - **of course, no problem**
- 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. **No problem**

We'd love to get this signed off now so we can move forward with putting the production equipment in the arch asap!

Please let me know if you have any further questions / inquiries.

thanks

Simon

Simon Wright

Chief Hawker

**Urban Orchard Cider - International Award Winning Cider 2015**

# Licensing Act 2003 Premises Licence

127



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

Premises licence number

857527

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Hawkes 92 Druid Street London SE1 2HQ	
Ordnance survey map reference (if applicable), 179601533713	
<b>Post town</b> London	<b>Post code</b> SE1 2HQ
<b>Telephone number</b> [REDACTED]	

<b>Where the licence is time limited the dates</b>
--

<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

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

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

<b>The times the licence authorises the carrying out of licensable activities</b>
For any non standard timings see Annex 2 of the full premises licence

**Sale by retail of alcohol to be consumed on premises**

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

**Sale by retail of alcohol to be consumed off premises**

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

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

Hawkes Brewing Company  
Limited  
Ipswich Road,  
Colchester,  
Essex,  
CO4 0AD

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

08223038

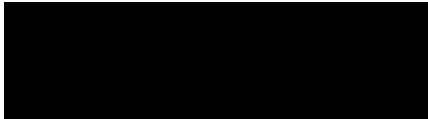
**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Douglas Charles Benjamin Isherwood

**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 Tandridge Borough Council

Licence Issue date 23/02/2017



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

## **Annex 1 - Mandatory conditions**

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

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

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

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

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

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

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

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

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

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

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

(a) a holographic mark; or

(b) an ultraviolet feature.

**489** The responsible person shall ensure that -

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

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

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

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

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

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor

Duties Act 1979;

(b) "permitted price" is the price found by applying the formula

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

where-

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence:

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

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

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

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

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

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

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

**Annex 2 - Conditions consistent with the operating Schedule**

**340** That customers shall not use any outside area to the front of the premises other than those who temporarily leave the premises to smoke, and no more than 5 people shall be permitted to do so at any one time.

No drinks shall leave the premises other than off sales that are sold in a sealed container for consumption away from the premises.

**341** That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers that require a tool such as a bottle opener or corkscrew to be opened.

**342** That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00.

**311** That clearly legible signage shall be prominently displayed at all exits where it can easily be seen and read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.

**343** That noise from plant, patrons and activities at the premises shall be managed to ensure that public nuisance shall not be caused in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.

**344** That all external doors and doors to noise lobbies used by patrons to enter the premises shall have self-closers to the doors in accordance with BS 6459 Pt. 1 1984.

**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. It should cover all areas within the premises including the outside area to the front in all lighting conditions.

**345** That a member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device.

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

**346** 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.

**347** That the accommodation limit for the outside area as hatched on the premises plans shall not exceed 30 persons.

**348** That the accommodation limit for the inside of the premises shall not exceed 250 persons

**349** The written dispersal policy provided shall be kept at the premises with the licence and made available for inspection by authorised officers.

**350** 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.

**336** That there shall be a personal licence holder on duty on the premises at all times when alcohol is being supplied.

**351** That the management provide information on the premises of local taxi companies.

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

**4AB** That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises.

**352** That all children must be accompanied by an appropriate adult.

**353** No entry to children after 8pm.

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

**Annex 4 - Plans - Attached**

Licence No. 857527  
Plan No. N/A  
Plan Date 02/01/2017

**Hawkes, 92, Druid Street, SE1 2HQ**

**Independent Licensing report**

**by**

**Adrian Studd, Independent Licensing Consultant.**

1. I have been instructed to conduct observations and prepare an independent report in connection with the premises licence for the above premises with particular regard to the consumption of drinks in the area immediately outside the premises.

**Summary of Expertise – Adrian Studd.**

2. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role, I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games.
3. In addition to leading my team, I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime

command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.

4. Providing both Overt and Covert support for policing problem licensed premises across London, my team worked with premises when licensing issues were identified, in order to address these problems through the use of action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required. I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, and together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.
5. From 2004 until 2008, my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role, I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.
6. I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs to implement the initiative. I am a trained Purple Flag and Best Bar none assessor and, until my retirement, I sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years, I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in

Europe. During this time, I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above, I have attended a large number of internal MPS training and qualification courses, and I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

7. Following my retirement, I set up a licensing consultancy to provide independent advice for premises requiring a local authority licence. Since then, I have provided evidence gathering services and advice to a broad range of licensed premises on a variety of issues, including crime and disorder, Sexual Entertainment, street drinking, rough sleepers, age related products, betting and gaming. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences, SEV licences and late night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

#### **Observations – Saturday, 15 July 2017**

8. I conducted observations in Druid Street on Saturday the 15<sup>th</sup> July 2017 from 16.30 hours until 19.00 hours. On my arrival there was a small market set up in the street in the vicinity of 130 to 136 Druid Street. This included a small number of stalls and two barbeques that were set up in the street in the loading bay and were selling hot food to passers-by. One of these stalls had loud music playing from a sound system located on the stall.
9. Walking along Druid Street it was busy with pedestrians and the licensed premises were busy with customers both inside and outside on the street. In particular I noticed that The Bottle Shop at 128 and Anspach and Hobday at 118 had customers outside drinking and socialising in a controlled and managed area. I observed that Anspach and Hobday had a clearly defined area set up outside the premises with belt barriers and a door supervisor to manage drinkers ensuring that they remained

within the area close to the premises. Behaviour of customers was good and the atmosphere was controlled and relaxed with no anti-social or boisterous behaviour.

10. I observed Hawkes at 92 Druid Street, the premises were busy but there were no drinkers outside. There was a door supervisor present who was ensuring that no drinks were taken outside and that those leaving to smoke left their drinks inside the premises. Some of the customers appeared to question the fact that they were prevented taking drinks outside by pointing out that customers at nearby premises were permitted to drink outside those premises.
11. I observed the area between 16.30 and 19.00; overall it was busy, vibrant and diverse attracting a broad range of people and providing a good atmosphere. The licensed premises were well run and I did not see any evidence of drunkenness or anti-social behaviour. The restrictions in place at premises such as the Bottle Shop and Anspach and Hobday worked well and ensured that those drinking outside were supervised and kept in a restricted area immediately outside the premises and were not permitted to consume elsewhere in the street. I saw customers from the barbeque stalls consuming food in the vicinity of the flats opposite the railway arches but I did not see any alcohol consumption outside the controlled areas of the licensed premises.

### **Recommendations**

12. I recommend that the 'outside management plan' for Hawkes (shown below) is implemented in consultation with the local authority. It includes key provisions to protect nearby residents and the public nuisance objective by: restricting the area that can be used for consumption outside the premises, the use of SIA registered door supervisors if required on a risk assessed basis and the use of propriety/branded glassware consistent with the quality product supplied by Hawkes.
13. The 'outside management plan' encompasses best practice and reflects the key

features implemented, by agreement, at nearby premises. The introduction of these features is supported by Mr. Mark Orton, the Southwark Licensing Officer, who comments that so far, at those premises, they have worked very well (e-mail to Gary Grant, Barrister dated 6<sup>th</sup> July 2017).

14. In my opinion implementation of this plan will ensure that the area immediately outside the premises can be used to accommodate drinkers in a clearly defined and supervised area, pro-actively managed by the premises and contributing to the attractive and diverse nature of the area while fully supporting the licensing objectives.

**I understand that my duty is to the Sub-Committee and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the fact I state in this report to be honest and true and that the opinions I have expressed are correct to the best of my judgment. The fee for this report is not conditional on the outcome of the case in any way whatsoever.**

Adrian Studd,

Independent Licensing Consultant.

21/07/17.



## **HAWKES**

# **OUTSIDE MANAGEMENT PLAN**

This Outside Management Plan has been prepared to set out the strategy and approach to the operation of the outside area of Hawkes. It is a working best practice document that will be reviewed annually by senior management at the premises. This Plan will supplement any conditions on the premises licence relating to the outside area.

Its purpose is to give a clear overview of the proposed operation and the ethos and management strategy underpinning the use of the outside area. Hawkes is a specialist craft cider operator.

This Outside Management Plan has been prepared by Hawkes in consultation with an independent licensing consultant following careful consideration of all concerns raised. In preparing the Outside Management Plan, due regard has been given to best practices.

### **Layout of outside area.**

1. The area will be set up outside Hawkes premises as shown hatched in red on the attached plan. The maximum number of people accommodated will be 30 within an area defined using a belt barrier or similar system ensuring that the road is kept clear for vehicle traffic.

### **Staffing of Outside Areas**

2. The area will be pro-actively supervised by management and staff at all times to ensure that customers outside the premises use only the area within the barrier and that no drinks are taken beyond this area.

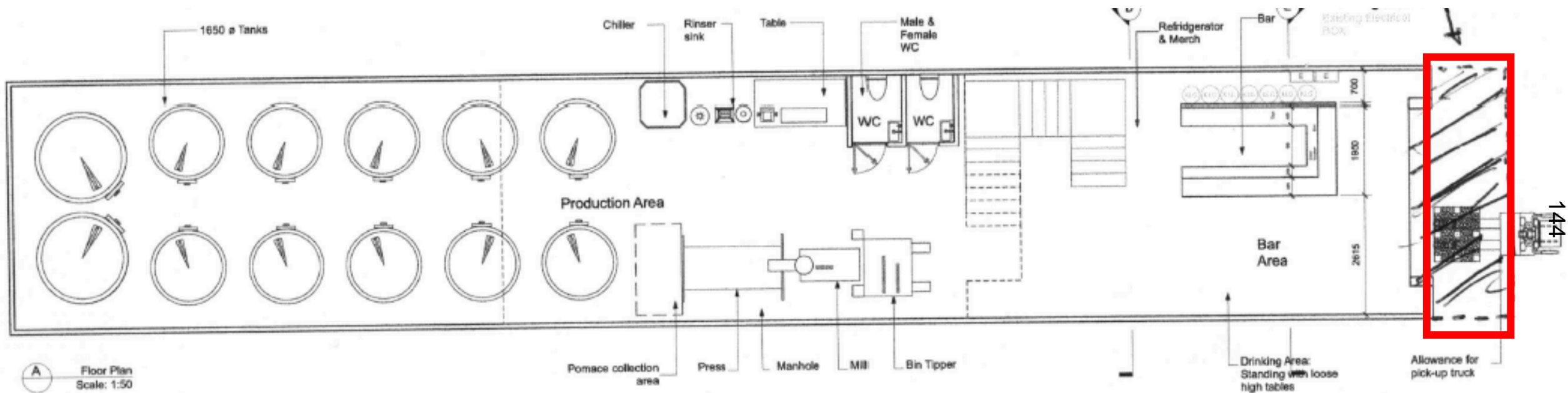
3. All managers and staff will be trained on this 'Outside Management Plan' and the duty manager will ensure that the area is effectively managed at all times the premises is open to the public. Supervision of the area will be subject to prior risk assessment and consideration given to the use of a door supervisor. It is anticipated that this may be necessary at busy times; particularly summer weekend periods.
4. Management and staff training will be documented and the records retained and made available for inspection on reasonable request by the Local Authority Licensing Officer or the Police.

### **Management of the Outside Area**

5. The duty manager will ensure that the outside areas remain clean and tidy at all times. Glasses, cups, plates and any other items will be regularly cleared away. All drinks served will be in proprietary/branded glasses.
6. No anti-social or other unacceptable behavior will be permitted in the outside area. Any such behavior will be addressed by designated staff or the door supervisor under the direction of the duty manager. Customers who refuse to comply with directions will be required to leave the premises and may be banned from attending in the future.
7. There will be prominent signage outside the premises reminding customers to use the outside area responsibly and with consideration to residents.
8. The outside area will be closed 30 minutes prior to closure of the premises to ensure a gradual dispersal of customers at closing time.
9. There will be a designated phone number that is available to members of the public to contact the duty manager at any time when the premises is open in the event of concerns about behavior or management of the outside area.
10. Any calls received will be recorded in the incident log together with details of the complainant (if given) and action taken. Any such calls will be brought to the attention of the senior management.



outside area plan.pdf



**Hawkes****92 Druid Street****Proposed amendments to premises licence****relevant to the outside area.**

v.26.7.17

*(Following a conciliation meeting with officers on 26.7.17**and subject to a decision in principle by the licensing sub-committee**as to whether to permit the use of the outdoor drinking area)****Conditions to be added:***

1. The premises licence holder shall submit to the licensing authority, and operate in accordance with, an Outside Management Policy that deals with patrons that consume alcohol in the designated outside area and is designed to minimise the risk of public nuisance to residents and other persons in the vicinity. The Plan may be updated from time to time.
2. Customers outside the premises are only permitted to drink within the designated outside area (as hatched on the attached plan).
3. No more than 30 customers are permitted in the designated outside area at any one time.
4. The designated outside area must be cleared of customers by no later than 22:00hrs.
5. The premises shall provide and display a dedicated telephone number of the management of the premises to local residents.
6. Glassware shall be collected at regular intervals from the designated outside area whilst in use.
7. All drinks are to be served in toughened glass or polycarbonate receptacles.
8. On Saturdays, from noon until the premises closes to the public, a minimum of one SIA door supervisor must be employed at the premises to effectively control outside drinking, to ensure the conditions on the premises licence are complied with and to promote the licensing objectives.

9. In addition to the condition above, at all times SIA provision is to be risk assessed by the premises licence holder to ensure that sufficient door supervisors are employed to effectively control outside drinking during busy periods, to ensure the conditions on the premises licence are complied with and to promote the licensing objectives. In any event, the designated outdoor area must be monitored by staff whenever it is in use.
  
10. The attached plan, marking the designated outdoor area (the hatched area) as within the licensed area of the premises, shall replace the existing ground floor plan attached to the premises licence.

***Conditions to be removed:***

11. 340 – That customers shall not use any outside area to the front of the premises other than those who temporarily leave the premises to smoke and no more than 5 people shall be permitted to do so at any one time. No drinks shall leave the premises other than off sales that are sold in a sealed container for consumption away from the premises.

**From:** Gary Grant [m [REDACTED]]  
**Sent:** Wednesday, July 26, 2017 12:39 PM  
**To:** Gary Grant  
**Subject:** Hawkes, 92 Druid Street

On 6 Jul 2017, at 14:26, Orton, Mark <[mark.orton@southwark.gov.uk](mailto:mark.orton@southwark.gov.uk)> wrote:

Hi Gary,

Good to talk. As promised, here are the details for the Anspach & Hobday licence <http://app.southwark.gov.uk/licensing/LicPremisesGrantedDetails.asp?systemkey=852422> Anspach also submitted further voluntary restrictions to assist them in ensuring the limit re the outside area is not exceeded. No complaints since measures implemented.

The discussions with the Bottle Shop regarding the outside area following complaints led to;

No drinks sold in plastics, all drinks served in proprietary/branded glasses (as plastics encouraged patrons to leave the premises to explore the market)

No patrons to drink outside the voluntarily restricted outside area

SIA to be present when the premises is open on busy weekend periods to prevent patrons leaving with drinks in open containers (strictly off-sales in sealed containers)

So far this has worked very well, I will be monitoring again this Saturday afternoon. Last time I was there the SIA did a very good job in challenging conditions and the area was much improved.

I hope this is of use to you,

Kind regards

Mark

### **Mark Orton**

Licensing Officer  
London Borough of Southwark  
[Southwark Council | Regulatory Services](#)  
Office Address (for meetings and deliveries) 160 Tooley Street London, SE1 2TZ  
Post: 3rd Floor Hub 1, PO Box 64529 | London SE1P 5LX  
Ph: 020 7525 2436, Fax: 020 7525 5705

**From:** Gary Grant [m [REDACTED]]  
**Sent:** Thursday, July 06, 2017 1:36 PM  
**To:** Orton, Mark  
**Cc:** Gary Grant  
**Subject:** Hawkes, 92 Druid Street

Dear Mark

I've just been instructed by the licence holder of Hawkes, Simon Wright, to help find a fair resolution to the ongoing issues with the outdoor drinking area and the conflicting licences issued by the Council, seemingly in error.

I note from one of your emails to Mr Wright (on 13.6.17) a reference to some complaints about the use of the area. Are you able please to give me some more information on the nature of these complaints so I can better advise my client ?

Today, I am best contacted on this email or on my mobile : [REDACTED]

I look forward to hearing from you.

**GARY GRANT**

*Barrister*

**[Francis Taylor Building](#)**

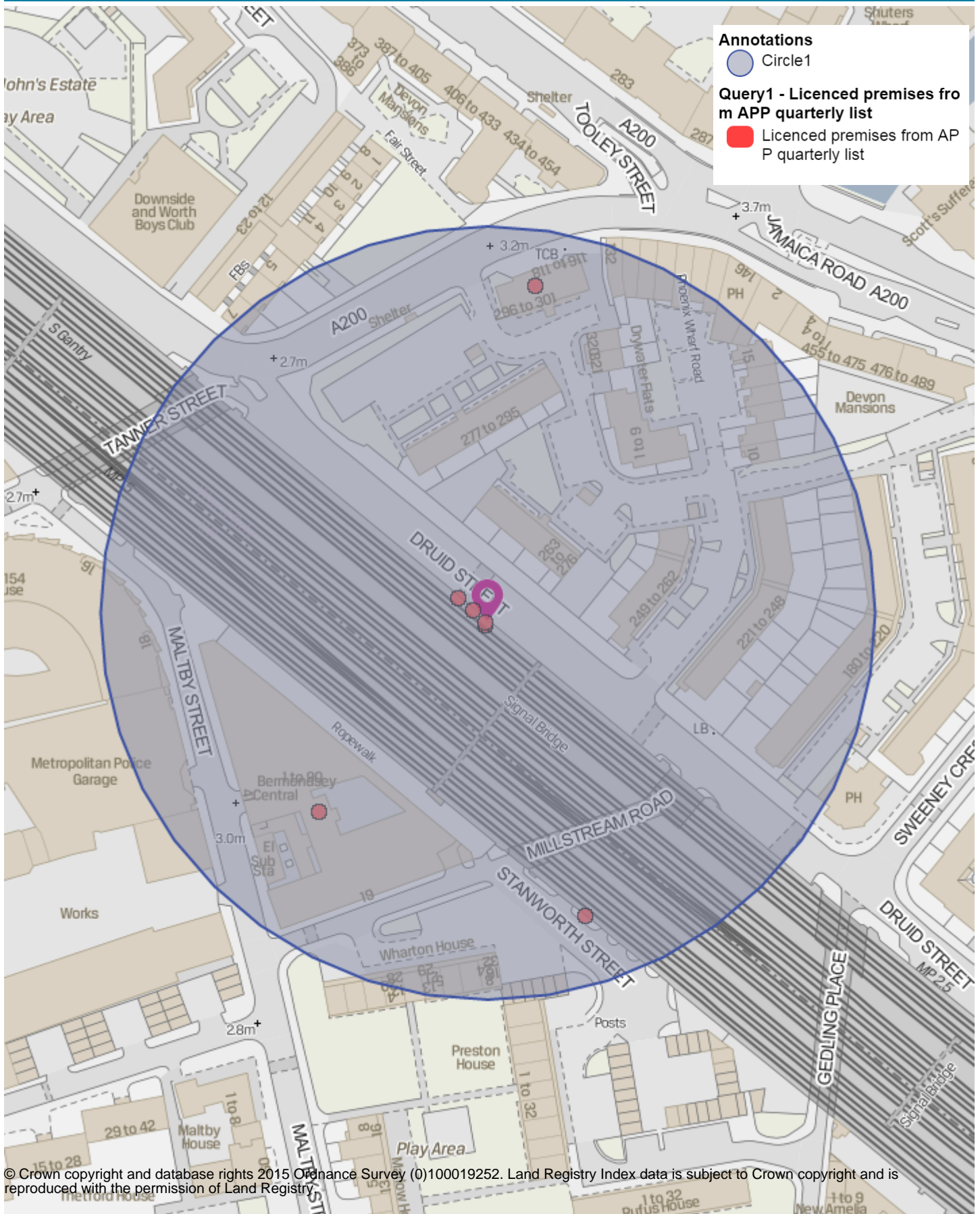
[Inner Temple](#)

[London EC4Y 7BY](#)

DX: 402 LDE



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