

Licensing Sub-Committee

Tuesday 15 August 2017

10.00 am

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

Membership

Councillor David Hubber
Councillor Sunny Lambe
Councillor Maria Linforth-Hall

Reserves

Councillor Lorraine Lauder MBE

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 7 August 2017



Licensing Sub-Committee

Tuesday 15 August 2017
10.00 am

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

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	ELECTION OF CHAIR	
	To elect a chair for this sub-committee.	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
5.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
6.	MUM'S THE WORD, 1A WARWICK COURT, CHOUMERT ROAD, LONDON SE15 4SE	1 - 41
7.	LICENSING ACT 2003: THE FARRIERS ARMS, 214 LOWER ROAD, LONDON SE8 5DJ	42 - 86

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 7 August 2017

Item No. 6.	Classification: Open	Date: 15 August 2017	Meeting Name: Licensing Sub-Committee
Report Title		Mum's The Word, 1a Warwick Court, Choumert Road, London SE15 4SE	
Ward(s) of group(s) affected		The Lane	
From		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application made by Chantel Yeung for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as Mum's The Word, 1a Warwick Court, Choumert Road, London SE15 4SE.
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 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 17 of this report deal with the representations submitted in respect of the application. Copies of the representations and related correspondence are attached to this report in appendices B & C. A map showing the location of the premises is attached to this report as appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 11 June 2017 Chantel Yeung applied to this council for the grant of a premises licence in respect of Mum's The Word, 1a Warwick Court, Choumert Road, SE15 4SE.
9. The application and is summarised as follows:
- **The sale of alcohol for consumption on the premises**
 - Monday to Sunday from 10:00 to 23:00
 - **Proposed opening hours of the premises**
 - Monday to Sunday from 09:00 to 23:30
 - The premises are described as a ground floor café.
10. The premises licence application form provides the applicant's operating schedule. Parts 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 and is attached to this report as appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor (DPS) is Blanc Rowe Tejera.

Representations from responsible authorities

12. The Metropolitan Police Service submitted a representation that detailed a number of control measures that the Metropolitan Police Service suggested the applicant include as conditions in the operating schedule of the application, to address the licensing objectives. The applicant agreed to the conditions and the Metropolitan Police Service withdrew their representation.
13. The licensing responsible authority has submitted a representation in regards to the application. The representation refers to this council's statement of licensing policy. The representation incorrectly states that, as a café, the premises are subject to the Peckham cumulative impact policy (CIP) and that the presumption to refuse the application if representations are submitted in regards to the application applies. The licensing responsible authority was informed that the Peckham CIP does not apply to the application. Notwithstanding this, the licensing responsible authority have upheld their representation and seek that conditions be included in the application to address the licensing objectives.
14. The representations submitted by responsible authorities and related correspondence are attached as Appendix B.
15. **N.B.** In regards to the Peckham CIP Paragraph 136 of this council's Statement of Licensing Policy states that: "*The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores; and similar premises.*" As the premises do not fall within one of the above stated categories the Peckham CIP does not apply and there is no presumption to refuse the application which is subject to representations. The presumption to grant the application applies, however the option to consider further licence conditions relevant to the proposed operation of the premises is open to the licensing sub-committee.

Representations from other persons

16. Four representations, with near identical content, were submitted by other persons. The representations are concerned that the premises are not located in a suitable area in respect of the proposed operation of the premises, that the operation of the premises will lead to noise pollution, smoke nuisance, anti social behaviour (from drunken customers) and will hinder access to Warwick Court.
17. The representations submitted by other persons and related correspondence are attached as Appendix C.

Conciliation

18. The applicant was sent the representations that had been submitted and was advised to contact directly the responsible authorities who had submitted the representations, should the applicant wish to attempt to conciliate those responsible authorities. Following communication between the applicant and the Metropolitan Police Service, the Metropolitan Police Service withdrew their application.
19. The applicant has replied to the licensing responsible authority and other persons' representations, however at this time the representations remain outstanding and must be considered by the licensing sub-committee. At the hearing to determine this application the sub-committee will be updated as to any conciliation of the outstanding representations.

Premises history

20. No licensing authorisation has been issued in respect of the premises under the Licensing Act 2003 or any previous legislation.
21. No temporary event notices have been submitted in regards to the premises.
22. On 11 June 2017 Chantel Yeung applied to this council for the grant of a premises licence in respect of Mum's The Word, 1a Warwick Court, Choumert Road, London SE15 4SE.

Deregulation of entertainment

23. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08.00 and 23.00 on any premises.
 - Live amplified music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people.
24. 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

25. A map showing the location of the premises is attached to this report as appendix D. The following licensed premises are also shown on the map and provide licensable activities as stated:

Swaizie Food Store, 1A Choumert Road, SE15 4SE licensed for:

- Sale of alcohol to be consumed off the premises:
 - Monday to Saturday from 08:00 to 22:00
 - Sunday from 10:00 to 22:30.

Stella's African Food, 154 Rye Lane, London SE15 4NB licensed for:

- The sale of alcohol to be consumed off the premises
 - Monday to Sunday from 10:00 and 22:00.

Bargain Booze, 164 Rye Lane, London SE15 4NB licensed for:

- The sale of alcohol to be consumed
 - Monday to Saturday from 08:00 to 22:00
 - Sunday from 10:00 to 22:30.

- **Roosters Hut, 177-179 Rye Lane, London SE15 4TP** licensed for:

- The provision of late night refreshment
 - Sunday to Thursday from 23:00 to 02:00
 - Friday and Saturday from 23:00 to 03:00 .

Southwark council saturation policy for Peckham

26. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2016-2020 statement of licensing policy.
27. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
28. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
29. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

30. Council Assembly approved Southwark's statement of licensing policy 2016 - 2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 1. Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications
 2. Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 3. Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 4. Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 5. Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
 6. Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
 7. Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective

8. Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
31. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
32. The premises are located in Peckham major town centre area. Closing times suggested in the statement of licensing policy for café’s and restaurants in the Peckham major town centre area are:
- Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.

Resource implications

33. 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 band C.

Consultation

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

38. 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.
39. 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
40. 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

41. 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.
42. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
43. 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.
44. 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.
45. 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

46. 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

47. 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.
48. 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

49. 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.
50. 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.
51. 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.

52. 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.
53. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

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

54. 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.
55. 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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the application
Appendix B	Copies of representations submitted by responsible authorities and related correspondence
Appendix C	Copies of representations submitted by other persons and related correspondence
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	1 August 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		3 August 2017

11/06/2017

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

Ref No. 832439

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

	Chantel Yeung
--	---------------

Premises Details

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

£	5,000.00
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

Premises trading name

	Mums The Word
--	---------------

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

Address Line 1	1A
Address Line 2	WARWICK COURT CHOUMERT ROAD
Town	LONDON
County	
Post code	SE15 4SE
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

	An individual or individuals
--	------------------------------

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
--	---

Details of Individual Applicant

Personal Details

Title	Miss
If other, please specify	
Surname	Yeung
Forenames	Chantel
I am 18 years old or over	Yes

Current Address

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

Contact Details

Daytime contact telephone number	██████████
Email Address	██████████

Do you wish to add a second individual applicant?

	No
--	----

Operating Schedule

When do you want the premises licence to start?

--	--

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)

	Ground Floor Cafe. The building stands on its own, only attached at one end to a shop which is open during the day.
--	---

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)

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

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	23:00
Fri	10:00	23:00
Sat	10:00	23:00
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

	2017-06-11-13-44.1.pdf
--	--

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Blanca
Surname	Rowe Tejera

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)	██████████

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)

	N/A
--	-----

L - Hours premises are open to public

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

Day	Start	Finish
Mon	09:00	23:30
Tues	09:00	23:30
Wed	09:00	23:30
Thur	09:00	23:30
Fri	09:00	23:30
Sat	09:00	23:30
Sun	09:00	23:30

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)

	Conditions to be agreed with responsible authorities.
--	---

	<p>In addition; We will age check and apply 'Challenge 25' policy. Sufficient measures will be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises. Deliveries will be made as reasonable times.</p>
--	--

b) the prevention of crime and disorder

	<p>Conditions to be agreed with responsible authorities. In addition, we will install HD CCTV cameras around the site.</p>
--	---

c) public safety

	<p>Conditions to be agreed with responsible authorities.</p>
--	--

d) the prevention of public nuisance

	<p>Conditions to be agreed with responsible authorities. In addition; We will advise patrons and staff to be quiet when leaving the premises. We will discourage customers from leaving premises drinking from open cans and bottles.</p>
--	--

e) the protection of children from harm

	<p>Conditions to be agreed with responsible authorities. In addition; We will apply 'Challenge 25' policy.</p>
--	--

Please upload a plan of the premises

	<p>WARWICK-COURT-PLAN.pdf</p>
--	---

Please upload any additional information i.e. risk assessments

--	--

Checklist

	<p>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.</p>
--	---

Home Office Declaration

Please tick to indicate agreement

<input type="checkbox"/>	I am not a company or limited liability partnership
--------------------------	---

Proof of Entitlement to work in the UK

Please upload proof of entitlement to work in the UK

<input type="checkbox"/>	IMG-3306.JPG
--------------------------	--------------

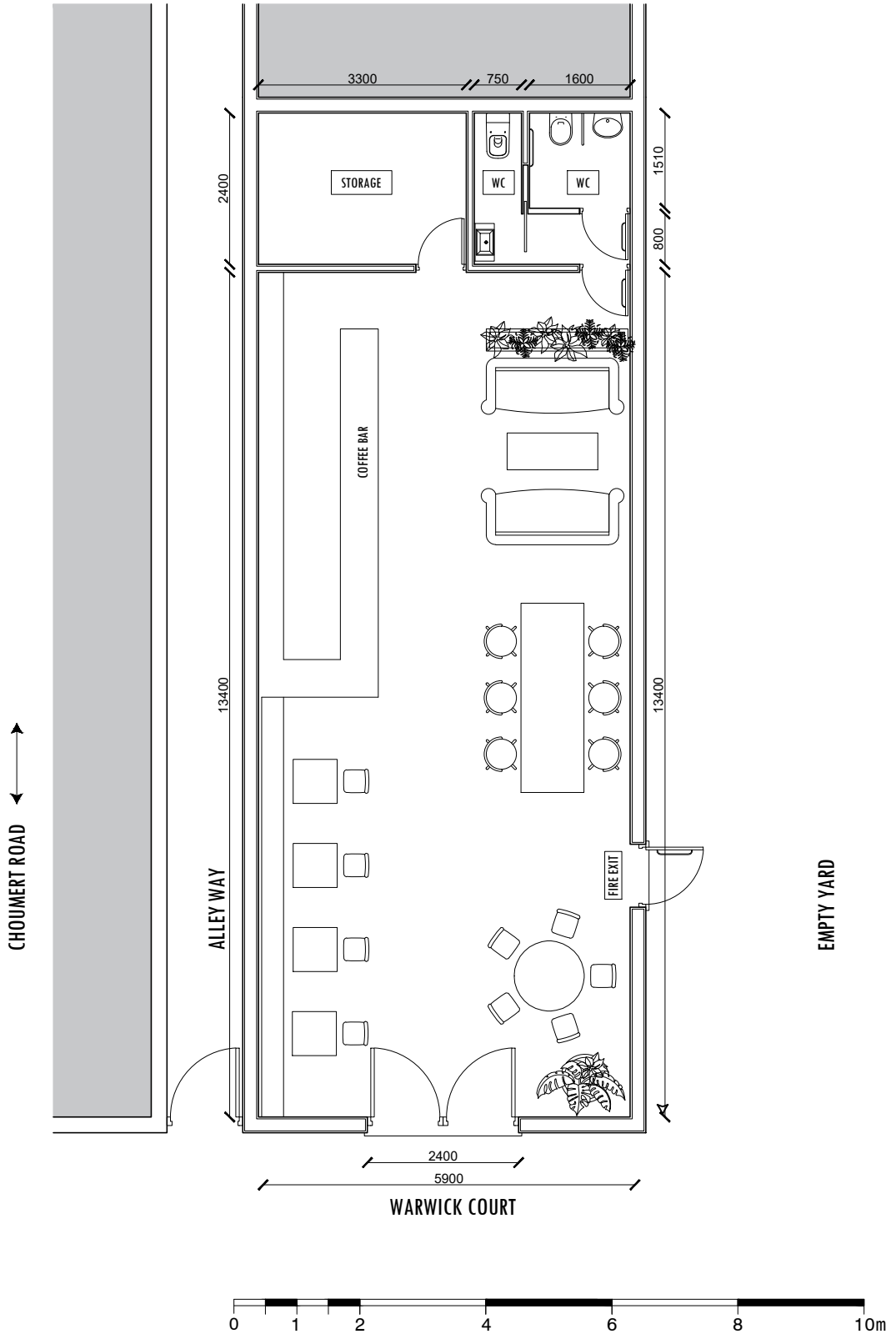
Declaration

I agree to the above statement

	Yes
PaymentDescription	██████████
AuthCode	██████
LicenceReference	██████████
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.

1A WARWICK COURT SE15 4SE



From: Graham.S.White@met.pnn.police.uk [<mailto:Graham.S.White@met.pnn.police.uk>]
Sent: Monday, July 10, 2017 3:16 PM
To: Regen, Licensing
Subject: Mums the Word, 1a Warwick court

Please find attached the police response to the above application

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

graham.white4@met.police.uk



The Licensing Unit

Floor 3

160 Tooley Street

London

SE1 2QH

Metropolitan Police Service

Licensing Office

Southwark Police Station,

323 Borough High Street,

LONDON,

SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/29/17

Date: 10th July 2017

Dear Sir/Madam

Re:- Mums The Word, 1a Warwick Court, London SE15 4SE

Police are in possession of an application from the above for a new premises licence. The application describes the operation as a Café serving alcohol.

The new operating schedule shows the following hours.

Opening Hours	
Mon - Sun	09.00hrs – 23.30hrs
Sale of alcohol	
Mon - Sun	10.00hrs – 23.00hrs

The premises is inside the Peckham Cumulative impact zone and situated in a designated Major Town Centre area under Southwark statement of licensing policy. The application falls within the hours recommended under the Policy.

The applications sets out a number of control measures within the schedule but we recommend the following additional condition to those already offered, if the licence was to be granted to promote the crime and disorder licensing objective.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and signed and updated every 6 months. The records shall, upon request, be made immediately available to Officers of the Police and the Council.

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

Yours Sincerely

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

From: [Regen_Licensing](#)
To: [Bray_Suzanne](#)
Cc: [McArthur_Wesley](#)
Subject: FW: 1A Warwick Court, License Application
Date: 13 July 2017 14:12:56
Attachments: [Mum"s The Word \(859257\) - RA rep"s1.pdf](#)

From: Graham.S.White@met.pnn.police.uk [mailto:Graham.S.White@met.pnn.police.uk]
Sent: Thursday, July 13, 2017 2:00 PM
To: Regen, Licensing
Subject: 1A Warwick Court, License Application

Please see below re the police objection. They have agreed to all three conditions and as such we withdraw are objection.

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

graham.white4@met.police.uk

From: Chantel Yeung
Sent: 13 July 2017 12:27
To: White Graham S - MD <Graham.S.White@met.pnn.police.uk>; southwarklicensing@metpolice.uk; White Graham S - MD <Graham.S.White@met.pnn.police.uk>
Subject: 1A Warwick Court, License Application

Dear Graham White,

Thank you for the comments on the premises licence application regarding 'Mums the Word', 1A Warwick Court. (I have attached this to the email for your reference)

To address each of your points in turn:

- I will be installing a CCTV system at the premises, maintained in good working order, and in constant use and capable of capturing clear facial images of people who enter the premises.
- CCTV footage will be kept for 31 days, and of course made available to police and/or council upon request. There will be staff who is familiar with the operation of the CCTV at all times.
- Staff will be trained under Licensing Act 2003, with training records kept and updated. These will also be available upon request to Officers and Police and the Council.

I am happy to agree to these conditions and I hope you could consider withdrawing your representation,

Kind Regards,

Chantel Yeung

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

Find us at:

Facebook: [Facebook.com/metpoliceuk](https://www.facebook.com/metpoliceuk)

Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)

From: Tear, Jayne
Sent: Monday, July 10, 2017 3:32 PM
To: Regen, Licensing
Cc: McArthur, Wesley
Subject: REPRESENTATION RE MUMS THE WORD
Importance: High

Dear Licensing

Please find attached my representation regarding the above application,

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>

MEMO: Licensing Unit

To Licensing Unit **Date** 10 July 2017

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email Jayne.tear@southwark.gov.uk

Subject Re: Mum's The Word, 1a Warwick Court, London, SE15 4SE

Application for a premises licence.

I write with regards to the above application for a premises licence submitted by Chantel Yeung under the licensing act 2003.

The application seeks the follows licensable activities:

- Supply of Alcohol (on the premises) on Monday to Sunday from 10:00 to 23:00
- The proposed opening hours will be on Monday to Sunday from 09:00 to 23:30

The premises is described as a *'Ground floor café. The building stands on its own, only attached at one end to a shop which is open during the day'*

The premises is situated in Peckham Major Town Centre and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for Restaurants and Cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday 01:00 hours. This premises also falls within the Peckham CIP Area.

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.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham area as defined in paragraph 135 of the policy and as a Cafe this premises falls into the class of premises in 136 of the policy.

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

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area.

Due to the limited information on the application form I ask the applicant to provide the following information:

- An accommodation limit for the premises (to be conditioned)
- A written dispersal policy for the premises (to be conditioned)

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: Tear, Jayne
Sent: Wednesday, July 12, 2017 5:01 PM
To: McArthur, Wesley
Subject: RE: REPRESENTATION RE MUMS THE WORD
Importance: High

Dear Wesley,

Thank you for your email. With reference and further to my representation attached.

The description of the premises is limited and to ensure that the premises does not operate solely as a bar and operates as a restaurant/café in which case the saturation would not apply I would request a further condition that '*Alcohol shall be supplied only to those taking a table meal at the premises*'.

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.

So I would still request the other information asked for within 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: McArthur, Wesley
Sent: Wednesday, July 12, 2017 1:46 PM
To: Tear, Jayne
Subject: RE: REPRESENTATION RE MUMS THE WORD

Hi Jayne,

FYI:

The premises is described as a café.

Your representation states that café's are a type of premises subject to the Peckham CIP. They aren't.

I will advise the applicant to contact you re' the accommodation limit / dispersal policy in any case.

Regards,

Wesley McArthur

Principal Enforcement Officer

London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

From: [Chantel Yeung](#)
To: [Tear, Jayne](#)
Cc: [McArthur, Wesley](#)
Subject: Mums The Word - 1A Warwick Court
Date: 26 July 2017 10:31:32

Hi Jayne,

Hope you're well,

Regarding your representation and further to our conversation we reiterate that due to the intended operation of the premises we do not feel that a condition making all sales of alcohol ancillary to food sales would be workable or applicable. We do intend to offer some community based activities such as art classes, craft evenings etc. that are non entertainment based and we would like our customers to be able to enjoy an alcoholic beverage at such events. We haven't applied for any entertainment and intend to operate as a café (with such community events described as ancillary to our café operation) – not at all as a bar, pub or similar type premises. Snacks and light dishes will be available for everyone throughout the duration of our operating hours. We expect a large proportion of our sales to come from coffee and lunch to go, but we would like the ability to sell alcohol to our customers as well.

We would be happy to include the following conditions in our application to address your concerns:

“That no more than 70 customers shall be permitted at the premises at any one time.”

“That a comprehensive dispersal policy in regards to both customers and staff shall be devised in respect of the premises. The dispersal policy shall include (but not necessarily be limited to) the following topics:

- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- Details of public transport in the vicinity and how customers will be advised in respect of it.
- The management of taxis to and from the premises.
- The management of any 'winding down' period at the premises.
- Road safety in respect of customers leaving the premises
- Management of ejections from the premises
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up.
- Always have staff presence at front of house at all times that we are open.
- Robust staff training, and refresher training in accordance with the Licensing Act 2003.
- Appropriate signage will be placed at exit points to remind customers to respect neighbours and leave quietly.

- Staff available at closing times periods to ensure all customers leave quietly.

- A responsible drinking policy to ensure people are always drinking well within their limits.”

“The dispersal policy shall be kept / be accessible at the premises at all times that the premises are in use and shall be made immediately available to officers of the council or police on request. All staff at the premises shall be trained in respect of the dispersal policy, shall be aware of where it is kept / how it is accessed and shall have access to it at all times that the premises are in operation. Records of staff training in regards to the dispersal policy shall be kept / be accessible at the premises at all times that the premises are in operation and shall be made immediately available to officers of the council or the police on request. Such training records shall include the capitalized name of the trainee and trainer, the date that the training was provided, a declaration that the training has been received and the signatures of the trainee and trainer.”

“That food shall be available to buy at the premises at all times that the premises are in operation.”

We have agreed the following conditions with the police:

- 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.
- All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
- That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in the terms and conditions of this licence. Records pertaining to such training shall be kept, signed by a manager and each trainee and updated every 6 months. The records shall be made immediately available to officers of the Police and the Council upon request.

We hope this clears up any worries and after considering the above you may be in a position to withdraw your representation, but welcome further discussion if you are not.

Kind Regards,

Chantel Yeung

Party 1**From:****Sent:** Friday, June 23, 2017 5:05 PM**To:** Regen, Licensing**Subject:** Objection to a Licence Application

Dear Sirs

Licence Number: 859257**Trading Address & Name: Mums The Word - 1A Warwick Court, Choumert Road, SE15 4SE**

I and other parties will be writing to you in relation to the above alcohol licence.

I fully object to this licence, I am unsure how alcohol could be permitted to consumed, sold and have the opening of a bar on back land of Rye Lane.

This is outrageous and dangerous.

My concerns are the following;

- how could a bar possibly open at the rear, back land of Rye Lane
- there is no direct access to the bar and they will have to walk through the back which will cause noise and disruption
- there are a number of flats directly in front and above this potential bar
- individuals with children who sit on the balcony above this property will be subject to noise pollution, smoke and loud music till 11 pm
- there will be drunken behavior, vomiting, cigarette butts, smoke, alcohol smell, spillage of alcohol, loud music, people urinating on walls, noise, gangs, lights, broken glass and this will be around an area where children pass, play near to as well as happening in front of residents houses and while residents are directly above this property

We strongly appose this and do not want to see a bar in some back land, corner plot, derelict property.

Party 2

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

From:

Sent: Friday, June 23, 2017 5:12 PM

To: Regen, Licensing

Subject: Objection to a Licence Application

Dear Sirs

Licence Number: 859257

Trading Address & Name: Mums The Word - 1A Warwick Court, Choumert Road, SE15 4SE

I and other parties will be writing to you in relation to the above alcohol licence.

I fully object to this licence, I am unsure how alcohol could be permitted to be consumed, sold and have the opening of a bar on back land of Rye Lane.

This is outrageous and dangerous.

My concerns are the following;

- how could a bar possibly open at the rear, back land of Rye Lane
- there is no direct access to the bar and they will have to walk through the back which will cause noise and disruption
- there are a number of flats directly in front and above this potential bar
- individuals with children who sit on the balcony above this property will be subject to noise pollution, smoke and loud music till 11 pm
- there will be drunken behavior, vomiting, cigarette butts, smoke, alcohol smell, spillage of alcohol, loud music, people urinating on walls, noise, gangs, lights, broken glass and this will be around an area where children pass, play near to as well as happening in front of residents houses and while residents are directly above this property

We strongly oppose this and do not want to see a bar in some back land, corner plot, derelict property.

Party 3**From:****Sent:** Friday, June 23, 2017 5:28 PM**To:** Regen, Licensing**Subject:** Objection to a Licence Application

Dear Sirs

Licence Number: 859257**Trading Address & Name: Mums The Word - 1A Warwick Court, Choumert Road, SE15 4SE**

I and other parties will be writing to you in relation to the above alcohol licence.

I fully object to this licence, I am unsure how alcohol could be permitted to consumed, sold and have the opening of a bar on back land of Rye Lane.

This is outrageous and dangerous.

My concerns are the following:

- how could a bar possibly open at the rear, back land of Rye Lane
- there is no direct access to the bar and they will have to walk through the back which will cause noise and disruption
- there are a number of flats directly in front and above this potential bar
- individuals with children who sit on the balcony above this property will be subject to noise pollution, smoke and loud music till 11 pm
- there will be drunken behavior, vomiting, cigarette butts, smoke, alcohol smell, spillage of alcohol, loud music, people urinating on walls, noise, gangs, lights, broken glass and this will be around an area where children pass, play near to as well as happening in front of residents houses and while residents are directly above this property

We strongly appose this and do not want to see a bar in some back land, corner plot, derelict property.

Party 4**From:****Sent:** Wednesday, July 05, 2017 3:08 PM**To:** Weir, Andrew; Hamvas, Renata; Franklin, David**Subject:** Objection to a Licence Application urgent

Dear Sirs

Licence Number: 859257**Trading Address & Name: Mums The Word - 1A Warwick Court, Choumert Road, SE15 4SE**

I would like to know why I was not consulted or informed about this application. I am adjoining neighbour. Only yesterday when I passed by i noticed the blue notice on the shutters. It was display in a place where public has no direct access. The above property is on a private vehicular and foot access to the few businesses owners ,their employes only. This access is not for public. Really legally noticed should be visible displayed in a place where members of the pubic can see and sent their comments.

My concern is also about the noise and nuisance issues. There is a serious matter of concern about the use of drugs and drug dealing concerns in hidden alley way. There are many residents live around warwick court and this premises will create health and safety issues for residents. I thknk most of the residents dont know about this application. We had many problems before even without licenced premisses.

I fully object to this licence, I am unsure how alcohol could be permitted to consumed, sold and have the opening of a bar on back land of Rye Lane. I can understand if it on commercial area rye lane.

This is outrageous and dangerous and not acceptable at all.

I hope you will be able to do something about my concerns.

- how could a bar possibly open at the rear, back land of Rye Lane
- there is no direct access to the bar and they will have to walk through the back which will cause noise and disruption .
- there are a number of flats directly in front and above this potential bar
- individuals with children who sit on the balcony above this property will be subject to noise pollution, smoke and loud music till 11 pm
- there will be drunken behavior, vomiting, cigarette butts, smoke, alcohol smell, spillage of alcohol, loud music, people urinating on walls, noise, gangs, lights, broken glass and this will be around an area where children pass, play near to as well as happening in front of residents houses and while residents are directly above this property

We strongly appose this and do not want to see a bar in some back land. This area is good for storage etc and there is a demand for this by local traders.

Thanks

Reply to party 1

Licence Number: 859257
 Mums The Word, 1A Warwick Court, Choumert Road, SE15 4SE

To Whom It May Concern,

Thank you for your representation regarding 1A Warwick Court, we completely understand your worries and hope to clear these up. We are very much up for becoming a friendly neighbour and want to everyone to be happy.

We are a café but wish to offer a limited range of high quality alcoholic drinks for those customers who want them. We expect that the vast majority of our customers will be local residents, especially given the location of the premises.

We have applied for alcohol sales between 10am to 11pm – Monday to Sunday with closing hours of 23:30. As you will note, these are not extensive operating hours.

The access to the site is down Warwick Court and we will keep noise and disruption to a minimum. We plan to be a family-friendly cafe, where people can come for a coffee or bring their laptop and work at the desk space all day, we are applying for an alcohol license so we can offer customers the option of an alcoholic beverage with their food, a quiet beer after work or to accompany any other activities taking place at the premises. For example we wish to provide some community activities such as life drawing classes, craft evenings, and we would like people to be able to have a drink whilst enjoying these activities. Snacks will be available for everyone throughout the duration of our operating hours. We expect a large proportion of our sales to come from coffee and lunch to go, but we would like the ability to sell alcohol if someone wishes.

We will not operate as a bar and have therefore not applied for any entertainment at the premises. Any music played will be played at 'background' level.

Regarding cigarette butts and spillage of alcohol, we will ensure the site and surrounding area is kept clean and tidy, as it is in our best interest too. Whilst we do not envisage the operation of the premises leading to litter / waste etc. being deposited in the vicinity of the premises we are happy to include the following condition in our licence:

"That the immediate vicinity of the premises will be tidied of any waste, litter or similar arising from the operation of the premises periodically throughout it's operating hours and at the end of trade on each day."

We plan to be a net benefit for the local community, currently the access road of Warwick Court is dark and dingy. Local friends who live in the surrounding flats complain that people currently urinate, deal and use drugs in the area. Having a flow of respectable customers in and out and lighting the path, along with CCTV would reduce these problems.

We reiterate that we are not a pub or a bar, but a café with ancillary alcohol sales. People would not be drunk, vomiting etc. as this is not the crowd we will be attracting. People would not choose to attend our premises primarily to drink – there are plenty of dedicated and established pubs and bars in Peckham to cater for such people. We will have controls for customer dispersal as well as systems to ensure people are not drinking too much.

We have agreed the following conditions with the Southwark Police Licensing Unit to ensure we create a safe space and surrounding area:

"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."

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

That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in the terms and conditions of this licence. Records pertaining to such training shall be kept, signed by a manager and each trainee and updated every 6 months. The records shall be made immediately available to officers of the Police and the Council upon request."

We really feel we will be making the area safer than it currently is and wish to be a welcome addition and enhancement to the local community.

I hope you will consider withdrawing your representation and you and other locals can enjoy a new addition to Peckham.

If you would like to contact us directly in regards to the application you can do so via email at:

████████████████████

Thank You and Kind Regards,

Chantel Yeung

Reply to party 2

Licence Number: 859257
 Mums The Word, 1A Warwick Court, Choumert Road, SE15 4SE

To Whom It May Concern,

Thank you for your representation regarding 1A Warwick Court, we completely understand your worries and hope to clear these up. We are very much up for becoming a friendly neighbour and want to everyone to be happy.

We are a café but wish to offer a limited range of high quality alcoholic drinks for those customers who want them. We expect that the vast majority of our customers will be local residents, especially given the location of the premises.

We have applied for alcohol sales between 10am to 11pm – Monday to Sunday with closing hours of 23:30. As you will note, these are not extensive operating hours.

The access to the site is down Warwick Court and we will keep noise and disruption to a minimum. We plan to be a family-friendly cafe, where people can come for a coffee or bring their laptop and work at the desk space all day, we are applying for an alcohol license so we can offer customers the option of an alcoholic beverage with their food, a quiet beer after work or to accompany any other activities taking place at the premises. For example we wish to provide some community activities such as life drawing classes, craft evenings, and we would like people to be able to have a drink whilst enjoying these activities. Snacks will be available for everyone throughout the duration of our operating hours. We expect a large proportion of our sales to come from coffee and lunch to go, but we would like the ability to sell alcohol if someone wishes.

We will not operate as a bar and have therefore not applied for any entertainment at the premises. Any music played will be played at 'background' level.

Regarding cigarette butts and spillage of alcohol, we will ensure the site and surrounding area is kept clean and tidy, as it is in our best interest too. Whilst we do not envisage the operation of the premises leading to litter / waste etc. being deposited in the vicinity of the premises we are happy to include the following condition in our licence:

"That the immediate vicinity of the premises will be tidied of any waste, litter or similar arising from the operation of the premises periodically throughout it's operating hours and at the end of trade on each day."

We plan to be a net benefit for the local community, currently the access road of Warwick Court is dark and dingy. Local friends who live in the surrounding flats complain that people currently urinate, deal and use drugs in the area. Having a flow of respectable customers in and out and lighting the path, along with CCTV would reduce these problems.

We reiterate that we are not a pub or a bar, but a café with ancillary alcohol sales. People would not be drunk, vomiting etc. as this is not the crowd we will be attracting. People would not choose to attend our premises primarily to drink – there are plenty of dedicated and established pubs and bars in Peckham to cater for such people. We will have controls for customer dispersal as well as systems to ensure people are not drinking too much.

We have agreed the following conditions with the Southwark Police Licensing Unit to ensure we create a safe space and surrounding area:

"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."

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

That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in the terms and conditions of this licence. Records pertaining to such training shall be kept, signed by a manager and each trainee and updated every 6 months. The records shall be made immediately available to officers of the Police and the Council upon request."

We really feel we will be making the area safer than it currently is and wish to be a welcome addition and enhancement to the local community.

I hope you will consider withdrawing your representation and you and other locals can enjoy a new addition to Peckham.

If you would like to contact us directly in regards to the application you can do so via email at:



Thank You and Kind Regards,

Chantel Yeung

Reply to party 3

Licence Number: 859257
 Mums The Word, 1A Warwick Court, Choumert Road, SE15 4SE

To Whom It May Concern,

Thank you for your representation regarding 1A Warwick Court, we completely understand your worries and hope to clear these up. We are very much up for becoming a friendly neighbour and want to everyone to be happy.

We are a café but wish to offer a limited range of high quality alcoholic drinks for those customers who want them. We expect that the vast majority of our customers will be local residents, especially given the location of the premises.

We have applied for alcohol sales between 10am to 11pm – Monday to Sunday with closing hours of 23:30. As you will note, these are not extensive operating hours.

The access to the site is down Warwick Court and we will keep noise and disruption to a minimum. We plan to be a family-friendly cafe, where people can come for a coffee or bring their laptop and work at the desk space all day, we are applying for an alcohol license so we can offer customers the option of an alcoholic beverage with their food, a quiet beer after work or to accompany any other activities taking place at the premises. For example we wish to provide some community activities such as life drawing classes, craft evenings, and we would like people to be able to have a drink whilst enjoying these activities. Snacks will be available for everyone throughout the duration of our operating hours. We expect a large proportion of our sales to come from coffee and lunch to go, but we would like the ability to sell alcohol if someone wishes.

We will not operate as a bar and have therefore not applied for any entertainment at the premises. Any music played will be played at 'background' level.

Regarding cigarette butts and spillage of alcohol, we will ensure the site and surrounding area is kept clean and tidy, as it is in our best interest too. Whilst we do not envisage the operation of the premises leading to litter / waste etc. being deposited in the vicinity of the premises we are happy to include the following condition in our licence:

"That the immediate vicinity of the premises will be tidied of any waste, litter or similar arising from the operation of the premises periodically throughout it's operating hours and at the end of trade on each day."

We plan to be a net benefit for the local community, currently the access road of Warwick Court is dark and dingy. Local friends who live in the surrounding flats complain that people currently urinate, deal and use drugs in the area. Having a flow of respectable customers in and out and lighting the path, along with CCTV would reduce these problems.

We reiterate that we are not a pub or a bar, but a café with ancillary alcohol sales. People would not be drunk, vomiting etc. as this is not the crowd we will be attracting. People would not choose to attend our premises primarily to drink – there are plenty of dedicated and established pubs and bars in Peckham to cater for such people. We will have controls for customer dispersal as well as systems to ensure people are not drinking too much.

We have agreed the following conditions with the Southwark Police Licensing Unit to ensure we create a safe space and surrounding area:

"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."

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

That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in the terms and conditions of this licence. Records pertaining to such training shall be kept, signed by a manager and each trainee and updated every 6 months. The records shall be made immediately available to officers of the Police and the Council upon request."

We really feel we will be making the area safer than it currently is and wish to be a welcome addition and enhancement to the local community.

I hope you will consider withdrawing your representation and you and other locals can enjoy a new addition to Peckham.

If you would like to contact us directly in regards to the application you can do so via email at:

████████████████████

Thank You and Kind Regards,

Chantel Yeung

Reply to party 4

Licence Number: 859257
Mums The Word, 1A Warwick Court, Choumert Road, SE15 4SE

To Whom It May Concern,

Thank you for your representation regarding 1A Warwick Court, we completely understand your worries and hope to clear these up. You mentioned you were an adjoining neighbour; however the only adjoining neighbour we have is a shop at one end for which these points do not affect. However, we are very much up for becoming a friendly neighbour and want to everyone to be happy so will address you concerns.

We are a café but wish to offer a limited range of high quality alcoholic drinks for those customers who want them. We expect that the vast majority of our customers will be local residents, especially given the location of the premises.

We have applied for alcohol sales between 10am to 11pm – Monday to Sunday with closing hours of 23:30. As you will note, these are not extensive operating hours.

The access to the site is down Warwick Court and we will keep noise and disruption to a minimum. We plan to be a family-friendly cafe, where people can come for a coffee or bring their laptop and work at the desk space all day, we are applying for an alcohol license so we can offer customers the option of an alcoholic beverage with their food, a quiet beer after work or to accompany any other activities taking place at the premises. For example we wish to provide some community activities such as life drawing classes, craft evenings, and we would like people to be able to have a drink whilst enjoying these activities. Snacks will be available for everyone throughout the duration of our operating hours. We expect a large proportion of our sales to come from coffee and lunch to go, but we would like the ability to sell alcohol if someone wishes.

We will not operate as a bar and have therefore not applied for any entertainment at the premises. Any music played will be played at 'background' level.

Regarding cigarette butts and spillage of alcohol, we will ensure the site and surrounding area is kept clean and tidy, as it is in our best interest too. Whilst we do not envisage the operation of the premises leading to litter / waste etc. being deposited in the vicinity of the premises we are happy to include the following condition in our licence:

"That the immediate vicinity of the premises will be tidied of any waste, litter or similar arising from the operation of the premises periodically throughout it's operating hours and at the end of trade on each day."

We plan to be a net benefit for the local community, currently the access road of Warwick Court is dark and dingy. Local friends who live in the surrounding flats complain that people currently urinate, deal and use drugs in the area. Having a flow of respectable customers in and out and lighting the path, along with CCTV would reduce these problems.

We reiterate that we are not a pub or a bar, but a café with ancillary alcohol sales. People would not be drunk, vomiting etc. as this is not the crowd we will be attracting. People would not choose to attend our premises primarily to drink – there are plenty of dedicated and established pubs and bars in Peckham to cater for such people. We will have controls for customer dispersal as well as systems to ensure people are not drinking too much.

We have agreed the following conditions with the Southwark Police Licensing Unit to ensure we create a safe space and surrounding area:

"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."

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

That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in the terms and conditions of this licence. Records pertaining to such training shall be kept, signed by a manager and each trainee and updated every 6 months. The records shall be made immediately available to officers of the Police and the Council upon request."

We really feel we will be making the area safer than it currently is and wish to be a welcome addition and enhancement to the local community.

I hope you will consider withdrawing your representation and you and other locals can enjoy a new addition to Peckham.

If you would like to contact us directly in regards to the application you can do so via email at:

[REDACTED]

Thank You and Kind Regards,

Chantel Yeung

Appendix D - MAP



© Crown copyright and database rights 2015 Ordnance Survey (0100019252). Land Registry Index data is subject to Crown copyright and is reproduced with the permission of Land Registry.



10 m

Scale = 1 : 1000

1-Aug-2017

Item No. 7.	Classification: Open	Date: 15 August 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: The Farriers Arms, 214 Lower Road, London SE8 5DJ	
Ward(s) or groups affected:		Rotherhithe	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Kenneth Ryan to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: The Farriers Arms, 214 Lower Road, SE8 5DJ.
2. Notes:
 - The application seeks to vary a premises licence held under current legislation. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and / or other persons and is therefore referred to the sub-committee for determination. A copy of the current premises licence is attached as Appendix A.
 - Paragraphs 9 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 B.
 - Paragraphs 14 to 17 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached as Appendices C and D
 - A map showing the location of the premises is attached as appendix G.

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, this council wholly administers the licensing responsibility.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence in respect of the premises known as The Farriers Arms, 214 Lower Road, SE8 5DJ allows the following licensable activities:
- Recorded Music:
 - Monday to Thursday between 11:00 and 23:00
 - Friday between 11:00 and 00:00 (midnight)
 - Saturday between 11:00 and 01:00 the following day
 - Sunday between 12:00 and 23:00
 - The sale of alcohol to be consumed on and off the premises:
 - Monday to Thursday between 11:00 and 23:30
 - Friday and Saturday between 11:00 and 01:30 the following day
 - Sunday between 12:00 and 23:30
 - The provision of late night refreshment
 - Monday to Saturday between 23:00 and 23:30
 - Opening hours:
 - Monday to Thursday between 11:00 and 00:00
 - Friday and Saturday between 11:00 and 02:00 the following day
 - Sunday between 12:00 & 00:00

The variation application

9. On 19 May 2017 Kenneth Ryan applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as The Farriers Arms, 214 Lower Road, SE8 5DJ.
10. The application is summarised as follows:
 - To allow for the following non standard timings in regards to licensable activities:
 - The day of the London Marathon between 09:00 and 02:00 the following day
 - To allow for the following non standard opening hours:
 - The day of the London Marathon between 09:00 and 02:30 the following day
 - To add entertainment similar to live or recorded music to the licence as follows:
 - Monday to Thursday between 11:00 and 23:00
 - Friday between 11:00 and 00:00
 - Saturday between 11:00 and 01:00 the following day
 - Sunday between 12:00 and 23:00
 - To extend the permitted hours for licensable activities on St. Patrick's Day, St George's Day, Burns Night as follows when they fall on the following days:
 - Monday to Thursday between 11:00 and 00:00
 - Friday between 11:00 and 01:00 the following day
 - Saturday between 11:00 and 02:00 the following day
 - Sunday between 12:00 and 00:00
 - To extend the permitted opening hours on St. Patrick's Day, St George's Day, Burns Night as follows when they fall on the following days:
 - Monday to Thursday between 11:00 and 00:30
 - Friday & Saturday between 11:00 and 02:30 the following day
 - Sunday between 12:00 and 00:30
 - To amend condition 842 of the premises licence to allow the beer garden at the premises to be used until 22:00 hours daily.
11. The premises licence application form provides the applicant's operating schedule. The operating schedule sets out the proposed operational control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should an amended premises licence be issued in respect of the application the information provided in the operating schedule will form the basis of conditions that will be included in the licence.
12. A copy of the application is attached to this report as appendix B.

Designated premises supervisor

13. The designated premises supervisor (DPS) under the existing premises licence is Philomena Stewart.

Representations from responsible authorities

14. The council's environmental protection team has submitted a representation in respect of the prevention of public nuisance licensing objective. The representation notes that certain licence conditions were imposed on the licence by the licensing sub-committee. The representation states that the application gives insufficient detail with regards to noise control, particularly in respect of the beer garden, should extended hours be granted. The environmental protection team consider that any relaxation of the current hours will increase the potential for public nuisance.
15. A copy of the representation submitted by the environmental protection team is attached as Appendix C.

Representations from other person

16. One local resident has submitted a representation in regards to the application. The representation objects to the application in respect of the prevention of public nuisance and the prevention of crime and disorder licensing objectives. The representation is particularly concerned with the proposed extension of the permitted hours of use in regards to the beer garden, and contends that the use of the beer garden presently causes noise nuisance which will be exacerbated and last for a longer duration should the beer garden be permitted to be open for longer than it is presently. The representation also contends that drug use and anti-social behaviour allegedly take place in the beer garden presently and that these activities may increase should the beer garden be permitted to be open for longer than it is presently.
17. Copies of the representation, related correspondence and photographs submitted by the local resident are attached as Appendix D.

Conciliation

18. The applicant was sent copies of the representations. The applicant was advised to contact the environmental protection team directly to facilitate conciliation of their representation. The applicant was advised that the applicant could reply to the local resident via the licensing unit to facilitate conciliation of the local resident's representation. The applicant has not yet responded to the representations and so at this time the representations remain outstanding and must be considered by the licensing sub-committee. At the hearing to determine the application the licensing sub-committee will be informed of any developments in respect of the conciliation of the representations.

Operating history

19. A premises licence was issued in respect of the premises on 5 October 2005
20. The licence was transferred to Ms Philomena Stewart on 18 January 2007. Ms Stewart was specified as the DPS of the premises on this date.

21. On 18 January 2007 an application was also submitted to vary the premises licence to include live music and anything similar to live or recorded music. The application was subject to representations from a local resident and the council's environmental Protection Team. The application was granted at a licensing sub-committee hearing. At the hearing the licensing sub-committee imposed conditions on the licence. A copy of the recorded minutes pertaining to the hearing is attached as Appendix E.
22. On 17 May 2007 a local resident informed the licensing unit that the local resident had made a complaint to the council's noise team in regards to noise nuisance caused by loud entertainment noise emanating from the premises.
23. A complaint was received by the licensing unit from a local resident on 3 July 2007 alleging that loud music and entertainment sound levels at the premises were causing noise nuisance. The complainant also requested that the licensing unit liaise with the council's environmental protection team to calibrate the sound limiter at the premises.
24. On 29 January 2008 the council's environmental protection team submitted an application for the review of the premises licence issued in respect of the premises. A licensing sub-committee hearing was held on 17 March 2008 to determine the application. The licensing sub-committee amended a condition on the premises licence, pertaining to the sound limiter at the premises. Live music and entertainment similar to live or recorded music were removed from the licence. A copy of the notice of decision pertaining to the hearing is attached as Appendix F.
25. The licence was transferred to Mr Kenneth Ryan on 22 May 2015. Ms Stewart remains the DPS of the premises.
26. No temporary event notices have been submitted in respect of the premises in the past 24 months.
27. The Licensing Unit has received no complaints in regards to the premises since 3 July 2007.

Map

28. A map of the area is attached to this report as appendix G. The premises are at the centre of the map. The following premises are also shown on the map and are licensed as stated:

Surrey Quays Food and Wine, 1 Bush Road, London SE8 5AP licensed for:

- The sale of alcohol to be consumed off the premises
 - Monday to Saturday between 08:00 and 23:00
 - Sunday between 10:00 & 22:30

Southwark News, 5 Plough Way, London SE16 2LS licensed for:

- The sale of alcohol to be consumed off the premises
 - Monday to Sunday between 11:00 and 23:00

Costcutter, 13-15 Plough Way, London SE16 2LS licensed for:

- The sale of alcohol to be consumed off the premises
 - Monday to Saturday between 08:00 and 23:00
 - Sunday between 09:00 and 22:30

Southwark council statement of licensing policy

29. Council assembly approved Southwark's statement of licensing policy 2016 -2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
30. 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.
31. The premises fall within Canada Water major town centre area. In Canada Water major town centre area the statement of licensing policy recommends the following closing times in respect of the types of Public houses, wine bars or other drinking establishments:

- Friday and Saturday: 00:00
- Sunday to Thursday: 23:00

Resource implications

32. A fee of £315.00 being the statutory fee payable for premises within non-domestic rateable value band C has been paid by the applicant company in respect of this application.

Consultation

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

Community impact statement

34. 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

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

Principles for making the determination

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

Conditions

41. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
42. The four licensing objectives are
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
43. 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.
44. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
45. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
46. 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

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

Hearing procedures

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

- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
49. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

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

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

54. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
55. 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.
56. 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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copy of the representation submitted by the environmental protection team
Appendix D	Copies of the representation, related correspondence and photographs submitted by a local resident
Appendix E	Copy of licensing sub-committee hearing minutes (7 March 2007)
Appendix F	Copy of licensing sub-committee notice of decision (11 April 2008)
Appendix G	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	2 August 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		3 August 2017

Licensing Act 2003 Premises Licence



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

Premises licence number

848546

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
FARRIERS ARMS 214 Lower Road	
Ordnance survey map reference (if applicable): 178744535852	
Post town London	Post code SE8 5DJ
Telephone number [REDACTED]	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Recorded Music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 11:00 - 00:00
Tuesday 11:00 - 00:00
Wednesday 11:00 - 00:00
Thursday 11:00 - 00:00
Friday 11:00 - 02:00
Saturday 11:00 - 02:00
Sunday 12:00 - 00:00

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

Recorded Music - Indoors

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 00:00
Saturday	11:00 - 01:00
Sunday	12:00 - 23:00

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	12:00 - 23:30

Sale by retail of alcohol to be consumed off premises

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	12:00 - 23:30

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

Kenneth Roy Ryan

[Redacted]

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

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

Philomena Stewart

[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.:

Authority:

[Redacted]

Licence Issue date 22/05/2015

Anti-Social Behaviour, Noise Nuisance &
Licensing Manager
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

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.

109 Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means the hours stated elsewhere on this licence and:

a. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

i) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;

ii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iii) The taking of alcohol from the premises by a person residing there; or

iv) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

v) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises

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

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

a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;

c. To a canteen or mess.

293 All bar staff shall be trained and supervised in the prevention of public nuisance

327 That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required

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 Staff will be trained in all aspects of the aims and objectives of the Licensing Act

341 Litter bins to be provided in all parts of the premises internal and external

342 The ventilation system in place will be thoroughly and regularly maintained

343 The lobby door and all windows and doors will be closed when entertainment is being provided.

344 All entertainment shall cease one hour before the closing time

59

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

840 No amplified music to be played in the beer garden and outside areas of the premises

841 Speakers in the beer garden shall be removed

842 The beer garden is not to be used after 7pm in the evenings

843 No recorded music shall be played other than through a sound limiter which is set and maintained at all times as approved by the London Borough of Southwark Noise Team.

Licence No. 848546

Plan No. FA/LP

Plan Date August 2005

19/05/2017

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

Ref No. 819751

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

	KENNETH ROY RYAN
Premises licence number	848546

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

£	13400
---	-------

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

Address Line 1	THE FARRIERS ARMS
Address Line 2	214 LOWER ROAD
Town	LONDON
County	
Post code	SE8 5DJ
Ordnance survey map reference	178744535852
Description of the location	
Telephone number	██████████

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

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

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

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

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

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

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

	<p>FOLLOWING ANNUAL TEMPORARY EVENT NOTICES FOR THE LONDON MARATHON, THIS APPLICATION IS TO ALLOW THE PUB TO: OPEN, PROVIDE SALE BY RETAIL OF ALCOHOL AND PROVISION OF REGULATED ENTERTAINMENT FROM 09:00 - 02:00, ON THE DAY OF THE LONDON MARATHON.</p> <p>ALSO TO ALLOW THE TRADE PATIO GARDEN TO BE USED DAILY UNTIL 10 PM, (AN AMENDMENT TO ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY NO. 842).</p> <p>ALSO TO EXTEND LICENSABLE ACTIVITIES ON ST PATRICKS DAY, ST GEORGES DAY, BURNS NIGHT, AND THE PROCEEDING DAY TO A BANK HOLIDAY BY ONE HOUR.</p>
--	--

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

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

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

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

Provision of regulated entertainment

	f) recorded music
	h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

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

Supply of alcohol

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

Will the playing of recorded music take place indoors or outdoors or both? (Please read guidance note 3)

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

Please give further details here (Please read guidance note 4)

	BACKGROUND MUSIC DJ KARAOKE
--	-----------------------------------

Standard days and timings for Recorded Music (Please read guidance note 7)

Day	Start	Finish
Mon	11:00	23:00
Tues	11:00	23:00
Wed	11:00	23:00
Thur	11:00	23:00
Fri	11:00	00:00
Sat	11:00	01:00
Sun	12:00	23:00

State any seasonal variations for playing recorded music (Please read guidance note 5)

	DAY OF THE LONDON MARATHON ST PATRICKS DAY ST GEORGES DAY BURNS NIGHT
--	--

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. (Please read guidance note 6)

	DAY OF THE LONDON MARATHON 09:00 - 02:00 ST PARICKS DAY, ST GEORGES DAY AND BURNS NIGHT MON - THUR 11: 00 - 00:00, FRIDAY 11:00 - 01:00, SAT 11:00 - 02:00, SUN 12:00 - 00:00.
--	---

Please give a description of the type of entertainment you will be providing

	KARAOKE
--	---------

Will the entertainment take place indoors or outdoors or both? (Please read guidance note 3)

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

Please give further details here (Please read guidance note 4)

	WITHIN THE PREMISES.
--	----------------------

Standard days and timings for Anything of a similar description to that falling within (e), (f) or (g) (Please read guidance note 7)

Day	Start	Finish
Mon	11:00	23:00
Tues	11:00	23:00
Wed	11:00	23:00
Thur	11:00	23:00
Fri	11:00	00:00
Sat	11:00	01:00
Sun	12:00	23:00

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (Please read guidance note 5)

	DAY OF THE LONDON MARATHON ST PATRICKS DAY ST GEORGES DAY BURNS NIGHT
--	--

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed. (Please read guidance note 6)

	DAY OF THE LONDON MARATHON 09:00 - 02:00 ST PARICKS DAY, ST GEORGES DAY AND BURNS NIGHT MON - THUR 11: 00 - 00:00, FRIDAY 11:00 - 01:00, SAT 11:00 - 02:00, SUN 12:00 - 00:00.
--	---

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 3)

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

Please give further details here (Please read guidance note 4)

	WITHIN THE PREMISES
--	---------------------

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

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

State any seasonal variations for the provision of late night refreshment (Please read guidance note 5)

	DAY OF THE LONDON MARATHON ST PATRICKS DAY ST GEORGES DAY BURNS NIGHT
--	--

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

	DAY OF THE LONDON MARATHON 23:00 - 02:00 ST PATRICKS DAY, ST GEORGES DAY AND BURNS NIGHT 23:00 - 00:30.
--	--

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

	Both
--	------

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

Day	Start	Finish
Mon	11:00	23:30
Tues	11:00	23:30
Wed	11:00	23:30
Thur	11:00	23:30
Fri	11:00	01:30
Sat	11:00	01:30
Sun	12:00	23:30

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

	DAY OF THE LONDON MARATHON ST PATRICKS DAY ST GEORGES DAY BURNS NIGHT
--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to

those listed. Please list, (Please read guidance note 6)

	DAY OF THE LONDON MARATHON 09:00 - 02:00 ST PARICKS DAY, ST GEORGES DAY AND BURNS NIGHT MON - THUR 11: 00 - 00:30, FRI & SAT 11:00 - 02:30, SUN 12:00 - 00:30.
--	---

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)

	NONE
--	------

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

Day	Start	Finish
Mon	11:00	00:00
Tues	11:00	00:00
Wed	11:00	00:00
Thur	11:00	00:00
Fri	11:00	02:00
Sat	11:00	02:00
Sun	12:00	00:00

State any seasonal variations (Please read guidance note 5)

	DAY OF THE LONDON MARATHON ST PATRICKS DAY ST GEORGES DAY BURNS NIGHT
--	--

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

	DAY OF THE LONDON MARATHON 09:00 - 02:30 ST PARICKS DAY, ST GEORGES DAY AND BURNS NIGHT MON - THUR 11: 00 - 00:30, FRI & SAT 11:00 - 02:30, SUN 12:00 - 00:30.
--	---

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

	842. THE BEER GARDEN IS NOT TO BE USED AFTER 7PM IN THE EVENINGS.
--	---

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

	THE PREMISES WILL OPERATE IN ACCORDANCE WITH THE FOUR LICENSING OBJECTIVES. ALL STAFF WILL BE FULLY TRAINED IN THE FOUR LICENSING OBJECTIVES.
--	--

b) the prevention of crime and disorder

	WE WILL OPERATE A CHALLENGE 25 POLICY, AND ALL STAFF WILL BE TRAINED IN THE LAW ABOUT THE SALE OF ALCOHOL. TRAINING WILL INCLUDE CHALLENGING ANYONE WHO APPEARS UNDER 25 AND THE NON SERVING OF DRUNKS. ALL CHALLENGES WILL BE RECORDED IN THE CHALLENGE RECORD LOG.
--	---

c) public safety

	CUSTOMERS TO WAIT INSIDE FOR TAXI'S. THE PUBLICAN OR DUTY MANAGER TO MONITOR DISPERSAL AT CLOSING TIMES.
--	---

d) the prevention of public nuisance

	PLEASE LEAVE QUIETLY NOTICES TO BE DISPLAYED. NOTICES TO BE DISPLAYED IN GARDEN REMINDING PATRONS TO KEEP NOISE TO A MINIMUM, NO DRINKS IN THE GARDEN AFTER 10PM. MUSIC IS CONTROLLED BY A NOISE LIMITER SET BY SOUTHWARK COUNCIL. NOISE LEVEL CHECKS WILL BE TAKEN REGULARLY. ALL WINDOWS AND DOORS TO BE CLOSED AND USED FOR EGRESS ONLY.
--	--

e) the protection of children from harm

	CHALLENGE 25 POLICY. CHILDREN PERMITTED ON THE PREMISES ONLY IF ACCOMPANIED BY AN ADULT UNTIL 20:00.
--	---

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

Upload proposed plans	
Upload existing plans	

Checklist

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

I agree to the above statement

	I agree
PaymentDescription	■
AuthCode	■■■■■

LicenceReference	[REDACTED]
PaymentContactEmail	

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

Full name	KENNETH ROY RYAN
Date (DD/MM/YYYY)	[REDACTED]
Capacity	OWNER / DIRECTOR

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

Full name	
Date (DD/MM/YYYY)	
Capacity	

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

Contact name and address for correspondence	[REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

Please tick to indicate agreement

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

Please upload proof of entitlement to work in the UK

<input type="checkbox"/>	image0.jpg
--------------------------	----------------------------

I agree to the above statement

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

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

From: Newman, Sarah
Sent: Tuesday, July 18, 2017 5:36 PM
To: Regen, Licensing; McArthur, Wesley
Cc:
Subject: Application to vary premises license @ 214 Lower Road London - Farriers Arms - ref 858844

Hi Licensing,

EPT object to this application as the premises has a history of causing noise nuisance due to its proximity to residential premises.

Previously Licensing Sub committee placed the current conditions on the license to protect residents. The operating schedule proposed gives insufficient detail with regard to noise control , particular from the beer garden should extended hours of opening be permitted. EPT consider that any relaxation of the current hours will lead to an increase in the potential for public nuisance.

This representation has been submitted with regard to the prevention of public nuisance licensing objective.

Best regards

Sarah Newman

Team Leader – Environmental Protection Team

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

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

Tel : 020 7525 4320 | Fax : 020 7525 5705 | Email : sarah.newman2@southwark.gov.uk

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



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

[REDACTED]

July 3rd 2017

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

RE: Application to vary a Premises License, No. 858844 'Farriers Arms', 214 Lower Road, SE8 5DJ.

I wish to lodge an objection to this application.

To the Licensing Team:

As you will note from my address, I live [REDACTED]. I wish to lodge an objection to Mr Ryan's application for variation to the Premises Licence, on the grounds of the Prevention of Nuisance and the Prevention of Crime and Disorder. It may help the team to know that my house [REDACTED] in a terrace of timber-framed Victorian properties, dating from around 1890.

The Farriers Arms have applied to keep their garden [REDACTED] open at night until 22.00. They have also applied for 'extra hours' on certain days during the year to avoid the necessity for applying for a Special License on these dates.

First of all I should like to mention that the current premises license includes a restriction on the use of 'The beer garden' (842), which is required to close at 19.00. This restriction was imposed at a meeting of the Licensing Sub Committee when the then Licensee (not then Mr Ryan, who acquired the pub much more recently, although Mrs Stewart was then, as now, the Responsible Person) applied for a variation of the licence to allow them to hold karaoke nights (I think this was in 2007). I did not ask for this restriction, it was first suggested by the Chair of the Sub Committee and then agreed by the other members on the grounds of the Prevention of (Noise) Nuisance.

I bought my house in 2003, it is my first property, although I have lived in this area since I was a student at Goldsmiths College in the early 1980s. I note that Mr Ryan acquired the Farriers Arms in around 2015. [REDACTED]

When I moved in, the pub shut at 23.00 each evening. You will be able to confirm, from your records, that I did not raise any objection to the application to extend the Farriers' opening hours (around 2005 – before Mrs Stewart became the 'responsible person'). I should like to stress that I have no issues with the pub's existence and I feel that Mrs Stewart and I are on friendly terms. Although I do not drink in the pub, Mrs Stewart was kind enough to invite me to her birthday party and I was happy and honoured to attend. I am first name terms with many of the regular customers and will often find myself chatting for a while with those having a cigarette outside the pub, rather than going straight into my house.

First to the issue of Nuisance. I note that in their 'letter to our neighbours' (sent to you previously – and attached again) the applicants state that certain preventative measures will be taken, viz:

The door will be shut when the garden is in use.

Signs will be placed in the garden asking customers to respect 'our neighbours'.

Regular patrols will be made to ensure all is well and customers are sufficiently respectful of others.

Minors will not be allowed on the premises after 19.00

I would welcome these measures being introduced now! None of these are current practice. There are no signs and the door is open from opening time and closes only at 19.00. I can hear the pub's television (there is a large screen just inside the 'garden door' and indeed from certain angles I can watch it. The music from the jukebox is clearly audible (luckily for me I quite like the records played), and of course I am an invisible and unwilling participant in any conversation taking place in the pub garden. If you are in any doubt as to the truth of these assertions, I should like to invite you to make a 'site visit' before granting this Application for Variation.

I do not get much opportunity to enjoy my garden, except for at weekends and after around 19.00, Monday-Friday, this is because I have a demanding job with a commute to [REDACTED] which means that I get home at around the time the pub close their 'garden door'. I really look forward to the quiet hours between 19.00 and 21.30 – when the light fades – at this time of year, I can garden (I am a devoted dead-header), read a book, or just sit quietly and listen to the birds sing.

At the weekend I just put up with the noise from the pub garden, I have been coping with it for many years and I do live next door to a pub! However, any extension of the hours of use permitted would have such a significant effect on my ability to have 'quiet enjoyment' of my property as to render my garden unusable in any real sense.

The issue of the 'Prevention of Crime and Disorder'.

No doubt due to the lack of signage asking customers of the Farriers to respect others, I am subjected to constant foul language, overheard daily. I do not have children so this is not too much of a problem, but when my 84 year old mother visits it can be embarrassing.

This is the least of my concerns. Currently I adopt a 'live and let live' approach to the way the Farriers is run, but I am minded to become more vigilant to breaches of the need to prevent 'Crime and Disorder'.

I have evidence of drug use and drug dealing by customers – outside my kitchen window, in broad daylight – and also evidence of incapable drunkenness (witnessed and ignored by the Responsible Person) in the street. At present smokers and any others who fancy some fresh air are allowed to roam freely, and rowdily, around the area (I have some lovely photos of someone being sick in the plants outside my house) without any supervision or restriction by the Responsible Person or the other bar staff.

My very real fear is that if the beer garden is allowed to be used after 19.00 the current unacceptable levels of bad behaviour I have seen in Lower Road will increase, simply (and conveniently) moving out of sight of any passing police or other restraining influences. I have been shouted at by pub customers and abused in recent weeks, the Summer months have brought a lot of younger customers who seem to be taking advantage of the relaxed attitude that prevails.

As far as 'access to outside space' goes, the Farriers is not the only local pub with outside space, the Surrey Docks - also on Lower Road, the Moby Dick (at Greenland Dock) and Whelans are all within a

5 minute walk – or less – of the Farriers. I note that the Farriers does have a second outside space, which is accessed from the back of the pub. It would be good to have clarification from the applicant as to which outside space they refer to in this application, there is no current restriction on the other outside space which does rather beg the question why they are not using that space, instead of trying to extend the hours available for use of the Beer Garden.

Finally some maths – so sorry. At present, I have undisturbed use of my garden for 2-3 hours a day (bless the long days!) – 21 hours a week at the most. The Farriers have undisturbed use of their garden for 7 hours a day – 49 hours. If you allow this application to proceed please be aware that you are denying my 'quiet enjoyment' of my own property entirely.

I would welcome the opportunity to give you more detail and please do feel free to come for a 'site visit'.

With all best wishes,

Yours sincerely,



From: [REDACTED]

Sent: Tuesday, August 01, 2017 8:34 PM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence - The Farriers Arms, 214 Lower Road, London, SE8 5DJ (our ref: L1U 858844)

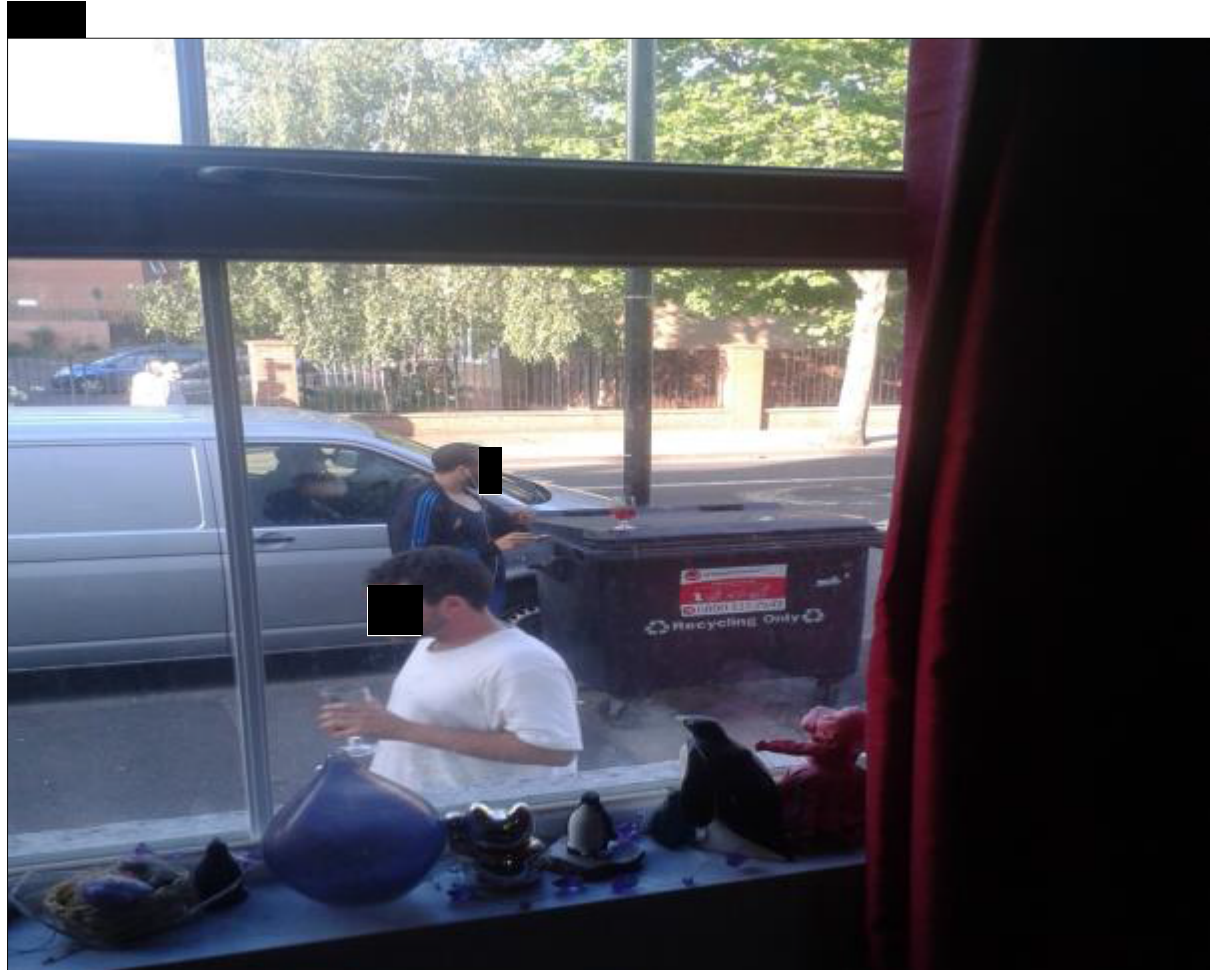
Hi Wesley,

Thank you so much for this. I shall be attending the hearing.

I'm going to send you a batch of photos in support of my objection, I note the required date '10 working days before the hearing' is tomorrow (Wednesday) so in a bit of a panic I'm going to send them through in several e-mails as I think the size (2kb) will be too large otherwise. The first are attached to this response. They are sample snaps of the way the customers of the Farriers are allowed to behave as they please outside the pub, there is one shot that shows the view from my bedroom which I think will give you a very good idea of the closeness of the pub yard to my home.

I shall send through a scanned copy of my acceptance of the invitation to attend the hearing asap.

Thanks again,



From: [REDACTED]

Sent: Tuesday, August 01, 2017 8:35 PM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence - The Farriers Arms, 214 Lower Road, London, SE8 5DJ (our ref: L1U 858844) second batch of photos

Here are the second batch of snaps. The second shows someone collapsed in the street, drunk and incapable.











From: [REDACTED]

Sent: Tuesday, August 01, 2017 8:43 PM

To: McArthur, Wesley

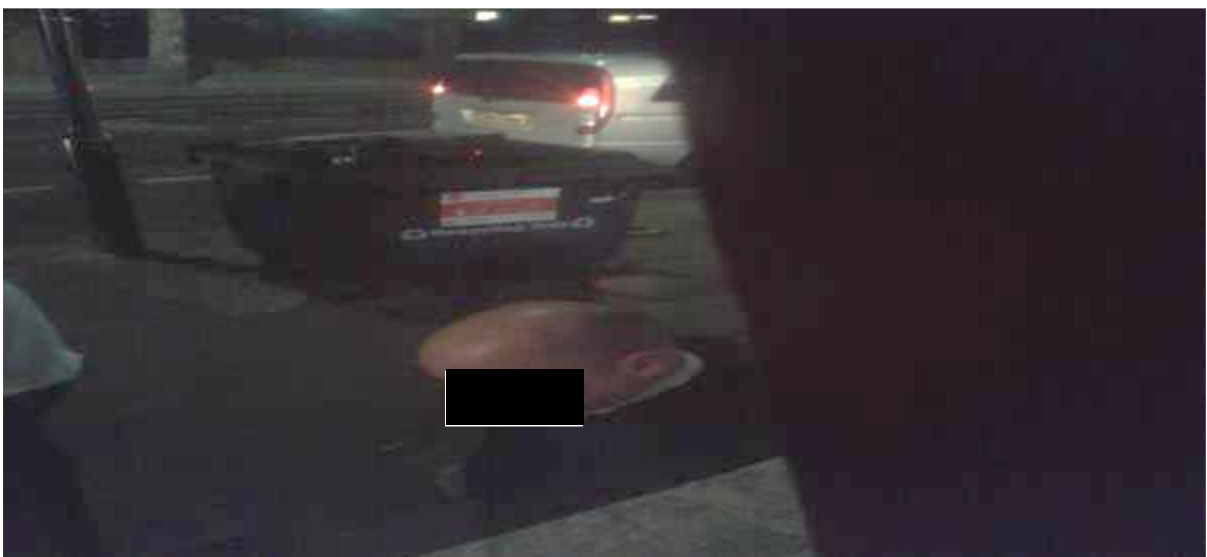
Subject: Re: Application to vary a premises licence - The Farriers Arms, 214 Lower Road, London, SE8 5DJ (our ref: L1U 858844) seventh batch of snaps - the final batch!

In the first you will see that the customers have knocked over a large bottle bin and sent the contents into Lower Road

Thanks Wesley,

All the best,

[REDACTED]





LICENSING SUB-COMMITTEE

MINUTES of the meeting of the LICENSING SUB-COMMITTEE held on Wednesday March 7 2007 at 10.00am at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor Linda Manchester (Chair)
Councillor Sandra Rhule
Councillor Althea Smith

ALSO PRESENT: Philomena Stewart (applicant)
Tony Garton, Southwark Noise Team
Rosemary Awe, licensing officer
Paul Gray, legal officer
Deborah McCallum, legal officer
Cameron MacLean, clerk

1. APOLOGIES FOR ABSENCE

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members listed as being present were confirmed as the voting members.

3. NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

There were no items of urgent business.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Linda Manchester declared a personal, but non-prejudicial, interest as she had "local knowledge" of the premises having been briefly employed at the Farrier's Arms over twenty years ago.

The sub-committee considered the items set out on the agenda, a copy of which has been incorporated in the minute file.

5. LICENSING ACT 2003 – FARRIER'S ARMS, 214 LOWER ROAD, LONDON SE8 5DJ (see pages 1–39)

The licensing officer introduced the report noting that there were two additional papers that had been tabled, namely, additional correspondence from one of the objectors to the application and a petition from supporters of the application. The sub committee agreed to circulate the additional papers. Members did not have any questions for the licensing officer.

The applicant presented her application. Members then asked the applicant questions relating to the application.

The noise officer presented his case for objecting to the application.

Members and one of the objectors asked the Noise Team representative a number of questions.

A local resident presented her objections to the application. Members had questions for the local resident.

At 11.00am the sub committee went into closed session to discuss the application.

At 11.50am all parties were invited back into the room. The chair announced the decision as follows:

RESOLVED: 1. That the application by Philomena Stewart to vary the premises licence in respect of the premises known as Farrier's Arms, 214 Lower Road, London SE8 5DJ be approved in so far as follows:

ACTIVITY	LICENSED HOURS	
	Friday	Saturday
(i) E: Live Music	20:00 – 24:00hrs	21:00 – 01:00hrs
(ii) H: Anything of a similar description to live recorded music	20:00 – 24:00hrs	21:00 – 01:00hrs
(iii) I: Provision of facilities for making music	20:00 – 24:00hrs	21:00 – 01:00hrs
(iv) K: Anything similar to I	20:00 – 24:00hrs	21:00 – 01:00hrs
	Sunday – Thursday	Friday - Saturday
(v) Opening Hours	11:00 – 24:00hrs	11 – 02:00hrs

2. That the embedded restrictions be removed, as per the application.

Conditions

3. That the licence be subject to compliance with all mandatory conditions set out in the Licensing Act 2003, and:
- a) All relevant conditions arising from the Licensing Act 2003;
 - b) The conditions to be consistent with the operating schedule submitted with the application, in particular, Box P, paragraph d): The prevention of public nuisance, namely –
“Lobby door and all other windows and doors will be closed when entertainment is being provided. All entertainment will cease one hour before closing time”;
 - c) Subject to the following additional conditions agreed by the sub-committee:
 - (i) No amplified music to be played in the beer garden and outside areas of the premises;

- (ii) Speakers in the beer garden to be removed;
- (iii) The beer garden is not to be used after 7.00pm in the evenings;
- (iv) No amplified music shall be played until such time as Southwark council's noise team has set the sound limiter.

4. That the application takes immediate effect.

Reasons

5. That the reasons for the decision are, as follows:

We have taken into consideration all relevant representations. We have heard evidence and accept that there have been noise nuisance problems in the past. However, we find the noise team's evidence to be significant, that a sound limiter has been installed at the premises and is able to be set at a level that will alleviate any public nuisance concerns.

Comment

6. That the council expects that all terms, conditions and restrictions of the premises licence will be complied with at all times that the premises are used under the licence. The failure to comply with the terms, conditions and restrictions of the premises licence is a matter to which the licensing sub-committee may have regard in the event that any request is made a review of the licence.

Appeal Rights

7. That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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.

Recommendation

8. That the sub-committee made the following recommendation:

We recommend that the designated premises supervisor (DPS) undergo DPS training.

The meeting closed at 11.53am.

CHAIR:

DATED:



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – APRIL 11 2008 AT 10.00AM

LICENSING ACT 2003 – THE FARRIERS ARMS, 214 LOWER ROAD, LONDON, SE8 5DJ

- The Licensing sub-committee having had regard to the application by Southwark Council's Environmental Protection Team for a review of the premises licence granted under the Licensing Act 2003 to Ms Philomena Stewart in respect of the premises known as the Farriers Arms, 214 Lower Road, London, SE8 5DJ, and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the licence as follows:

Licensable Activity	Sun-Thursday	Friday	Saturday
Recorded Music (EF)	11:00 – 23:00	11:00 – 00:00	11:00 – 01:00
Opening Hours	11:00 – 00:00	11:00 – 02:00	11:00 – 02:00
Alcohol Sales	11:00 – 23:30	11:00 – 01:30	11:00 – 01:30
Remove Licensable activities, EE, EH, EI and EK from the licence:			

Conditions

- The sub-committee also modified the condition **9509** to read as follows:

“No recorded music shall be played other than through a sound limiter which is set and maintained at all times as approved by the London Borough of Southwark Noise Team”

Reasons

- The reasons for the decision are, as follows:

The licensing sub-committee heard evidence from the licensing officer, the noise team and the licensee and considered the written representations of one interested party.

The sub-committee were satisfied that the noise team had witnessed 3 breaches of the noise abatement notice served on January 22 2007; the breaches were on May 8 2007, May 19 2007 and October 27 2007.

The sub-committee were also satisfied that the sound limiter had proved ineffective in that the noise team had to reset it on May 26 2007 and August 24 2007. The sub-committee noted the opinion of the noise team to the effect that the premises were not suitably constructed or insulated to contain sound arising from regulated entertainment. The sub-committee further noted that the licensee had not acted on advice to employ an acoustic consultant. In view of the evidence of the noise team that sound had escaped from the premises such as to cause as a noise nuisance, the sub-committee concluded it was necessary and proportionate to modify the licensable activities as stated above and

to modify the condition 9509 relating to the use and maintenance of the sound limiter.

Appeal Rights

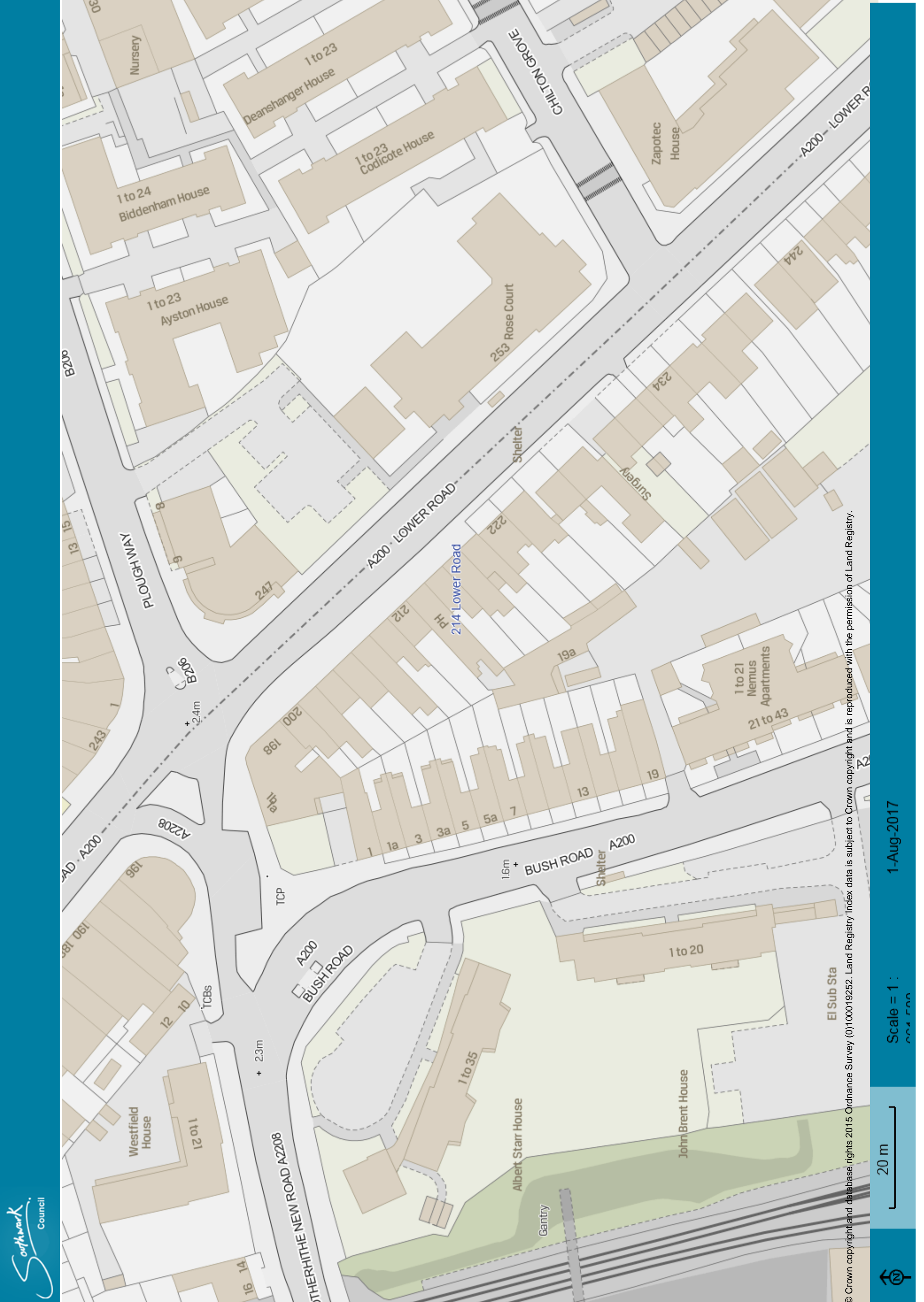
4. This decision is open to appeal by either
- a) The applicant for the review;
 - b) The premises licence holder; or
 - c) Any other person who made relevant representations in relation to the application

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

This decision does not have effect until either

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

Issued by the Constitutional Team
Dated: April 11 2008



© Crown copyright and database rights 2015 Ordnance Survey (0)100019252. Land Registry Index data is subject to Crown copyright and is reproduced with the permission of Land Registry.

Scale = 1 : 2000
 1-Aug-2017



LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2017-18

NOTE: Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

Name	No of copies	Name	No of copies
Members		Officers	
Councillor David Hubber	1	Debra Allday, legal team	1
Councillor Sunny Lambe	1	Wesley McArthur, licensing team	1
Councillor Maria Linforth-Hall	1	Jayne Tear, licensing team	1
Reserve		Sarah Newman, environmental protection tem	1
Councillor Lorraine Lauder MBE	By email	Andrew Weir (spares)	5
		Total printed copies:	12
		Dated: 7 August 2017	