

Licensing Sub-Committee

Monday 4 September 2017
10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

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

Reserves

Councillor Maria Linforth-Hall

INFORMATION FOR MEMBERS OF THE PUBLIC

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 22 August 2017



Licensing Sub-Committee

Monday 4 September 2017
10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: ALPHA OFF LICENCE, 24 PECKHAM RYE, LONDON, SE15 4JR	1 - 53
6.	LICENSING ACT 2003: DELIVEROO, 2-3 MELBOURNE GROVE, EAST DULWICH, LONDON, SE22 8PL	54 - 81
7.	LICENSING ACT 2003: LA BARRA - ARCH 147, UNIT 2, EAGLE YARD, HAPTON STREET, LONDON, SE1 6SP	82 - 155

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

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: 22 August 2017

Item No. 5.	Classification: Open	Date: 4 September 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Alpha Off Licence, 24 Peckham Rye, London, SE15 4JR	
Ward(s) or groups affected:		The Lane	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by this council's Trading Standards service under Section 51 of the Licensing Act 2003 in respect of the premises known as: Alpha Off Licence, 24 Peckham Rye, London, SE15 4JR.
2. Notes:
 - The grounds for the review are stated in paragraph 13 of this report. A copy of the review application is attached as Appendix B.
 - The review application is supported by representations submitted by responsible authorities. Copies of the representations are attached as Appendix C. Details of the representation are provided in paragraphs 15 to 19.
 - A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix A. A map of the area that the premises are located in is attached as Appendix E.
 - A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a new 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 applications 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. 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.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
- The sale of alcohol to be consumed off the premises:

Monday to Sunday	between 06:00 and 23:00
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 - Opening times:

Monday to Sunday	between 06:00 and 23:00
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10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix A.

Designated premises supervisor

11. The current designated premises supervisor (DPS) under the existing premises licence is Sharla Thevarasa.

The review application

12. On 14 June 2017, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Sharla Thevarasa in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG.
13. The review application was submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and / or allegedly taken place at the premises:
 - That illegal workers have been observed working at the premises on two separate occasions – (in breach of the immigration legislation)
 - The sale of beers, lagers and ciders with an alcohol by volume (ABV) above 7% which is a breach of condition 128 of the premises licence issued in respect of the licence
 - The offer and sale of duty evaded super strength beer
 - The failure to have CCTV working at the premises which is a breach of conditions 288 and 289 of the premises licence issued in respect of the licence
 - The failure to display sale price of alcohol
 - Supplying alcohol without the authorisation of Personal Licence holder which is a breach of condition 101 of the premises licence issued in respect of the licence
 - The sale of alcohol to an intoxicated person which is a breach of section 141 of The Act
 - The sale of alcohol to a child which is a breach of section 146 of The Act
 - The offer to supply alcohol that cannot be legally sold under Consumer Protection Unfair Trading Regulations 2008
 - The failure to make available copy of premises licence which is a breach of section 57 of The Act
 - The failure to display the premises licence summary at the premises which is a breach of section 57 of The Act
 - The supply of alcohol when there is no designated premises supervisor in respect of the premises which is a breach of mandatory condition 100 of the premises licence issued in respect of the premises
 - The failure to implement and maintain a challenge 25 policy which is a breach of condition 4AA of the premises licence issued in respect of the licence

- The failure to train staff, and keep records pertaining to such training, in relation to the Challenge 25 policy required at the premises which is a breach of condition 4AB of the premises licence issued in respect of the licence.
 - The trading standards service recommends that the premises licence issued in respect of the premises is revoked.
14. Full details of the grounds for the review are provided within review the application. The review application is attached as Appendix B.

Representations from responsible authorities

15. Children social care for Southwark has submitted a representation in respect of the protection of children from harm. The representation refers to the various incidences of licence breaches and / or offences in respect of age verification, and in relation to the protection of children from harm, that have taken place at the premises. Children Social Care for Southwark supports the recommendation by the trading standards service that the premises licence issued in respect of the premises is revoked.
16. The licensing responsible authority have submitted a representation stating that they have no confidence that the premises licence holder would be willing to enforce the current licence conditions and that any new conditions that members may impose will be similarly ignored in the pursuit of profit. The licensing responsible authority therefore supports the recommendation made by the trading standards service that the premises licence issued in respect of the premises is revoked.
17. The metropolitan police service have submitted a representation acknowledging that the review details a significant number of breaches of the premises licence issued in respect of the premises, a number of offences with regard to the consumer protection act, and possible immigration offences. The metropolitan police service fully supports the review application and the recommendation that the premises licence issued in respect of the premises is revoked.
18. The director of public health has submitted a representation in regards to all four licensing objectives. The representation acknowledges the various licence breaches and offences in the review application and fully supports that the premises licence issued in respect of the premises is reviewed by the licensing sub-committee.
19. Copies of the representations are attached as Appendix C.

Representations from other persons

20. No representations have been received by other persons.

Operating History

21. On 6 August 2006 a premises licence was issued in respect of the premises to Shenelle Elahie. Shenelle Elahie was specified as the DPS on the licence.
22. On 15 June 2009 the licence was transferred to the Puvirasalingham Karalasingham. Shanelle Elahie remained the DPS specified in respect of the premises.
23. On 22 July 2014 a minor variation application was submitted to remove two licence

conditions relating to prior defunct legislation and also to amend condition 128 to state:

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

Previously condition 128 stated:

“No beers / ciders in single cans, bottles or multi-packs with an ABV of above 5.5% will be displayed / sold or offered for sale from the premises.”

24. On 27 March 2016 an application, to have immediate effect, was submitted to transfer the licence to Sharla Thevarasa. An application, to have immediate effect, was also submitted to specify Sharla Thevarasa as the DPS of the premises on 27 March 2016. The applications were granted with immediate effect and the current licence was issued on 27 March 2016.

N.B. The review application indicates that on 15 March 2017 the premises' licensee was Puvirasalingham Karalasingham and that the premises' was DPS was Shenelle Elahie, implies that from 15 March 2017 there has been no licensee or DPS in connection to the premises and that breaches of the premises licence issued in respect of the premises, and / or The Act, may have been caused by this situation. Please note that since 27 March 2016 the licensee and DPS of the premises has been Sharla Thevarasa whom the trading standards service indicate they may have spoken to on the phone on 15 March 2017 and spoke to in person at the premises on 5 April 2017.

25. On 26 April 2017 a licensing officer undertook an inspection of the premises. The premises were found to be operating compliantly.
26. On 1 June 2017 the metropolitan police service visited the premises with Trading Standards officers. As a result of the visit the metropolitan police service served a notification of alleged offences under The Act in respect of the sale of alcohol to an individual under 18 years old (in breach of section 141 of The Act). A copy of the notice is attached as Appendix D.
27. No TEN's have been submitted in regards to the premises.

The local area

28. A map of the local area is attached as appendix E.

Southwark council statement of licensing policy

29. Council assembly approved Southwark's statement of licensing policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy: Which 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: Which 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: Which 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: Which 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: Which provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public safety: Which provides general guidance on the promotion of the second licensing objective
 - Section 10 – The prevention of nuisance: Which provides general guidance on the promotion of the third licensing objective
 - Section 11 – The Protection of Children from Harm: Which 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. Within Southwark’s statement of licensing policy 2016 - 2020, the premises are identified as being within Peckham Major Town Centre Area. The closing time recommended in the statement of licensing policy for off licences, grocers or supermarkets with off sales of alcohol in Peckham Major Town Centre Area is 00:00 hours daily.

Resource implications

32. There is no fee associated with this type of application.

Consultations

33. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

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, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
36. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

37. Under s.52 the licensing authority must hold a hearing to determine the review and any relevant representations.
38. The four licensing objectives are:
- The prevention of crime and disorder
 - The protection of public safety
 - The prevention of nuisance
 - The protection of children from harm.
39. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
40. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
41. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

42. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
43. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
44. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

45. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
 - The holder of the licence
 - The applicant
 - Any person who made relevant representations
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

46. 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.
47. This matter relates to the review of the premises licence under section 51 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

48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.

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

Strategic Director of Finance and Governance

57. The head of regulatory services has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 DCMS 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 Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the premises licence
Appendix B	Copy of the review application
Appendix C	Copies of the representations submitted by responsible authorities
Appendix D	Copy of notification of alleged offences served by the Metropolitan Police Service
Appendix E	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	15 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		16 August 2017

Licensing Act 2003 Premises Licence



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

Premises licence number

858134

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
ALPHA OFF LICENCE 24 Peckham Rye	
Ordnance survey map reference (if applicable): 175881534384	
Post town London	Post code SE15 4JR
Telephone number [REDACTED]	

Where the licence is time limited the dates
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Licensable activities authorised by the licence Sale by retail of alcohol to be consumed off premises

The opening hours of the premises For any non standard timings see Annex 2	
Monday	06:00 - 23:00
Tuesday	06:00 - 23:00
Wednesday	06:00 - 23:00
Thursday	06:00 - 23:00
Friday	06:00 - 23:00
Saturday	06:00 - 23:00
Sunday	06:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies Sale by retail of alcohol to be consumed off premises
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The times the licence authorises the carrying out of licensable activities For any non standard timings see Annex 2 of the full premises licence	
Sale by retail of alcohol to be consumed off premises	
Monday	06:00 - 23:00
Tuesday	06:00 - 23:00
Wednesday	06:00 - 23:00
Thursday	06:00 - 23:00
Friday	06:00 - 23:00
Saturday	06:00 - 23:00
Sunday	06:00 - 23:00

Part 2

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

Sharla Thevarasa
[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

Sharla Thevarasa
[REDACTED]

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

Licence No.: [REDACTED]

Authority: [REDACTED]

Licence Issue date 16/03/2017

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

Annex 1 - Mandatory conditions

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

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

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

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.

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 Liquour Duties Act 1979;

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

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

where-

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

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

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

licence; or

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

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

4AB All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

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

4AI A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

125 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

128 No beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed/sold or offered for sale from the premises unless written permission (email will suffice) is obtained from the police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities.

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

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

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

Annex 4 - Plans - Attached

Licence No. 858134
Plan No. N/A
Plan Date July 2005



(Insert details including name and address of licensing authority and application reference if any (optional))

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Bill Masini (On behalf of Trading Standards)

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Alpha Off Licence 24 Peckham Rye	
Post town London	Post code (if known) SE15 5EG

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Southwark Council – Trading Standards Bill Masini Trading Standards Officer Regulatory Services 3 rd Floor Hub 1 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)**Prevention of Crime and disorder –**

- Illegal worker in shop on two separate occasions
- Offer and sale of beers, lagers and ciders above 7% ABV
- Offer and sale duty evaded super strength beer
- Failure to have CCTV working in accordance with conditions 288 and 289
- Failure to display sale price of “super strength” beers, lagers and ciders –
- Supplying alcohol when no authorisation from a Personal Licence holder – sale by illegal worker
- Sale of alcohol to a drunk
- Sale of alcohol to a child
- Offer to supply alcohol that cannot be legally sold – Consumer Protection from Unfair Trading Regulations 2008
- Failure to make available copy of Premises Licence – s57 Licensing Act
- Failure to display summary of licence
- Supply of alcohol when no Designated Premises Supervisor – contrary to condition 100
- Various breaches of licence conditions around age verification

Prevention of Public Nuisance –

- Sale of alcohol to drunk
- Sale of super strength beers and ciders when a known problem and the reason for restriction already on licence

Protection of children from harm –

- Sale of alcohol to a child
- Failure to adopt Challenge 25
- Failure to train staff and keep records thereof in relation to Challenge 25

Trading Standards enforce various fair trading laws including The Licensing Act 2003 and carries out joint inspection visits with Southwark's Police Licensing/Night time Economy officers. This is for the purpose of ensuring the conditions on the licence as well as the four objectives under The Licensing Act are adhered to. It is also for the purposes of identifying other criminal offences such as illegal immigrants or illegal workers.

On 15 March 2017 Trading Standards carried out a joint visit with the Metropolitan Police to this premise. The shop was open to the general public.

In the shop was a South European lady behind the counter and another man filling the shelves. The man tried to walk out of the shop saying he was a customer but was stopped by the police. Enquiries confirmed him to be an Asylum seeker was therefore not permitted to work. He was identified as [REDACTED]. He was told he could not work and advised to leave. His jacket was behind the counter and when this was checked by the Police, in one pocket were keys to the front including the shop front door.

The licence contains a condition which restricts the strength of beers, lagers and ciders to a maximum of 7% ABV. Condition 128 states: "No beers/ciders in single cans, bottles or multi packs with an ABV of above 7% will be displayed/sold or offered for sale from the premises unless written permission (email will suffice) is obtained from the police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities"

This condition was put on the licence by way of a minor variation soon after [REDACTED] of [REDACTED] became the Premises Licence Holder in 2014. This followed discussions with Southwark Council and The Police because of the anti-social behaviour as a result of widespread street drinking in the vicinity of the property.

On entering the shop, it became immediately clear that it was offering for sale a huge quantity of drinks in breach of this condition namely:

In the fridge running along the wall down from the counter were:

- 13 x 500ml cans of Oranjeboom black – 8.5% ABV

- 24 x 500ml cans of Tennent's Super – 8% ABV
- 39 x 500 ml cans of Kestrel Super – 8% ABV
- 20 x 500ml cans of Skol Super – 8% ABV
- 28 x 500ml cans of K-Cider – 8.4% ABV
- 5 x 500ml cans of Diamond White Cider – 7.5% ABV
- 6 x 500ml cans of White Ace Cider – 7.5% ABV
- 3 x 500ml cans of Black Ace Cider – 7.5% ABV
- 12 x 500ml cans of Black Star Cider – 7.5% ABV
- 13 x 500ml cans of Frosty Jack Cider – 7.5% ABV
- 7 x 500ml cans of Union Black Cider – 7.5% ABV
- 27 x 500ml cans of Karpackie beer – 9% ABV
- 16 x 284ml bottles of Dragon Stout – 7.5% ABV
- 29 x 330ml bottles of Imported Guinness – 7.5% ABV
- 5 x 600ml bottles of Imported Guinness – 7.5% ABV

On a lower shelf by the counter:

- 24 x 500ml cans of Tennent's Super – 8% ABV
- 39 x 500ml cans of Kestrel Super – 8% ABV
- 24 x 500ml cans of Skol Super – 8% ABV
- 42 x 500ml cans of K-Cider – 8.4% ABV

On the floor opposite the fridge were

- 15 x 3 litre bottles of Frosty Jack cider – 7.5% ABV

On another shelf opposite the fridge were:

- 9 x 3 litre bottles of White Ace Cider - 7.5% ABV – price marked £3.99
- 3 x 2 litre bottles of White Ace Cider – 7.5% ABV
- 7 x 1 litre bottles of White Ace Cider – 7.5% ABV

In the public part of the shop were

- 23 boxes of Guinness Extra – 7.5% ABV – each containing 24 bottles – equating to 552 bottles

In a stock area at the back of the shop were:

- 48 x 500ml cans of Karpackie - 9% ABV (2x24 trays)
- 288 x 500ml cans of K-cider – 8.4 % ABV (12x24 trays)
- 168 x 500ml cans of Black Ace cider – 7.5% ABV (7x24 trays)

- 48 x 500ml cans of White Ace Cider 7.5% ABV (2 x 24 trays)
- 336 x 330ml bottles of Guinness Extra 7.5% ABV – 14 boxes of 24
- 196 x 500ml cans of Special Brew – 8% ABV – (8x 24 trays)

In the shop therefore there were 962 containers of beer or cider where the ABV was above 7%. In the stock area there were 1084 containers of beer or cider where the ABV was above 7%.

No training records were available for inspection in breach of condition 4AB – “all involved in the sale of alcohol shall be trained in the age check “Challenge 25” policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council’s authorised officers or the Police”. The lady in the shop was unable to explain what Challenge 25 was.

For a considerable period of time Southwark Council has been concerned about the sale of so called Super Strength beers, lagers and ciders because of the harm they cause to those drinking them (they almost always have serious alcohol addiction problems) and the anti social behaviour and crime that often goes with it. The Government has sought to use price as a way of reducing consumption and therefore these drinks with an ABV of 7% or more attract a proportionately higher duty. A 500ml can of strong beer with an ABV of 8% has a duty of £1.19 and typically is sold by a legitimate cash and carry/ wholesaler to a retailer for around £1.85- £2.00 a can, including VAT. With a reasonable mark up, a legitimate retailer would be expected to sell this drink at around £2.20/2.30. Trading Standards have identified this to be a problem in Southwark and in other parts of London. Retailers often offer these drinks for sale without any price being displayed, (despite this being a legal requirement under Pricing legislation) and then sell either (illegally) below the duty price or below what a legitimate cash and carry would sell it to a retailer for. This strongly suggests retailers in these situations have obtained these drinks from an illegal source where duty has been evaded. These drinks are not the type of product a retailer would commercially use as a “loss leader” to encourage the sale of other goods.

The price of Tennents Super, Kestrel Super, Skol Super and Special Brew were not priced. However, cans of Karpackie were priced in the shop were priced at £1.30. The price ticket was seized and is produced in this review. See photo 1. Since this drink has an Alcohol by Volume strength of 9%, at the time of this visit, the duty

payable on this product was £1.29. It was therefore evident the product could not have been sourced from a legal source; one pence was expected to account for the cost of manufacturing, any wholesale mark up, transportation and of course the retailer's mark up. The 27 cans in the fridge and 48 cans in the stock area were seized because it was not legal for them to be sold and contrary to The Consumer Protection from Unfair Trading Regulations 2008. Karpackie is produced outside the UK and currently the most common super strength drink that has been smuggled into the UK with duty evaded.

No summary of the Premises Licence was displayed, nor was there available a copy of the Licence, these being offences under The Licensing Act. The female working behind the counter said she did not know of a [REDACTED] (Premises Licence Holder) or [REDACTED] (Designated Premises Supervisor). During the visit a man giving his name as [REDACTED] came into the shop staff. He said he ran the shop and had done so for about the last 18 months. Asked about Mr [REDACTED] he said he used to be the old owner and had left when he and his wife took over the business. Some purchase documentation was in the shop which showed the purchaser to be Sharla Thevarasa who he said was his wife. He was asked about the DPS. He rang a telephone number and spoke to the person in his "mother tongue". The other officer then spoke to a lady who said she was currently at a hospital and could not speak. It would appear this person was not [REDACTED] and most probably was Sharla Thevarasa.

When asked, Mr [REDACTED] demonstrated the CCTV worked in accordance with conditions 288 and 289.

Concerned about the source of these super strength drinks, how long the maximum strength condition had been breached and the extent of the breach, the officer served a notice requiring the business to reduce traceable invoices for these drinks back to 1st January 2016.

It is a legal requirement for businesses to produce such invoices for food products, alcohol being classified as food.

Mr [REDACTED] was advised he needed to find the summary of the licence and display it, to find the copy of the licence and read the conditions on the licence. He was also told all beers, lagers and ciders above 7% needed to be removed immediately from the shop.

It was decided a follow up visit would be made later that day and at around 9.45pm a test purchase was carried out at the shop. The super strength beers had been taken out of the public part of the shop but the ciders were still on sale. A sale of Black Ace cider (7.5% ABV) was observed as the officer entered the shop. The officer also purchased a can of Black Ace Cider for 99 pence. There were two men behind the counter. The person who sold to the officer was [REDACTED] the same person who had been in the shop some 8 hours earlier and not permitted to work. When challenged he could not offer any explanation of why he was back working in the shop. The other man gave his name but was unable to substantiate it with any form of identification.

Another notice was served about not selling any beers, lagers or ciders above 7% ABV.

On 5 April Trading Standards visited the shop because no invoices had yet been produced and also to check that all super strength beers, lagers and ciders had now been removed. They had. When questioned, staff working in the shop said they did not know of Ms [REDACTED]. The officer then had telephone conversation with Ms. [REDACTED] whilst in the shop and an hour later she attended the shop. She said she would get the invoices requested as soon as possible. She was unable to supply contact details for Ms [REDACTED] or say whether she still worked in the shop but she was now the Designated Premises Supervisor and Premises Licence Holder. She said she had taken over the business in June 2015 and Mr [REDACTED] hadn't had anything to do with the business since about that time, meaning that on the day of the original visit he was still the Premises Licence Holder. Ms [REDACTED] refused to accept [REDACTED] had worked in the shop or had made a sale of super strength cider to Trading Standards the same day. When it was explained to her that she could face a substantial fine from the Immigration Service, she appeared to find it amusing.

Trading Standards made another visit to the shop on 12 April. Invoices still had not been produced and Trading Standards took the decision to avoid any potential argument with Ms [REDACTED] in relation to the worker on 15th March by requiring the Premises Licence Holder to produce CCTV footage for that day in accordance with the requirement in condition 289 ("that all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the Police and the Council" for both visits that day. A notice was left at the shop requiring this.

The officer entered the shop at around 9.45pm and spoke to the same man working

there from the previous week. He said he was unable to work the CCTV and put the officer on the telephone to Mr [REDACTED]. During that conversation it became clear 4 street drinkers had entered the shop. They were highly intoxicated, aggressive, shouting and using offensive language in front of other customers that included a child around the age of 10. The officer stopped his conversation with Mr [REDACTED] and held the telephone so that Mr [REDACTED] could hear everything that was going on in the shop. The officer then terminated the call explaining he would continue the conversation when the incident was over. The officer gestured to the man behind the counter that he should refuse the sale of alcohol to the man at the front of the queue. He looked at the officer but continued and completed the sale of Country Choice cider (5% ABV). The customer had been complaining there was not any K cider [8.4% ABV] for sale. In the absence of the strong beers and ciders, the drink of choice appeared to be this cider because it was very cheap (89 pence for a 500ml can) and still reasonably strong. The officer spoke to the seller once the man had left and it was clear he made the sale to avoid a personal confrontation and for his own safety. The remainder of the group stayed in the shop and another heavily intoxicated man on crutches then came into the shop, having left his electric disabled sit on scooter outside. He was a known street drinker who regularly frequents Peckham Square. Like the other man he picked up a can of "country choice" cider. The same man behind the counter then refused the sale. The drunk was verbally aggressive to the worker and then turned his attention to the Officer where he made various threats and insults. He was considered harmless for various reasons but this behaviour was unpleasant for customers and clearly something they did not want to experience. One lady, when spoken to, said she was aware of something was not right when she was about to come into the shop and so left her son outside with his father.

The officer spoke to Mr [REDACTED] again and explained what had happened. The officer said he wanted CCTV footage for the incident that had just happened plus that on 15 March to be put onto a disc or memory stick. Asked when he would be able to do this, he said he was currently in [REDACTED] but would do this in the next couple of days. He said he would also be able to get the invoices that had been previously requested. He agreed to bring these into the Council Offices the following Tuesday – being a couple of days before the Easter weekend. There were many cameras in the shop and so the officer then checked which ones he wanted the footage from. He expressed his concerns to the man working behind the counter that despite this not one camera was aimed at the counter and this left staff vulnerable if there was something like a robbery or a violent attack. This turned out to be a memorable

conversation. A notice was left at the shop requiring this.

On Tuesday 18th April Mr [REDACTED] sent the officer a text saying, "Good morning I will be there at 2pm. I done ur CCTV on my drive but big problem on that day". Mr [REDACTED] did not supply the invoices or CCTV that day but the following day left with the Tooley Street delivery office, a large bundle of invoices relating to all aspects of business; not just invoices for the drinks the officer had requested. No CCTV was supplied. Trading Standards spoke to Mr [REDACTED] on the telephone later that morning who said he had had a robbery in the small hours of Sunday morning (Easter Day) and nearly £11,000 cash was stolen was spoken. The premises licence permits opening hours (the same as for the sale of alcohol) between the hours of 06:00 and 23:00 hours.

He said the CCTV had also been stolen.

Trading Standards made a visit to the premise later that day (19th April). It was clear that some CCTV cameras had been removed together with one ceiling panel had been removed. There was no apparent damage to the property. No one working in the shop referred to any robbery but the officer spoke to Mr [REDACTED] on the telephone. The officer was puzzled. He asked how the people/person had got into the shop since there was no rear exit; the only way into and out of the shop is via the front door and whenever the shop is closed, a substantial electrically operated metal shutter protects the shop. He was unable to give any coherent answer. The officer said he had come for the CCTV footage and Mr [REDACTED] said it was stolen together with the money because the robbers had taken the CCTV hard drive which had been in the ceiling. When challenged that he had told Trading Standards by way of text the previous day that he had "done ur CCTV on my drive" he said that footage had been in the bag with the cash that had been stolen and so did not have it. The officer expressed his profound doubts of this explanation for not being able to supply CCTV footage. Mr [REDACTED] said the CCTV was obviously not working at that time and the officer reminded him that the CCTV needed to comply with the conditions on the Premises Licence before alcohol could be sold again; this was clearly ignored whilst the officer was in the shop.

On 26 April Trading Standards and the Police, whilst out on visits in Southwark, visited this premise to see what the situation was with regard to CCTV. New equipment appeared to have been installed. Working in the shop was the same south east European lady who had been present on 15 March together with another older Asian male. They both said they were unable to operate the CCTV. They were

advised of the conditions on the Premises Licence. Officers left but were contacted less than 20 minutes later by an officer from the Robbery Squad who had been investigating the alleged robbery. He was there to deal with the issue of the CCTV which was clearly relevant to any enquiries being made about the reported crime. He explained that when he entered the shop in plain clothes, the staff (a lady and a man) were running through the CCTV and discussing the visit that had just taken place. Trading Standards conclude those in the shop, for reasons that were not clear, deliberately refused to show officers CCTV footage in breach of condition 289 and Trading Standards express their concerns that it may have been because such footage may have shown for example, illegal working, the sale of alcohol to drunk people and/or disturbances in the shop such as that witnessed by Trading Standards on 12 April.

The documentation supplied was examined in relation to the purchase of beers, lagers and ciders above 7% ABV since June 2016. A spread sheet was created and is attached with this review application. It shows a huge quantity of such drinks were purchased by Ms [REDACTED]. Between June 2016 and end February the equivalent of 21,300 500ml cans of such drinks were purchased. This equates to 10,650 litres. Taking each can to typically contain 4 units of alcohol this equates to around 82,000 units of alcohol.

Two examples of note are the purchase of 3720 cans of K-cider and 336 4.5 litre bottles of Frost Jack cider (equivalent of 3024 500ml cans). The super strength beers/cider part of the business is clearly significant and invoices examined recommended healthy price mark ups of between 30 and 40%.

Of note is there was just one isolated purchase of 120 cans of Karpackie beer (9% ABV) on 1st December 2016 in this time. This quantity is completely at odds with the quantities of other similar drinks and reinforces Trading Standards' belief that an unknown illegal quantity of this drink had been purchased from an unauthorised source. The price paid on the invoice was £1.80 per can whereas it was being retailed for only £1.30; one pence above duty. The 75 cans in the shop on 15 March were seized which appears to indicate a mere 45 cans of the strongest beer (4.5 units per can) available in the shop at only £1.30 a can were sold over a nine month period. Trading Standards do not accept this to be the correct position in respect of this drink.

Dealing with the situation of the named Designated Premises Supervisor, as stated

earlier, on 15 March the Officer tried to speak to [REDACTED] whilst at the shop and that staff in the shop did not know of her. On 5 April Ms [REDACTED] was not able to produce details for her and Trading Standards wrote to Ms [REDACTED] at the address Southwark had for her requesting an interview. There was no response. On 20 May Trading Standards made a visit to that address in [REDACTED] and the person answering the door said he did not know of her and he and his family had rented and lived at that address for over 3 years. Enquiries of [REDACTED] Council where she had a Personal Licence indicated she had not notified them of any change of address. The telephone number they had for her was that of Alpha Off Licence in Peckham. Trading Standards have therefore been unable to contact the DPS named on the licence on 15 March and concluded that there had been no DPS for the premise for an unknown period of time but during such time alcohol has been sold; contrary to condition 100 and section 136 of the Licensing Act.

Trading Standards also concluded that on 15 March the Premises Licence Holder had not had any dealings with this premise for many months.

On 1st June Trading Standards, with the assistance of the Police, carried out underage test purchasing of alcohol and cigarettes throughout the Borough using a girl and a boy under the age of 18. Both were instructed in accordance with the relevant code of practice which included being truthful. The boy had just turned 17 and was instructed to attempt a purchase of alcohol at this shop at about 1.30pm. He was dressed so in a manner to reflect his age. The boy picked up a bottle of beer and took it to the counter where a man behind the counter sold it to him without being asked any questions about his age. The sale was observed by an officer who was acting as a customer in the shop. Under The Licensing Act it is an offence to sell alcohol to a minor. To help prevent such sales, the Premises Licence has a number of conditions. Condition 4AA requires the premises to adopt an age check "Challenge 25" policy whereby customers purchasing alcohol who look or appear to be under 25 years of age to be asked for an approved form of proof of age to verify their age. This condition was breached.

Trading Standards say this premise submitted a minor variation in 2014 to add a condition on the premises licence stopping the sale of super strength beers, lagers and ciders simply to appease the Police and Southwark Council's concerns about anti social behaviour and to prevent any responsible authority from submitting a Review of the Premises Licence to address this problem. However no notice was taken and the business continued to sell vast quantities of these products and very

low prices.

There has been a scant regard to the licensing objectives and Trading Standards do not feel the addition of further conditions will address the issues that have arisen; the conditions were already on the licence. Nor do Trading Standards believe a period of suspension will solve the underlying problems and therefore recommends the licence to be revoked.

Please tick yesHave you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

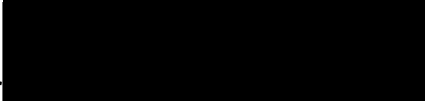
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 13 July 2017

Capacity Trading Standards Officer acting on behalf of Southwark Council

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

EVIDENCE POLICE EVIDENCE POLICE EVIDENCE POLICE EVIDENCE

Name (Block Letters)

KARPAKIE
EACH
1-30

EVIDENCE POLICE

EVIDENCE POLICE

60

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases over 7% ABV - June 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cider 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cider 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Tennents Super 500ml	Dragon Stout 284ml	Nigerian Guinness 325ml
2																			
3		144	12	6	16														
4	3.6					48		48	48	8									
5	9.6	48	12	12															
6	10.6									16		48		120	120	120	120		24
7	13.6																	24	
8	15.6																		72
9	16.6							96											
10	17.6																	48	
11	18.6		24		8	96	120			8	48								
12	21.6		12	12															
13	22.6																		24
14	24.6																	48	
15	25.6							96			48								
16	28.6																		24
17	29.6	48	12	12	12	72													
18	30.6																		48
19																			
20	Total	240	72	42	36	168	120	240	48	32	96	48	0	120	120	120	120	120	192

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases over 7% ABV - July 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cider 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml	
2																					
3	2.7					72	240	96	24	44								24	48		
4	6.7		12	12	12																
5	13.7	48	24	12	12																
6	15.7																	24			
7	16.7							72		12		48						72	96		12
8	21.7	48	24	12	4													24			
9	23.7							72	48												
10	27.7	48	24	6	12													24	72		
11	29.7							96	24												
12	31.7	48				48															
13																					
14	Total	192	84	42	40	120	240	336	96	56		48	0					216	264		12

Alpha Off Licence 24 Peckham Rye -Beer/cider purchases over 7% ABV - August 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigeria n Guinness s 600ml
2																				
3	5.8	72		12	8	72	120													
4	11.8	72	12	12	8	72			12											
5	17.8	72	24	2		72				16										
6	19.8						360													
7	22.8										96							288		
8	23.8	72	24	6	4	72														
9	27.8	72	12																	
10																				
11	Total	360	72	42	20	288	480		28	28	96		0.0					288		

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases over 7% ABV - September 2016

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
2																			
3	72	12	12	12	48	120													
4		24	18	12															
5	16.9					240													
6	29.9	96	24	12	8	96			8								72		
7																			
8	Total	168	60	42	32	144	360		8			0					72		

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases over 7% - October 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml	
2																					
3	1.10									48 cans											
4	2.10						192														
5	5.10											24									
6	7.10									4											
7	8.10																	120			
8	9.10	24	24	18	8	72	48														
9	12.10																				
10	15.10									8	96							48			
11	16.10							96													
12	19.10											48									
13	20.10	72	24	12	12					8											12
14	22.10											24									
15	24.10																				
16	28.10						168		48					288	288	240	120	24			
17	29.10	144	12		12					4											
18																					
19	Total	240	60	30	32	72	672	96	48	24	96	96	0	288	288	240	120	240			24

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases - November 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	Black Star K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Unjon Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
2																				
3	2.11									4										
4	3.11									16		48								
5	4.11			12	24		48													
6	5.11						96													
7	11.11	48	24	18	16		48													12
8	12.11						672			40										
9	18.11	72	24	12	20															
10	27.11		12	18	16							240								
11																				
12	Total	120	60	60	76		864			60		288						312		12

Alpha Off Licence 24 Peckham Rye purchases - Beer/cider over 7% ABV - December 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten, Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml	
2																					
3	1.12												120*	360	360	216	216				
4	7.12	72	24	18	12					8											12
5	9.12						24														
6	11.12						480														
7	12.12																				
8	16.12	72	24	12	20																
9	24.12	72	12	6	16	96				20											
10	30.12										120										
11	31.12	96		6	8	96				8											24
12																					
13	Total	312	60	42	56	192	504			36	120		120	360	360	216	216	72			12
14													price paid - £36+VAT =£43.20 /24 = £1.80 per can								

Alpha Off Licence 24 Peckham Rye purchases - Beer/cider over 7%ABV - January 2017

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpaackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
1																				
2																				
3	7.1		12	12	12					60								48		
4	13.1																	24		
5	16.1							48									72			
6	20.1							48			48									
7	23.1																			
8	27.1																		72	
9	30.1	72	24	12	16													72		
10																				
11	TOTAL	72	48	24	28			96			48		0				72	144	72	

Alpha Off Licence 24 Peckham Rye purchases - Beer/cider over 7% ABV - February 2017

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	Date	Black Ace cider 500ml	White Ace cider 11 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Stol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
2																			
3	2.2						72										48		
4	6.2	72	24	8					8										
5	10.2								24										
6	13.2	48			48														
7	17.2	48			48														
8	20.2																		
9	24.2					240													
10	25.2					240	48			48	120								
11																			
12	Total	168			96	480	120		32	48	120	0					120		

From: Simcock, Eva
Sent: Tuesday, August 08, 2017 10:47 AM
To: Regen, Licensing
Subject: Alpha Off Licence

Dear Regen
Please see attached
Thanks
Eva

Eva Simcock
LADO/Quality Assurance Manager
2nd Floor
Sumner House
Sumner Road
London
SE15 5QS

02075250689

For the attention of the Licensing Committee:

Re: Alpha off Licence, 24 Peckham Rye, London, SE15 5EG

On behalf of Children Social Care for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

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

- the protection of children from harm

General Comments

This representation is in support of the application by Bill Masini on behalf of Trading Standards who visited the premises on a number of occasions this year.

- On 15th March Trading Standards visited and asked the female member of staff to explain what Challenge 25 was, she was not able to say what it was.
- Also on 15th March the shop was noted to be selling Super Strengthen beers, lagers and ciders which I understand are regularly consumed by people who have alcohol addiction problems and the links this has to anti social behaviour and crime. If the staff do not know or apply Challenge 25 then I think it reasonable to think that young people could purchase these types of drinks from this off licence.
- On 5th April when Trading Standards made a further visit it was noted there were 4 male customers who appeared to have consumed significant amounts of alcohol. They were acting in an aggressive way and using offensive language which was in the presents of other customers including a 10 year old child. Whilst the officer advised

the staff member not to serve the men the staff member proceeded to sell cider to one of the 4. Another customer informed the officer that due to what was going on inside the shop she decide to protect her son from observing this behaviour i.e. the verbal aggression by the male customers to leave her son outside with his father.

- On 1st June Trading Standards and the Police carried out an underage test purchasing of alcohol and cigarette. A bottle beer was sold to a 17 year old, there was no request for him to verify his age.
- Given the concerns raised in points one and four it would be reasonable to believe that staff have had either no training on Challenge 25 or are not committed to the protection of children from harm.

Recommendations

- I would therefore support the recommendation by Bill Masini to revoke the licence.

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

Yours faithfully,

Eva Simcock
LADO/Quality Assurance Manager
2nd Floor
Sumner House
Sumner Road
London
SE15 5QS

02075250689

Eva.Simcock@southwark.gov.uk

Eva.Simcock@southwark.gov.uk.cjism.net

4th August 2017

From: Franklin, David
Sent: Wednesday, August 09, 2017 12:04 PM
To: Regen, Licensing
Cc: McArthur, Wesley; Tear, Jayne
Subject: Alpha Off Licence 24 Peckham Rye SE15 4JR.docx

MEMO: Licensing Unit

To	Licensing	Date	09 August 2017
			May 2017

Copies

From	David Franklin	Telephone	020 7525 5800
Email	david.franklin@southwark.gov.uk		

Subject ALPHA OFF LICENCE 24 Peckham Rye SE15 4JR

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Alpha Off Licence 24 Peckham Rye SE15 4JR.

My representation is based on the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

The application details a number of offences including the breach of conditions including **128** – “No beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed/sold or offered for sale from the premises. Unless written permission(email will suffice) is obtained from the police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities.”

This condition is frequently used at premises where off licences are in areas where street drinkers cause public nuisance and disorder problems in the area. The condition is designed to prevent the sale of high strength alcohol to street drinkers with a clause that specialist high strength beers that may be in demand from responsible local customers can still be sold with permission for the Police, this typically includes Guinness foreign stout or specialist Belgian beers.

I am surprised to find that the premises has been selling high strength beers and ciders in very high quantities, 21,300 x 500ml cans in an 8 month period. Additionally officers witnessed street drinkers under the influence of alcohol purchased high strength cider.

The costs of the alcohol is also concerning, high strength beers are being sold at 1p above the duty + VAT element of the cost price, clearly the proprietor of a small business can ill afford to make a loss on these beer, therefore it raises the question how can the proprietor purchase beer at £1.85/£2.00 and sell it for £1.30?

The finding of non-duty paid alcohol illegally on sale at the premises may explain how this may happen, taking off the £1.29 duty and VAT cost would reduce the cost to the premises licence holder to a few pence per can, £0.51 to £0.66.

I am also concerned that their shop staff are illegally employed as they who no right to work in the UK, and that these staff willingly sell alcohol to street drinkers, drunk persons and to under age children without any challenge, despite conditions for a Challenge 25 policy on the licence and a requirement to record staff training in this policy.

While normally a first review could be to place suitable conditions on a premises licence to address the failings and suspend the licence to give an opportunity for the premises licence holders to adopt new practices to promote the licensing objectives, however it seems that this premises licence already has the appropriate conditions for Challenge 25 and the restriction on high strength beers/ciders and the problem is that the proprietors are choosing to ignore the terms and conditions on their licence as they can make vast amounts of money by ignoring the conditions on their premises licence and make large saving by employing illegal workers.

I have no confidence that the premises licence holder would be willing to enforce the current licence conditions and that any new conditions that members may impose will be similarly ignored in the pursuit of profit.

I therefore support the Trading Standards review and their request for revocation of the premises licence as the reasonable, appropriate and proportionate action to take to promote the licensing objectives.

David Franklin
Licensing Authority as a Responsible Authority

From: Ian.Clements@met.pnn.police.uk [mailto:Ian.Clements@met.pnn.police.uk]

Sent: Thursday, August 10, 2017 3:49 PM

To: Regen, Licensing

Subject: Alpha Off Licence

Please see attached letter of support for the review of the above premises

Kind Regards

Ian Clements PC 362 MD
Police Licensing Officer
Southwark Police Station



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: **MD/21/3001/17**

Date: **10th August 2017**

Re:- Alpha Off Licence 24 Peckham Rye SE15 4JR

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

The review application details a significant number of Breaches of the premises licence and a number of offences with regard to the consumer protection act and possible immigration offences.

When granting an individual or a company a Premises licence, the licensing committee must have trust in that individual or company that they will run the premise well and comply with the operating schedule as agreed when applied for.

The conditions are there for the promotion of the licencing objectives, in particular for me are the conditions relating to the prevention of crime and disorder. Not only do we have a premises allegedly operating in contravention of these conditions, but it alleged that the premises themselves are actually committing acts of criminality.

Police fully support the application by Trading Standards for the review of the premises licence and the recommendation that the licence is revoked.

Yours Sincerely

PC Ian Clements 362 MD
 Southwark Police Licensing Unit
 Tel: 0207 232 6756

From: Sharpe, Carolyn On Behalf Of Public Health Licensing
Sent: Friday, August 11, 2017 10:39 AM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: 24 Peckham Rye,

To whom it may concern:

Re: 24 Peckham Rye, London, SE15 4JR

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

The prevention of crime and disorder
Prevention of public nuisance
Public safety
Protection of children from harm

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to express my concerns over the alleged issues with the management of the above premises.

These include;

- An illegal worker in the shop
- Offer and sale of beers, lagers and ciders above 7% ABV and offer and sale duty evaded super strength beer
- Sale of alcohol to a drunk
- Sale of alcohol to a child and failure to adopt the Challenge 25 policy
- Offer to supply alcohol that cannot be legally sold under Consumer Protection Unfair Trading Regulations 2008

Public health fully supports this licence is reviewed by the Licensing Sub-Committee.

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

Yours faithfully,

Carolyn Sharpe

on behalf of Professor Kevin Fenton, Director of Health and Wellbeing
(incorporating the role of Director of Public Health)
Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 020 7525 0025
Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160
Tooley Street, London SE1 2QH

Appendix D - copy of a notification of alleged offences served by the Metropolitan Police Service


**METROPOLITAN
POLICE**

Book 694

Licensing Authority Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: ALPIA OFF LICENCE REF: (CAD/CRIS etc.) _____
 Address: 24 PECKHAM RYE LONDON SE15 4JR
 Date: 010617 Time: 14:11
 Details of person in charge at the relevant time: PONNUTHURAI
CHANDRANATHAN DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

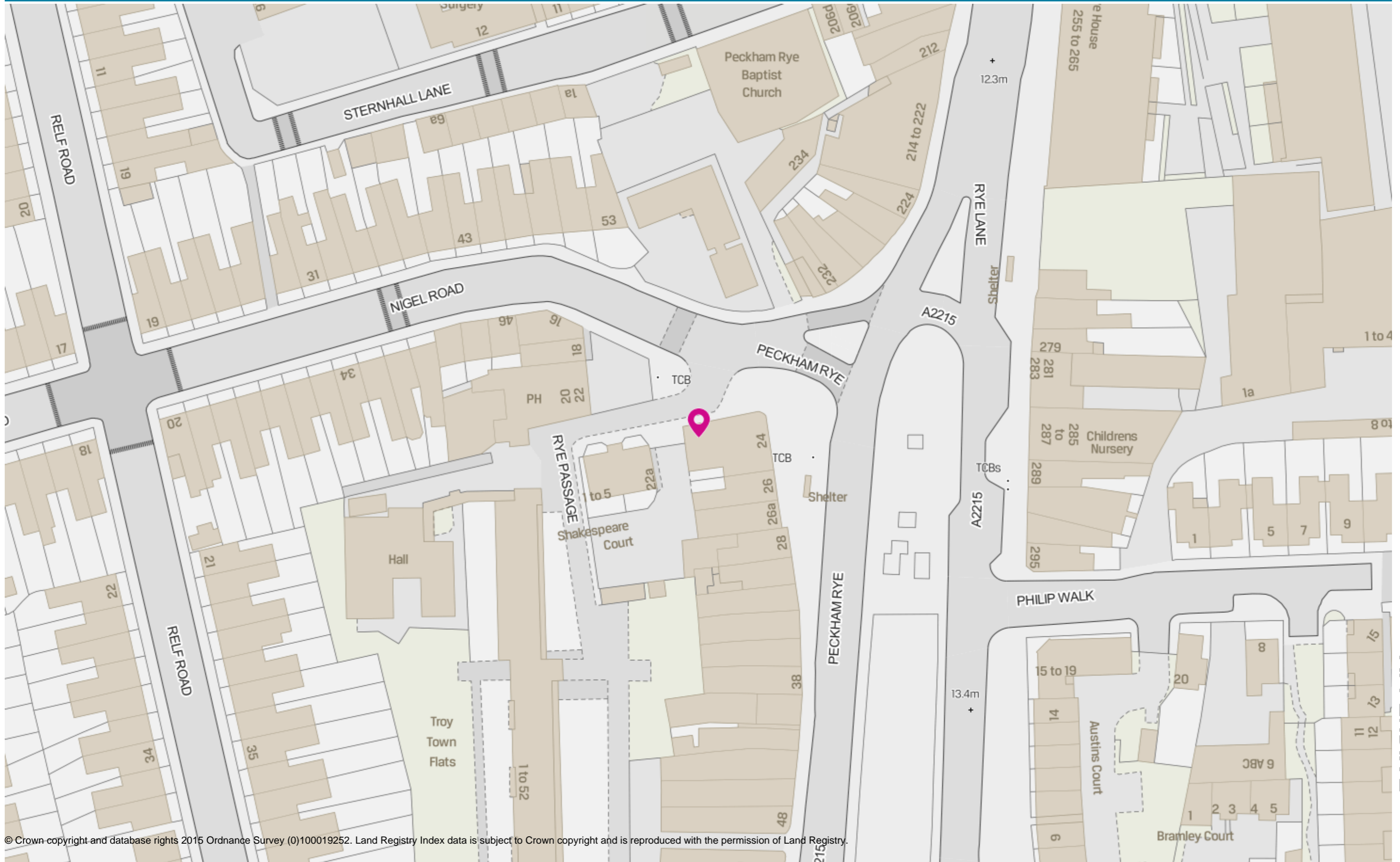
Details of alleged offence(s) including relevant Cad and Crime report details:

SALE OF ALCOHOL BY STAFF TO PERSON UNDER
THE AGE OF 18.

 Issuing officer: PC O'MANNEY 3211ND Print: O'MANNEY 3211ND

 I acknowledge receipt of this form: (venue) [REDACTED]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



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Scale = 1 : 2000

15-Aug-2017

Item No. 6.	Classification: Open	Date: 4 September 2017	Meeting Name: Licensing Sub-Committee
Report Title		Deliveroo, 2-3 Melbourne Grove, East Dulwich, London, SE22 8PL	
Ward(s) of group(s) affected		East Dulwich	
From		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application made by Roofoods Limited trading as Deliveroo for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as Deliveroo, 2-3 Melbourne Grove, East Dulwich, London, SE22 8PL.
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 16 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report in appendices B. A map showing the location of the premises is attached to this report as Appendix C.
 - 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 28 April 2017 Roofoods Limited trading as Deliveroo applied to this council for the grant of a premises licence in respect of Deliveroo, 2-3 Melbourne Grove, East Dulwich, London, SE22 8PL.

9. The application and is summarised as follows:

- **The sale of alcohol for consumption off the premises**

Monday to Sunday 12:00 to 23:00

- **Proposed opening hours of the premises**

Monday to Sunday 12:00 to 23:30

N.B. The premises are to be used for the delivery of alcoholic drinks only. The premises are not open to members of the public at any time.

The premises are described as 5 semi permanent delivery only litchen installations in a fenced in area and shall not be open to members of the public.

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 Harry Tyndall.

Representations from responsible authorities

12. No responsible authorities submitted representations in regards to the application.

Representations from other persons

13. Four representations have been submitted by other persons, those other persons being a local ward councillor and three local residents.
14. The ward councillor's representation objects to the application and states that the ward councillor has received complaints about Deliveroo employees working in the East Dulwich area. The councillor has been informed that the operation of the business in the local area causes regular noise disturbance and is related to other forms of anti-social behaviour. The councillor is concerned that a business which has not addressed existing operational problems should be granted a licence to sell alcohol.
15. The representations submitted by the local residents relate to alleged existing problems facilitated by employees of the business including: anti-social behaviour, public urination, drug taking in public, dangerous driving, obstructing pedestrians / blocking local pavements, loud voices, swearing at local residents and intimidating local residents. The residents claim that despite bringing these issues to the attention of the applicant company the alleged problems have never been resolved and therefore the residents do not feel that the applicant is fit to sell or deliver alcohol
16. The representations are attached to this report as Appendix B.

Conciliation

17. The applicant was sent the representations that had been submitted and was advised to contact directly the local ward councillor should the applicant wish to discuss the councillor's representation. The applicant has been invited to respond to the local resident's representations. 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 representations.

Premises history

18. No licensing authorisation has been issued in respect of the premises under the Licensing Act 2003 or any previous legislation.
19. No Temporary Event Notices have been submitted in regards to the premises.
20. On 28 April 2017 Roofoods Limited trading as Deliveroo applied to this council for the grant of a premises licence in respect of Deliveroo, 2-3 Melbourne Grove, East Dulwich, London, SE22 8PL.

Map

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

- **The Cherry Tree, 31-33 Grove Vale, SE22 8EQ** licensed for:

Live music, recorded music, entertainment similar to live or recorded music & performances of dance

Monday to Wednesday: 10:00 - 23:00
 Thursday: 10:00 - 00:30 the following day
 Friday and Saturday: 10:00 - 01:00 the following day
 Sunday: 10:00 - 00:30 the following day

The sale of alcohol to be consumed on or off the premises

Monday to Saturday: 10:00 - 00:00 (midnight)
 Sunday: 12:00 - 23:30

Late night refreshment

Thursday: 23:00 - 00:30 the following day
 Friday and Saturday: 23:00 - 01:00 the following day

- **Maxin Chicken 36 Grove Vale, SE22 8DY** licensed for:

Late night refreshment

Sunday to Thursday: 23:00 - 00:00
 Friday and Saturday: 23:00 - 02:00 the following day

- **Rice & Peas Caribbean Takeaway, 44 Grove Vale, SE22 8DY** licensed for:

Late night refreshment

Monday to Sunday: 23:00 - 01:00 the following day

Southwark council statement of licensing policy

22. Council Assembly approved Southwark's Statement of Licensing Policy 2016 - 2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and Scope of the Policy – Which 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 - Which 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 – Which 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 – Which 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 – Which provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public Safety – Which provides general guidance on the promotion of the second licensing objective
 - Section 10 – The Prevention of Nuisance – Which provides general guidance on the promotion of the third licensing objective
 - Section 11 – The Protection of Children from Harm – Which provides general guidance on the promotion of the fourth licensing objective.
23. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
24. The premises are located in a residential area. Closing times suggested in the statement of licensing policy for off licences located in residential areas are:

23:00 hours daily

Resource implications

25. A fee of £315.00 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.

Consultations

26. 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

27. 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 & Democracy

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

Principles for making the determination

30. 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.
31. 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
32. 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

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

35. 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.
36. 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.
37. 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

38. 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

39. 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.
40. 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

41. 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.
42. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
43. As a quasi-judicial body the licensing sub-committee is required to consider the 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.
44. 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.
45. 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.

46. 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.
47. 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

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

BACKGROUND DOCUMENTS

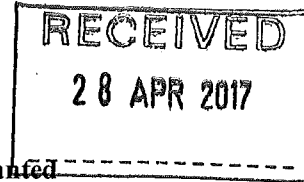
Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark statement of licensing Policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the application
Appendix B	Copies of representations submitted by other persons
Appendix C	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	16 August 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		17 August 2017



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Roofoods Limited t/a Deliveroo

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 2/3 Melbourne Grove East Dulwich			
Post town	London	Postcode	SE22 8PL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£47000

Part 2 - Applicant details

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

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

(B) OTHER APPLICANTS

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

Name Roofoods Limited t/a Deliveroo

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

DD		MM		YYYY			

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

The premises consists of 5 semi-permanent delivery only kitchen installations as well as a n existing permanent rider shelter, site managers office and dedicated toilet block. The premises is not open to the public and a dedicated site manager is on duty during trading hours. The premises are housed in a fenced area within the car park with locked access gates and full CCTV coverage. Orders will be available via the Deliveroo online app between 12 noon and 11pm daily.

If 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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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



In all cases complete boxes K, L and M

A

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption</u> – <u>please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	12:00	23:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) n/a		
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00		<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
				n/a	
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

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

Name Harry Tyndall

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	<p>***PLEASE NOTE THAT THE PREMISES IS NOT OPEN TO THE PUBLIC AT ANY TIME – THESE ARE OPERATING HOURS ONLY***</p> <p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Mon	12:00	23:00	
Tue	12:00	23:00	
Wed	12:00	23:00	
Thur	12:00	23:00	
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun	12:00	23:00	

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

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

Consideration of the Southwark Licensing Policy and pre-consultation with police licensing has been carried out to ensure the promotion of the four licensing objectives.

b) The prevention of crime and disorder

- A 4 camera CCTV system is in place covering all areas of the site. The CCTV system shall continuously record whilst the premises is open for licensable activities. All recordings will be stored for a minimum of 31 days and can be accessed and downloaded, when requested by the police or other authorised officer.
- An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will any refusal of the sale of alcohol. This will be completed by the relevant staff member by the end of their shift and reviewed by the DPS periodically.
- All orders from the kitchens on site are to be placed via the Deliveroo website/app.

c) Public safety

- No members of the public will be allowed on the Premises.
- No alcohol will be supplied to the public at the Premises.
- No deliveries are to be made to an open space.
- Delivery riders must be instructed to abort delivery where that sale is believed to be a “street sale”. All such instances will be recorded in the refusals/incidents log.

d) The prevention of public nuisance

- The premises will be maintained in a safe manner at all times.
- All refuse will be disposed of in an appropriate manner.

e) The protection of children from harm

- Delivery riders will undergo training in Age Verification and Prevention of Underage Sales, this training will be properly recorded and will be kept on file for inspection.
- Customers will be reminded they will need to provide acceptable ID, such as a Driving Licence, Passport or PASS Card, when placing orders containing alcohol online.
- The premises will operate a “No ID, No Sale” policy at all times.
- The company website(s) will request confirmation of age on orders containing alcohol.
- No cash sales are to be made upon deliveries of alcohol.
- An approved proof of age scheme shall be adopted, implemented and advertised on all websites and materials associated with the Premises such as “Challenge 25”.

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

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

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

Consideration of the Southwark Licensing Policy and pre-consultation with police licensing has been carried out to ensure the promotion of the four licensing objectives.

b) The prevention of crime and disorder

- A 4 camera CCTV system is in place covering all areas of the site. The CCTV system shall continuously record whilst the premises is open for licensable activities. All recordings will be stored for a minimum of 31 days and can be accessed and downloaded, when requested by the police or other authorised officer.
- An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will any refusal of the sale of alcohol. This will be completed by the relevant staff member by the end of their shift and reviewed by the DPS periodically.
- All orders from the kitchens on site are to be placed via the Deliveroo website/app.

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- No members of the public will be allowed on the Premises.
- No alcohol will be supplied to the public at the Premises.
- No deliveries are to be made to an open space.
- Delivery riders must be instructed to abort delivery where that sale is believed to be a “street sale”. All such instances will be recorded in the refusals/incidents log.

d) The prevention of public nuisance

- The premises will be maintained in a safe manner at all times.
- All refuse will be disposed of in an appropriate manner.

e) The protection of children from harm

- Delivery riders will undergo training in Age Verification and Prevention of Underage Sales, this training will be properly recorded and will be kept on file for inspection.
- Customers will be reminded they will need to provide acceptable ID, such as a Driving Licence, Passport or PASS Card, when placing orders containing alcohol online.
- The premises will operate a “No ID, No Sale” policy at all times.
- The company website(s) will request confirmation of age on orders containing alcohol.
- No cash sales are to be made upon deliveries of alcohol.
- An approved proof of age scheme shall be adopted, implemented and advertised on all websites and materials associated with the Premises such as “Challenge 25”.

Checklist:

Please tick to indicate agreement

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

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Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	Claire Danson
Date	28/04/2017
Capacity	Authorised agent

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

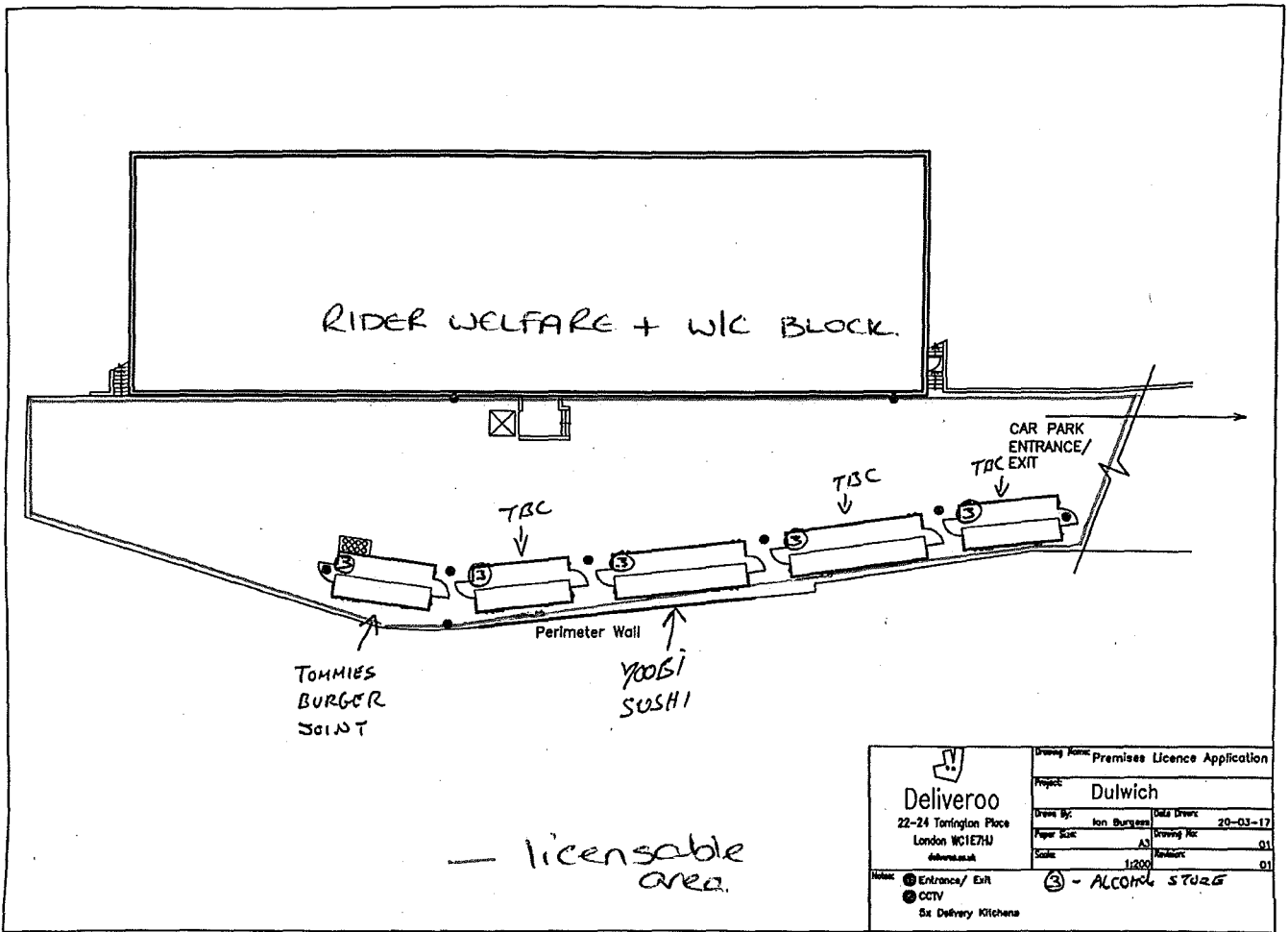
Signature	
Date	
Capacity	

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

Claire Danson

Notes for Guidance

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



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

From: Rosie.Shimell@southwark.gov.uk

Sent: Thursday, June 22, 2017 7:55 PM

To: Regen, Licensing

Cc: Barber, James

Subject: Deliveroo License Application. No. 858578

Good evening,

I would like to lodge my objection to this license application, as one of the local ward councillors.

I am extremely concerned by complaints I have received recently from local residents, about the conduct of some Deliveroo employees working in the East Dulwich area and the failure of Deliveroo to engage constructively with complaints or seek to address them when they have been lodged.

As I have heard, the operation of their business in our local area currently, is already causing regular noise disturbance and other forms of anti-social behaviour. I would be very concerned to see a business which has yet to address these existing issues, being granted an alcohol license.

Best wishes,

Rosie

Sent from my iPad

Party 1

From: [REDACTED]
Sent: Thursday, June 22, 2017 9:40 PM
To: Regen, Licensing
Subject: Objection to a licensing application

Roofoods Ltd, trading as Deliveroo, at 2-4 Melbourne Grove, SE22 8PL has made an application for a premises license for the sale of alcohol off the premises and for the opening hours of Monday to Sunday 12:00 – 23:00.

I am a resident in East Dulwich and object to the application on the following grounds:

- I have serious concerns that Deliveroo does not take responsibility for the behaviour of its riders

- many congregate at the end of our residential street in East Dulwich waiting for orders and behave in an anti-social manner (blocking the pavement so passers by are forced to walk in the road, urinating at the side of the garages, smoking cannabis, spitting in the street) and dangerously (racing up and down the street trying out each other's motorbikes and doing wheelies up and down the street on motorbikes). When residents confront riders about their behaviour they are often rude and intimidating.

- a number of residents have contacted Deliveroo about this over the last 6-12 months and have seen no change – just platitudes from Deliveroo

Until Deliveroo demonstrates it can take responsibility for anti-social and dangerous behaviour resulting from its business activities, I do not think it should be granted an alcohol license.

Almost all residents on [REDACTED] Road, East Dulwich, have signed a petition for the Council to take action to stop Deliveroo's riders using a residential street as their unofficial depot. Councillor Rosie Shimell has a copy and is taking the matter further within the Council. We have also contacted the police who tell us they have had regular complaints from local residents about Deliveroo drivers in the area.

[REDACTED]

[REDACTED]

Party 2

From: [REDACTED]
Sent: Friday, June 23, 2017 10:54 AM
To: Regen, Licensing
Subject: Deliveroo License objection

To whom it may concern.

I am a local resident in Southwark living at [REDACTED]

My name is [REDACTED].
The date is 23/06/2017

I am objecting to Roofoods Ltd, trading as Deliveroo, 2-4 Melbourne Grove, SE22 8PL who have made an application for a premise license for the sale of alcohol.

I am a local resident (see address above) with two small children ([REDACTED] years of age and [REDACTED] year's old). Over the past year, Deliveroo have repeatedly taken no action or responsibility (despite numerous complaints) for anti-social and dangerous behavior resulting directly from their business activities. Their riders park on our street daily, urinate in the street, smoke illegal substances and drive up and down the residential roads performing wheelies etc. I categorically do not think they should be granted further licensing opportunities until they have addressed the bad behavior of their drivers, the logistics around delivering their food which does not inconvenience and upset the local community.

If you have any questions then please do not hesitate to call me.

Please can you confirm receipt of this email.

Many thanks

[REDACTED]

Party 3

From: [REDACTED]
Sent: Thursday, June 22, 2017 10:36 PM
To: Regen, Licensing
Subject: Objection to Application for a Premises Licence made under Section 17 of the Licencing Act 2003 for Roofoods Ltd t/a Deliveroo, 2/3 Melbourne Grove London SE22 8PL

My details:

[REDACTED]

I object to giving a licence to Deliveroo. These are the following grounds:

Currently, Deliveroo deliberately and unofficially operates at the top of Shawbury Road, even though they have an official depot at Railway Rise (behind East Dulwich rail station).

Their riders occupy the pavement and temporary unloading bays 7 days a week. This has led to a hub of anti-social behaviour at the top end of Shawbury Road.

Incidents include wheelies up and down the road, spitting on the pavement, smoking cannabis, pedestrian obstruction, urinating at garages and swearing at residents when told to move on.

Deliveroo the company has been repeatedly told about the congregation and behaviour of their riders for about a year. We have since found out that Deliveroo deliberately tells its riders to use, the residential, Shawbury Road as an unofficial gathering point. This marks Deliveroo down as a brand and company unfit to deliver alcohol.

Yours sincerely

[REDACTED]



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Scale = 1 : 200

16-Aug-2017

Item No. 7.	Classification: Open	Date: 4 September 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: La Barra – Arch 147, Unit 2, Eagle Yard, Hapton Street, London, SE1 6SP	
Ward(s) or groups affected:		Newington Ward	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by La Barra Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: La Barra – Arch 147, Unit 2, Eagle Yard, Hapton Street, London, SE1 6SP

2. Notes:

The application seeks to vary the premises licence held under current legislation in respect of the premises known as: La Barra – Arch 147, Unit 2, Eagle Yard, Hapton Street, London, SE1 6SP, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to outstanding representations submitted by local residents and is therefore referred to the sub-committee for determination.

Paragraph 7 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.

Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix F.

- Paragraphs 12 to 18 of this report deal with the representations submitted in respect of the application (copies of the representations for responsible authorities and local residents are attached in Appendices C and D).

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a new licensing regime for:

- The sale of and supply of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment.

Within Southwark, this council wholly administers the licensing responsibility.

4. 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.
5. 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.
6. 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

7. The current premises licence issued in respect of the premises known as the La Barra – Arch 147, Unit 2, Eagle Yard, Hapton Street, London, SE1 6SP was issued on 16 March 2017 and allows the following licensable activities:
- The sale of alcohol to be consumed on the premises:

Sunday to Thursday	from 10:00 to 23:00
Friday and Saturday	from 10:00 to 00:00 (midnight)
 - The provision of late night refreshment (indoors):

Sunday to Thursday	from 23:00 to 23:30
Friday and Saturday	from 23:00 to 00:00 (midnight)
 - Opening hours:

Sunday to Thursday	from 08:00 to 23:30
Friday and Saturday	from 08:00 to 00:30

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

The variation application

8. On 7 July 2017 La Barra Limited 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 La Barra – Arch 147, Unit 2, Eagle Yard, Hapton Street, London, SE1 6SP 5UE.
9. The application for variation is described as follows:

'...We would like to extend our licence activities sale of alcohol [and] late night refreshment and [add] recorded music on Friday and Saturdays until 03:00.

We are a Latin restaurant and most of [our] customers like to have their meals late on the weekends and listen to music [whilst] they have their meals...'

The application is to extend the weekend hours of the operation for sale of late night refreshment and alcohol and to add the provision of regulated entertainment in the form of recorded music:

- The supply of alcohol for consumption on the premises:
 - Friday and Saturday from 10:00 to 03:00 (the following day)
- The provision of late night refreshment (indoors):
 - Friday and Saturday from 23:00 to 03:00 (the following day)
- To add the provision of regulated entertainment in the form of recorded music (indoors)
 - Friday and Saturday from 10:00 to 03:00 (the following day)
 - The opening hours:
 - Sunday to Thursday from 08:00 to 23:30
 - Friday and Saturday from 08:00 to 03:30 (the following day)

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

Designated premises supervisor

11. The designated premises supervisor (DPS) under the existing premises licence is Juan David Mandoza.

Representations from responsible authorities

12. The Metropolitan Police have made representation under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Police have concerns of the premises location in relation to residential properties and that the hours applied for are significantly outside of the Southwark licensing policy – which if granted could create a night club in a heavily populated residential area.
13. Southwark environmental protection (EPT) has made representation. The concerns are raised in relation to the proximity to residential addresses and the egress of noise. The EP point to a history of complaints concerning the premises' opening hours and noise egress.
14. The licensing authority (LA) have made representation under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The application is inconsistent with the hours in relation to the Southwark licensing policy.
15. Copies of all the representations made by responsible authorities are available in Appendix C.

Representations from other persons

16. A significant number of representations have been received from twenty one local addresses, all contained with the Strata Building located nearby. These are available in Appendix D.
17. There are ongoing concerns in relation to music noise emanating from the premises and the anti-social behaviour already caused by patrons departing the premises and the children of the patrons left outside to play. Residents are concerned that the granting of this variation will exacerbate existing issues.

Conciliation

18. Copies of representations were provided to the applicant's agent on 10 August 2017. At the point of publication of this report, the applicant had not responded to the concerns of the responsible authorities or local residents.

Operating history

19. Temporary Events Notices (TENs) were previously applied for by Juan David Torres Mendoza (the current DPS) for the sale of alcohol (on sales) and the provision of late night refreshment from 25 to 27 November 2016; and again from 2 to 4 December 2016.
20. On 21 December 2016 La Barra Limited applied for a new premises licence in respect of this premises. The council's trading standards and licensing authority made representation against the application in relation to conditions only. These were subsequently withdrawn upon conciliation and the licence was granted. The hours granted was as applied.
21. The premises applied for a late TEN on 23 May 2017; however, it was rejected for being too late. Another late TEN was applied for on 14 June 1017, but a counter notice was served upon receipt of a representation from environmental health.
22. Complaints received in relation to the premises:

Date	Complainant	Complaint
15/05/2017	Strata Resident	Complaint of noisy patrons departing the premises between 03:00 and 04:00 on multiple occasions.
03/07/2017	Strata Resident	Complain of 'unbearably loud music' after midnight on a Sunday, despite approaching the premises to ask them to lower sound.
03/07/2017	Strata Resident	Two Sunday evenings (2 and 25 July) loud music at 23:45. Complainant visited premises to be told 'I can do what I like' by management.
03/07/2017	Strata Resident	Complaint of noise, shouting, screaming, crying, littering, urinating, fighting and children playing outside the venue until the early hours of the morning.
03/07/	Strata Resident	Two Sunday evenings (2 and 25 July) loud music beyond licensed hours.
04/07/2017	Strata Resident	Excessive noise from premises over past few months.
23/07/2017	Strata Resident	Loud music being played without relevant

		licence.
24/07/2017	Strata Resident	Complainant has experienced a lot of unruly behaviour and noise in the neighbour as a result of late venue openings.
01/08/2017	Strata Resident	Complaint of loud music, despite the premises not having regulated entertainment on their premises licence.

23. Visits conducted to the premises:

Date	Time	Outcome
27/05/2017	00:44	On Saturdays the venue is licensed for the sale of alcohol from 10.00am to midnight. Closing time is 00.30am Sunday morning. Premises visited at 00.44am Sunday morning, 27 May, 2017. Venue was still open and the DPS, Juan David Mandoza, was present. Six people sat at a table drinking beer. DPS warned about allowing customers to continue drinking after closing time. A copy of the warning letter resulting from that visit is exhibited in Appendix E.
11/08/2017	23:30	Observations from outside premises. There is loud music playing- not necessarily background; however, the premises has double foyer doors, which when both are closed, retain the sound in the building
13/08/2017	00:12	Observations from outside premises. There is music playing, but again, with double foyer doors closed, this prevents major egress of sound. However, there was a party of x12 patrons leaving the premises, clearly intoxicated. They were very loud and shouting at one another. Immediately under the Strata building is an open area that creates a significant echo effect which clearly exacerbates any noise in the local vicinity.

Map

24. A map of the area is attached to this report as Appendix F. There are many licensed premises in the immediate vicinity:

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

The sale by retail of alcohol - both on and off sales

Monday to Sunday from 11:00 to 00:30

The provision of late night refreshment - both indoors and outdoors

Monday to Sunday from 23:00 to 01:00

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

The sale by retail of alcohol - both on and off sales

Sunday to Thursday from 11:00 to 23:30

Friday and Saturday from 11:00 to 00:30

The provision of late night refreshment - both indoors and outdoors

Monday to Thursday from 23:00 to 23:30

Friday and Saturday from 23:00 to 00:30 (the following day)

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

Sunday to Thursday from 08:30 to 23:30

Friday and Saturday from 08:30 to 00:00 (midnight)

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

Sunday to Thursday from 23:00 to 23:30

Friday and Saturday from 23:00 to 00:00 (midnight)

Elephantastic Pizza – Unit 5, The Artworks, Elephant Road SE17 1AY

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

Monday to Sunday from 12:00 (midday) to 23:00

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

The sale by retail of alcohol (on sales)

Monday to Sunday from 10:00 to 23:00

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

The sale by retail of alcohol (on sales)

Tuesday to Saturday from 12:00 (midday) to 22:00

Sunday from 12:00 (midday) to 17:00

Lost Rivers - Elephant Road, SE17 1AY

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

Sunday to Thursday from 11:00 to 23:30

Friday and Saturday from 11:00 to 00:30

The provision of late night refreshment (both indoors and outdoors)

Monday to Thursday from 23:00 to 23:30

Friday and Saturday from 23:00 to 00:30

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

Sunday to Thursday from 10:00 to 23:30

Friday and Saturday from 10:00 to 00:30 (the following day)

Dragon Castle – 100 Walworth Road, SE17 1JL

The sale by retail of alcohol (on sales only)

Monday to Sunday from 11:00 to 23:30

The provision of late night refreshment (both indoors and outdoors)

Monday to Sunday from 11:00 to 23:30

Da Spago Limited – Unit 1, 163 Dashwood Way, SE17 3PZ

The sale by retail of alcohol (off sales only)

Monday to Saturday from 08:00 to 19:30

Sunday from 11:00 to 15:00

After Taste Chinese Restaurant – 97 Newington Butts, SE1 6SF

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

Monday to Saturday from 11:00 to 00:00 (midnight)

Sunday from 12:00 (midday) to 23:30

The provision of late night refreshment (indoors)

Monday to Saturday from 23:00 to 00:00 (midnight)

Sunday from 12:00 (midday) to 23:30

Ivory Arch – 80-82 Walworth Road, SE1 6SW

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

Monday to Sunday from 11:00 to 00:00 (midnight)

The provision of late night refreshment (both indoors and outdoors)

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

The provision of regulated entertainment in the form of live music, recorded music, films and plays

Monday to Sunday from 11:00 to 00:00 (midnight)

Mamuska – 16 Elephant and Castle, SE1 6TH

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

Monday to Saturday from 10:00 to 02:00 (the following day)

Sunday from 12:00 (midday) to 23:00

The provision of late night refreshment (both indoors and outdoors)

Monday to Saturday from 23:00 to 02:30 (the following day_

Sunday from 23:00 to 23:30

The provision of regulated entertainment in the form of live music, recorded music, and performances of dance

Monday to Saturday from 09:00 to 02:00 (the following day)

Sunday from 09:00 to 23:00

Chatkhara Restaurant – 84 Walworth Road, SE1 6SQ

The provision of late night refreshment (indoors)
Monday to Sunday from 23:00 to 02:00 (the following day)

Southwark council statement of licensing policy

25. 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.
26. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Cumulative impact zone

27. The premises sits outside of any of Southwark's CIZs. The premises is situated in the Elephant and Castle Major Town Centre area.

28. Under the Southwark Statement of Licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:

Closing time for Restaurants and Cafes:

- Sunday to Monday to 00:00 (midnight)
- Friday and Saturday to 01:00 (the following day)

Closing time for Public Houses Wine bars or other drinking establishments:

- Sunday to Monday to 23:00
- Friday and Saturday to 00:00 (midnight)

Closing time for Night Clubs (with sui generis planning classification)

- Monday to Thursday to 01:00 (the following day)
- Friday and Saturday to 03:00 (the following day)

Resource implications

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

Consultation

30. 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 twice (there was an error on the initial advert; however, this was republished within the specified time period to the satisfaction of the Licensing Authority). A similar notice exhibited at the premises for a period of 28 consecutive days. This was inspected by a licensing officer during the consultation period and found to be compliant.

Community impact statement

31. 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

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

Principles for making the determination

34. 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.

35. 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.
36. Relevant representations are those which
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
37. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation

Conditions

38. 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.
39. The four licensing objectives are
- a. The prevention of crime and disorder;
 - b. Public safety;
 - c. The prevention of nuisance; and
 - d. The protection of children from harm.
40. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
41. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to 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.
42. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced 3 new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional 2 conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
43. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

44. 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

45. Subject to the Licensing Hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the 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
46. 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

47. 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.
48. 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.

49. 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.
50. 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.
51. 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.
52. Under the Human Rights Act 1998 the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
53. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations from responsible authorities: <ul style="list-style-type: none"> ○ The Metropolitan Police ○ Southwark Environmental Protection ○ Southwark Licensing Authority
Appendix D	Copies of the representations (anonymised) submitted by local residents
Appendix E	Warning letter to premises
Appendix F	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	17 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	17 August 2017	

Licensing Act 2003 Premises Licence

APPENDIX A



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

Premises licence number

857301

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
La Barra Arch 147, Eagle Yard Unit 2 Hampton Street SE1 6SP	
Ordnance survey map reference (if applicable),	
Post town London	Post code SE1 6SP
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

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

Monday	08:00 - 23:30
Tuesday	08:00 - 23:30
Wednesday	08:00 - 23:30
Thursday	08:00 - 23:30
Friday	08:00 - 00:30
Saturday	08:00 - 00:30
Sunday	08:00 - 23:30

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

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 - 00:00
Saturday	23:00 - 00:00
Sunday	23:00 - 23:30

Sale by retail of alcohol to be consumed on premises

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

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

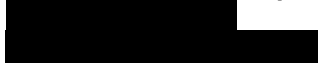
La Barra Ltd
Unit N-Eagle Yard
Arch 147,
Walworth Road, London,
SE1 6SP

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


09411211

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

Juan David Mandoza

**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 Issue date 16/03/2017



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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

where-

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

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

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

340 The accommodation limit shall not exceed 46 persons (excluding staff).

341 Alcohol shall only be supplied to those taking a table meal at the premises.

342 Customers shall not be allowed to take any open bottles or cans outside the premises.

343 The number of costumers smoking outside the facilities will be limited to 5 (five).

344 That there shall be no vertical drinking.

345 That the management work with Approved Local Mini cab companies and that costumers will wait inside the restaurant until their Mini cab arrives.

346 Deliveries of goods shall be conducted in a manner to avoid causing disturbance to nearby residents.

347 The movement of bins and rubbish outside the premises will be kept to a minimum to avoid causing disturbance to nearby residents.

348 That there shall be no irresponsible alcohol promotions.

349 Signage shall be displayed on the entrance and exit of the premises requesting customers to respect neighbours and leave quietly.

350 That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

351 That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

352 That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

353 That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept/be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

354 After 20.00 hours (8pm) any children must be accompanied and supervised by a responsible adult.

355 There shall be no children on the premise after 22.00 hours (10pm).

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

Annex 4 - Plans - Attached

Licence No. 857301
Plan No. N/A
Plan Date 16/11/2016

APPENDIX B**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We **LA BARRA LTD**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 857301
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description LA BARRA ARCH 147 – EAGLE YARD – UNIT 2 WALWORTH ROAD			
Post town	LONDON	Postcode	SE1 6SP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£12500

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

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

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

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

WE A WOULD LIKE TO EXTENT OUR LICENSE ACTIVITIES SALE OF ALCOHOL , LATE NIGHT REFRESHMENT AND RECORD MUSIC ON FRIDAY AND SATURDAYS UNTIL 3.00 AM.

WE ARE A LATIN RESTAURANT AND MOST OF COSTUMERS THEY LIKE TO HAVE THEIR MEALS LATE ON THE WEEKENDS AND LISTEN TO MUSIC WHILE THEY HAVE THEIR MEALS.

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:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			NOT APPLICABLE	Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4) NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5) NOT APPLICABLE
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u> NOT APPLICABLE		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here (please read guidance note 5)</u>			
Tue						
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri	10:00	03:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	10:00	03:00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4) NOT APPLICABLE	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p> <p>NOT APPLICABLE</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5) WE ARE HAPPY WITH THE LATE-NIGHT REFRESHMENT HOURS WE HAVE AT THE MOMENT SUNDAY TO THURSDAY ; BUT WE WOULD LIKE TO EXTENT THIS HOURS FRIDAY'S AND SATURDAY'S	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Eri	23:00	03:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	23:00	03:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) WE ARE HAPPY WITH THE LATE-SALE OF ALCOHOL HOURS WE HAVE AT THE MOMENT SUNDAY TO THURSDAY ; BUT WE WOULD LIKE TO EXTENT THIS HOURS FRIDAY'S AND SATURDAY'S ONLY		
Mon					
Tue					
Wed					
Thur					
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun					
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

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 10).

NOT APPLICABLE

L.

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	03:30	
Sat	08:00	03:30	
Sun	08:00	23:30	

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.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

b) The prevention of crime and disorder

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

c) Public safety

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

d) The prevention of public nuisance

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

e) The protection of children from harm

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT BUT WE WELCOME ANY RECOMMENDATIONS GIVEN BY THE AUTHORITIES

3 X STAFF MEMBERS ARE PERSONAL LICENSE HOLDERS

WE WILL HAVE A DOOR SUPERVISOR (SIA) FROM 10.00 PM UNTIL FINISH

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	05/07/2017
Capacity	AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
MANUEL ROCHA UNIT 35 BATTERSEA BUSINESS CENTRE 99-109 LAVENDER HILL			
Post town	LONDON	Post code	SW11 5QL
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

APPENDIX C

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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 2ER
 Tel: 020 -7232 6756
 SouthwarkLicensing@met.police.uk

Our reference: MD/2993/17
 Date: 04//August/ 2017

Dear Sir/Madam

La Barra Arch 147 Eagle Yard Unit 2 Hampton Street SE1 6SP

Police are in receipt of an application from the above for a major variation to premises licence to be granted under the licensing act 2003 for the following hours

	Days	Start Time	Finish Time
The supply alcohol:	Sunday to Thursday	08:00	23:30
	Friday and Saturday	10:00	03:00
The provision of regulated entertainment:	Sunday to Thursday	23:00	23:30
	Friday and Saturday	23:00	03:00
The provision of late night refreshment	Sunday to Thursday	23:00	23:30
	Friday and Saturday	23:00	03:00
Opening Hours:	Sunday to Thursday	08:00	23:30
	Friday and Saturday	08:00	03:00

The hours of operation as per the application are considerably later than that recommended by the Southwark Statement of Licensing policy 2016-2020. The venue currently operates as a restaurant and has generous opening hours that fall outside that which is recommended by the policy. The increased hours further would represent night club operation hours in a heavily populated residential area. The application does not contain any evidence to support any deviation from this policy and the applicant has made no effort to further address the licencing objectives therefore we recommend that this application is refused.

This recommendation is made under the licensing objectives, the prevention of crime and disorder and the prevention of public nuisance.

As per the Licensing policy, this area of the Southwark is not suitable for late night music venues because of its residential status.

It is for the above reasons that the Police object to the granting of the additional hours of operation.

Submitted for consideration

Pc Mark Lynch 246MD
Southwark Police Licensing Office
Southwark Police Station
323 Borough High Street SE1 1JL
0207 232 6756

Heron, Andrew

From: Regen, Licensing
Sent: 03 August 2017 12:15
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: EPT objection - Variation application - La Barra, Arch 147 Eagle Yard
Attachments: stahir_07-07-2017_14-04-25.pdf

From: Prickett, Mark
Sent: Thursday, August 03, 2017 11:39 AM
To: Regen, Licensing
Subject: EPT objection - Variation application - La Barra, Arch 147 Eagle Yard

Dear Licensing,

The Environmental Protection Team (EPT) have reviewed the major variation premises licence application for La Barra, Unit 2 Arch 147, Eagle Yard, SE1 6SP.

Proposal for variation: "...to extend our licence activities sale of alcohol, late night refreshment and recorded music on Fridays and Saturdays to 3.00am". "We are a Latin restaurant and most of our customers like to have their meals late on the weekends and listen to music while they have their meals".

Changes to licensable activities sought;

Recorded music (indoors): 10:00 – 03:00 Fridays & Saturdays
 Late Night Refreshment (indoors): 23:00 – 03:00 Fridays & Saturdays
 Supply of alcohol (on the premises): 10:00 – 03:00 Friday & Saturdays

Revised opening hours:
 08:00 – 23:30 Sunday to Thursday
 08:00 – 03:00 Friday & Saturday

Section M part d) of the application has been reviewed. There are no measures put forward on how to prevent public nuisance from occurring from the operation of the premises till 3am in the morning on weekends.

There are no conditions on the current premises licence controlling noise levels from recorded music.

EPT are also aware of numerous complaints made to the licensing department against the La Barra premises regarding loud music noise, public nuisance and allegations of the premises operating beyond their permitted times.

EPT at present raise strong concerns that public nuisance will be caused to neighbouring residents if this premises is permitted to operate until 0300 at weekends. The level of detail given in the application to address the public nuisance section outlines the managements consideration to this matter.

EPT raise objection to this application.

Kind regards,

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

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

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

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

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



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

MEMO: Licensing Unit

To Licensing **Date** 04 August 2017

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject La Barra, Arch 147, Eagle Yard Unit 2, Hampton Street SE1 6SP

I make this representation with regards to the variation application for a premises licence by La Barra Ltd Limited for the premises La Barra, Arch 147, Eagle Yard Unit 2, Hampton Street SE1 6SP.

My representation is based on the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The application seeks to extend the hours of operation for sale of alcohol and late night refreshment on Fridays and Saturdays to 03:00 on the days following and the opening hours to 03:30.

Recorded music is applied for from 22:00 to 03:00 hours, however this is exempt on premises with a premises licence prior from 22:00 to 23:00 hours.

The premises is within the Elephant and Castle Major Town Centre Area and the Southwark Statement of Licensing Policy 2016 – 2020 stats that from table 2 (page 39) that the closing times for restaurants and cafes in this area is:

Sunday to Thursday is 00:00 hours

Friday and Saturday is 01:00 hours (on the days following)

This is inconsistent with the hours submitted within the application and no reasons or explanation is offered within the application to why this premises could operate beyond the policy hours and not have a negative impact on the licensing objectives.

It is my contention that patrons leaving the premises after 01:00 hours having consumed alcohol will cause problems within the area of disorderly conduct and cause public nuisance to the residents trying to sleep in nearby accommodation.

I am also concerned that the operating schedule does not include any conditions to control the escape of recorded music from the premises, or the sound of noisy customers within the premises and customers leaving the premises at closing time and causing a public nuisance to residents.

I therefore recommend that this application is rejected.

If the applicant wished to offer conditions and a dispersal policy to address noise from music and patrons then I would be willing to consider an extension of hours within the hours stated in the policy sale of alcohol to 00:30, the addition of recorded music to 00:30 and closing at 01:00 hours.

David Franklin
Licensing Authority as a Responsible Authority

Heron, Andrew

From: Regen, Licensing
Sent: 31 July 2017 10:27
To: Heron, Andrew
Subject: FW: Objection: 859492

From: [REDACTED]
Sent: Saturday, July 29, 2017 2:28 AM
To: Regen, Licensing
Subject: Objection: 859492

We object to application 859492 due to its unalignment of the following areas:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

Details of existing issues and how they are impacting on us are detailed below:

- The site's location is so close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance. It's so noisy with sound escalating and booming and bumping after 9:30. Which is ridiculous and never been a problem prior!
- The inadequate soundproofing of the venue, causing public nuisance. Again the door if even open or closed but is thumping and cheering or shouting heard until early AM hours!
- The licensee has been playing loud music in breach of their license in recent weeks, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise. I can't sleep with the commotion as it is louder than an intermittent common noises such as ambulance, etc. It is so unbearable!
- Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns. They are smoking and talking and shouting. Never had this issue ever! I have witnessed people smoking items that smell of marijuana, condoms left on the ground from the night before, just general uneasiness when walking past, people shouting and fighting loudly as leaving, etc.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns. The smoke escalates up to the 18th floor even. On the hot summer day it might as well have been me smoking in a friends flat on the 18th floor as it wreaked of the smoke from this venue!
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance. They also make significant noise as it echoes in the outside car park. Booms off of the street and buildings.
- My husband and I have lived and worked in close proximity for quite some time here as have other residences with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

We ask you to consider our objection. We have never objected to anything and are very flexible people. We are used to city noise and love our thriving London metropolis. We support local businesses and would always wish to support growth in our local Southwark. This one venue is disrespectful, has seriously inappropriate people in attendance (wonder if prostitution/drugs?), and are causing such commotion. We have trains and planes and city noise that is part of us....and we accept it... but this is ridiculous!



Sent from my iPhone

PARTY B**Heron, Andrew**

From: [REDACTED]
Sent: 27 July 2017 13:12
To: Regen, Licensing
Subject: Objection to La Barra application for extended hours.

Dear Sir/Madam,

I am writing to lodge an objection to application 859492, on the grounds of prevention of crime and disorder and the prevention of public nuisance.

I am a resident in Strata and have found the following:

-Very loud music and anti-social behaviour consisting of noisy/shouting people late into the night directly beneath my flat. The area no longer feels safe for children due to drunken behaviour.

-I have noticed that children have been left unsupervised/unaccompanied in the loading bay of Strata, which I would say is a safeguarding issue.

-The venue seems to have inadequate soundproofing of the venue, causing public nuisance. Music from the venue is extremely loud, so loud I have been unable to watch television in my own flat.

-The venue has breached their licence frequently playing loud music in a residential neighbourhood. They also have been defiant to calls to reduce the noise. Given their track record I do not think the venue or the management are responsible enough to have such a licence as is being requested.

Both me and my partner are nurses, and we frequently have had our sleep interrupted at 3am and similar hours prior to working long shifts for the NHS. The venue seems uncooperative and has altered the atmosphere of the area. Yes, Elephant and Castle is a loud area, due to the road and trains, but it is also a high density residential area and La Barra has created a public nuisance for residents.

Many thanks for taking the time to read my objections.

Yours,
[REDACTED]

PARTY C**Heron, Andrew**

From: Regen, Licensing
Sent: 31 July 2017 09:44
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: Objection to application 859492

From: [REDACTED]
Sent: Saturday, July 29, 2017 9:52 AM
To: Regen, Licensing
Subject: Objection to application 859492

Dear Sir or Madam,

I would like to object to application 859492, based on the following reasons:

- The site's location is very close to bedrooms of around 250 flats of the Strata Tower (8 Walworth Road) on the south and east, plus the Draper Estate, causing public nuisance.
- The soundproofing of the venue is inadequate, causing public nuisance.
- The licensee has been playing loud music in breach of their license in recent weeks, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
- Antisocial behaviour in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.
- We have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

Kind regards,
[REDACTED]
[REDACTED]
[REDACTED]

PARTY D

[REDACTED]

[REDACTED]

WITHDRAWN

From: [REDACTED]
Sent: Sunday, August 06, 2017 9:50 PM
To: Regen, Licensing
Subject: OBJECTING TO LICENSE APPLICATION 859492 LA BARRA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Heron, Andrew

From: [REDACTED]
Sent: 27 July 2017 15:06
To: Heron, Andrew
Subject: Re: Objecting application 859492 - La Barra

Hi Andrew,

Apologies, I didn't know I should have included my full home address.

Here it is:

[REDACTED]

[REDACTED]

On 27 Jul 2017, at 14:51, Heron, Andrew <Andrew.Heron@southwark.gov.uk> wrote:

Dear [REDACTED]

Thank you for your email, the contents of which are noted.

However, at this time, I cannot accept this as a valid representation as you have not provided your full home address.

Please do so before 6th August otherwise your representation will be rejected.

Regards,

Andrew Heron
Principal Licensing Officer
London Borough of Southwark
Regulatory Services – Environment & Leisure
020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

From: Regen, Licensing
Sent: Thursday, July 27, 2017 2:36 PM
To: McCarthy, Debbie
Cc: Heron, Andrew
Subject: FW: Objecting application 859492 - La Barra

From: [REDACTED]
Sent: Thursday, July 27, 2017 2:10 PM
To: Regen, Licensing
Subject: Objecting application 859492 - La Barra

Dear all,

I'm writing to the Council to strongly protest against a licence extension to be granted to the establishment called La Barra.

Their behaviour so far has been appalling, especially towards the residents of Strata (I'm one of them).

Instead of waiting for their licence either to be granted or refused, they have already started playing loud music well into the night (as many calls to the Noise Team will attest) and refusing to acknowledge our complaints.

Their patrons, of course, share the same utter disrespect for the residents, with acts like:

- drunkenly singing and shouting on top of their lungs
- dancing to the music that can be clearly heard outside the venue (raising question about their non-existent soundproofing)
- leaving children unattended in our loading bay (that they use as playground, playing and shouting, while cars and vans need to go in and out the building)

All the above under something like 200 bedrooms that have the misfortune of facing their way.

We never had any problem with them in the past years but the recent change in the use of the venue is creating problems that must be addressed swiftly, first of all not making them any worse.

Therefore I urge the council not to grant an extension of their licence and to monitor closely that they don't breach their current one.

Kindest Regards,

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

PARTY F**Heron, Andrew**

From: [REDACTED]
Sent: 27 July 2017 13:08
To: Regen, Licensing
Subject: Objection to license request 859492

To whom it may concern,

Please consider carefully the licensing arrangements of venues next to residential buildings, effectively this is applying for a license that will cause noise and nuisance to every local resident's weekend, every week, with people unable to sleep.

The proximity of loud/noisy bars next to high rise buildings must be thought about as there are significantly more people irritated by the noise than those enjoying it inside the venue.

Points to note:

- The site's location close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance.
- The inadequate soundproofing of the venue, causing public nuisance.
- The licensee has been playing loud music in breach of their license in recent week, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
- Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.
- That we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

Thanks

[REDACTED]

PARTY G**Heron, Andrew**

From: Jerrom, Charlie
Sent: 02 August 2017 09:25
To: Heron, Andrew
Subject: FW: Licence 859492 - La Barra Ltd

fyi

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

From: Jerrom, Charlie On Behalf Of Regen, Licensing
Sent: Wednesday, August 02, 2017 8:41 AM
To: Jerrom, Charlie
Subject: FW: Licence 859492 - La Barra Ltd

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

From: [REDACTED]
Sent: Wednesday, August 02, 2017 7:21 AM
To: Regen, Licensing
Subject: Licence 859492 - La Barra Ltd

Dear Sirs

I am writing to object to the application by La Barra Ltd to extend its opening, supply of alcohol and playing of music hours on Fridays and Saturdays.

As a local resident the basis of my objection is the prevention of public nuisance.

These premises already present a degree of nuisance to the adjacent residential properties - Draper House and Strata - because:

- it does not have a dedicated smoking area
- management does not ensure customers do not take drinks outside, resulting in customers using the outside as an extension of the venue
- management does not take reasonable steps to prevent loitering outside the premises
- some customers leave young children to play in the service yard between Draper House and Strata while they are inside the venue, who create noise
- music is played at high volume, making it audible for considerable a distance from the venue, including inside neighbouring properties

All of this results in late night noise and disturbance for the local residents. With current opening hours this is a nuisance but not unreasonable - to allow this to continue until 3am would make it unreasonable.

Please consider these factors when determining whether to grant these extensions.

Yours sincerely

[REDACTED]

PARTY H**Heron, Andrew**

From: Regen, Licensing
Sent: 01 August 2017 10:27
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: Objection to application 859492

From: [REDACTED]
Sent: Tuesday, August 01, 2017 10:22 AM
To: Regen, Licensing
Subject: Objection to application 859492

Name: [REDACTED]

Address: [REDACTED]

Objection to application 859492

representation for the prevention of public nuisance, reasons:

- The site's location close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance.
- The inadequate soundproofing of the venue, causing public nuisance.
- The licensee has been playing loud music in breach of their license in recent week, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
- Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.

Thanks,

[REDACTED]

PARTY I**Heron, Andrew**

From: [REDACTED]
Sent: 27 July 2017 12:56
To: Regen, Licensing
Subject: Objection to application 859492

Dear Southwark Council,

I am writing to object to the application by La Barra, application number: 859492, whereby they want to extend their music license to 03:30am on Fridays and Saturdays.

I am a resident of The Strata Building and La Bara is very close my residency, especially my bedroom, which looks out onto La Bara. Allowing them to play music until 03:30am on Friday and Saturday will cause a public nuisance, especially as there is inadequate soundproofing in the venue, as in the last week the licensee has been playing loud music in breach of their license, causing public nuisance. I fear it will increase crime and disorder in the area, especially in the ally, where La Barra customers go to smoke, drink and be loud, making this area unsafe at night. I have lived in The Strata building for 3years and not had any complaints about the surrounding area, however, since the change in venue there has been more of a fear for public safety and nuisance.

Kind Regards,

[REDACTED]

[REDACTED]

Heron, Andrew

From: Regen, Licensing
Sent: 25 July 2017 10:15
To: Jerrom, Charlie
Cc: Heron, Andrew
Subject: FW: objection to licence no.859492

From: [REDACTED]
Sent: Tuesday, July 25, 2017 9:54 AM
To: Regen, Licensing
Subject: objection to licence no.859492

To Whom It May Concern,

I would like to lodge an objection to the following licence:

licence number: 859492
trading name: La Barra
Address: Arch 147, Eagle Yard Unit 2 Hampton Street
SE1 6SP
Ward: Newington

I am opposed to this licence due to the noise problems that will arise from this establishment. In recent years, several clubs have opened under the arches with negative impact on quality of life. There is lots of noise generated by music being played too loud and incredible amount of noise due to people leaving these premises drunk. On some instances there has been some violence and bottles and rubbish are being left discarded for many days outside the premises.

These situations are really difficult to be solved once the licence has been granted as every time I call the council nothing gets done to find viable solutions.

Many thanks,

[REDACTED]

Heron, Andrew

From: Regen, Licensing
Sent: 27 July 2017 16:40
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: objection to application 859492

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]
Sent: Thursday, July 27, 2017 4:08 PM
To: Regen, Licensing
Subject: objection to application 859492

Hello

I am writing to raise an objection to the application no 859492, in regards to the Trading name and address: La Barra, Arch 147, Eagle Yard Unit 2 Hampton Street SE1 6SP

My objection is based upon the breach of several statutory licensing objectives, as outlined below.

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

Points to raise to support the objection:

- the smoking area from this venue is located right below bedrooms from the Strata building, which encourages people to go outside and drink and talk loudly, on top the smell from burning cigarettes, causing public nuisance from noise and smells and public safety concerns
- upon leaving the premise, people attending the venue in La Barra are severely intoxicated, exhibiting antisocial behaviour, especially late at night. the extension of the opening hours to 3am would only make this existing problem worse, causing public nuisance and public safety concerns, and preventing crimes and disorder
- the licensee has issues relating to loud music after license hours, where there have been a number of complaints into Southward noise complaint department, because they were breaching their license
- the licensee has inadequate soundproofing of the venue, causing noise to come outside of the venue at any time, causing public nuisance
- the visitors of the venue, when accompanied by children leave them unaccompanied and because the Strata loading area is so close, the kids normally play around in this area, where vehicles are constantly coming and leaving so this touches upon the area of protecting children from harm

- this has only become a problem recently, as Strata and the venue have been in close proximity for several years without any problems. what has changed is the addition of opening hours and loud music causing severe nuisance to a building that is hosting several hundreds on flats affected by the noise of this one venue

Thank you for the opportunity to express my opinions. I am currently residing in Strata, as mentioned above. Not sure if you require further details from my side to add to this objection.

Kind regards,

--

A black rectangular redaction box covering the signature area.

PARTY L**Heron, Andrew**

From: Regen, Licensing
Sent: 31 July 2017 10:26
To: Bray, Suzanne
Cc: Heron, Andrew
Subject: FW: Licence Number: 859492

From: [REDACTED]
Sent: Friday, July 28, 2017 8:48 PM
To: Regen, Licensing
Subject: Licence Number: 859492

Dear Sir/Madam,

I would like to object to Licence Number 859492.

I live in the Strata building on the south side and over the past month I have been disturbed repeatedly late into the night (at least till 1am) from the noise from this premises.

It consists of both music and loud screaming and shouting that is not conducive with a residential area.

In addition, groups of people from this premises congregate from the bar into the parking/loading bays. In particular, groups of small children run around this area (this is after 11pm at night) screaming and shouting. No one is preventing them from doing this and as there is no street lighting in this parking area it is incredibly dangerous.

Kind Regards,

[REDACTED]

[REDACTED]

PARTY M

30 July 2017

Re: Licence application number 859492, La Barra, Arch 147, Eagle Yard Unit 2 Hampton Street, SE1 6SP

I am writing to object to the licence application changes for this premises.

Specifically, I object to them being open at all beyond 23:00 on any night of the week, including Friday and Saturday, and to them playing recorded music at all, but especially after 23:00 on any day.

I live in the building directly outside their front door (full address below) and my bedroom window is directly above their front door.

On multiple occasions I have been prevented from getting to sleep due to their loud music playing before they close (currently they are staying open until around 3am at weekends), and I have been disturbed or even woken up by their customers leaving during the night and after they close.

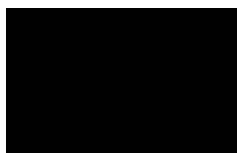
Groups of customers, often up to around 20, hang around outside the venue as it is closing before they all go their separate ways, talking, laughing, and shouting. This is between 3.30am and 4am. Even with windows closed this has been loud enough to wake me up - and the sound echoes up and around the building structure that form the service yard behind my building.

This loud music, and the loud customers leaving the venue are both examples of **public nuisance** and I object to this application on that basis. There have also been occasions of **crime and disorder** caused by these groups of customers, either between themselves or when residents have asked them to be quiet or disperse (I've seen someone shoved aggressively by one drunk customer). This is, I believe also a risk to **public safety**.

Most night, especially at weekend, the customers of this venue, and neighbouring venues, bring their children with them, but leave their children playing outside unaccompanied in the lane and service yard. This not only causes a public nuisance, but puts these **children at risk of harm** if they are going to be there as late at night as this application request.

For all of the above reasons I therefore object to this licence application for the venue to be open beyond 23:00 on any day, and to play music at any time on any day.

Sincerely,



PARTY N**Heron, Andrew**

From: Tahir, Sarah
Sent: 27 July 2017 15:05
To: Heron, Andrew
Subject: FW: License Number: 859492

Added to l1u = 859492

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

From: [REDACTED]
Sent: Thursday, July 27, 2017 2:50 PM
To: Tahir, Sarah
Subject: Re: License Number: 859492

Hi:

Below is an update on my complaint. My full address is below:

[REDACTED]

My objection is due to a violation the following the statutory licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

Specific details with regards to how the applicant has violated the above are outlined below:

- The site's location close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance.
- The inadequate soundproofing of the venue, causing public nuisance.
- The licensee has been playing loud music in breach of their license in recent week, causing public nuisance.
- The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
- Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
- The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.
- Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.
- That the we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

> On 25 Jul 2017, at 12:04, Tahir, Sarah <Sarah.Tahir@southwark.gov.uk> wrote:

>

> Hi [REDACTED]

> You will need to provide us with your full name and address so we can process your representation.

> Kind Regards,

> Sarah

>

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

> From: [REDACTED]

> Sent: Sunday, July 23, 2017 8:32 PM

> To: Regen, Licensing

> Subject: License Number: 859492

>

> Hi:

>

> I would like to lodge a complain to the above application for an extended license - I live opposite the venue and we have experienced a lot of unruly behaviour and noise in the neighbour as a result of late venue openings. I feel that this would continue this trend and would create a lot of disturbance in the area without much gain for the neighbourhood

>

> [REDACTED]

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

Heron, Andrew

From: Regen, Licensing
Sent: 28 July 2017 13:42
To: Heron, Andrew
Subject: FW: Objection to the premises license application submitted to Southwark by La Barra

From: [REDACTED]
Sent: Friday, July 28, 2017 1:32 PM
To: Regen, Licensing
Subject: Objection to the premises license application submitted to Southwark by La Barra

Dear sir/madam,

I would like to make an objection and therefore I am writing as I am objecting to application 859492. I object due to the below:

- the prevention of crime and disorder; antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.
 - public safety; the provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells
 - the prevention of public nuisance; the inadequate soundproofing of the venue, especially as the licensee has been playing loud music in breach of their license in recent week and the operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.
 - the protection of children from harm; children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night
- All in all, the site's location is close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance. That the we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

FULL Address:

[REDACTED] (owner of the apartment)
[REDACTED]
[REDACTED]

I feel very strongly about this and feel that a granting of an extension will exacerbate all the issues as mentioned above.

I look forward to hearing back from you.

Many thanks,

[REDACTED]

PARTY P**Heron, Andrew**

From: Regen, Licensing
Sent: 28 July 2017 08:21
To: Heron, Andrew
Subject: FW: objecting to application 859492

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]
Sent: Thursday, July 27, 2017 6:06 PM
To: Regen, Licensing
Subject: objecting to application 859492

Good evening

I would like to state my objection to application 859492 to extend opening hours on Fridays and Saturdays and to play music. I live in the Strata building close to these premises. My reasons for objecting are:

The site's location close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance.

The inadequate soundproofing of the venue, causing public nuisance.

The licensee has been playing loud music in breach of their license in recent weeks, causing public nuisance.

The operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise.

Antisocial behavior in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns.

The provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells and public safety concerns.

Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.

That the we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

Kind regards

[REDACTED]

Sent from [Outlook](#)

Heron, Andrew

From: Regen, Licensing
Sent: 24 July 2017 08:00
To: Jerrom, Charlie
Cc: Heron, Andrew
Subject: FW: Contact form for: Licensing Team

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

From: www.southwark.gov.uk Website [<mailto:noreply@southwark.gov.uk>]
Sent: Sunday, July 23, 2017 8:15 PM
To: Regen, Licensing
Subject: Contact form for: Licensing Team

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

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

Senders Email Address: [REDACTED]

Message:

Re: application 859492 La Barra restaurant, eagle yard

I would like to object to the licence application for this business to open until 3am.

I am a resident of Strata and already there is an unbearable amount of noise from people coming and going from this venue.

I have video evidence of unsociable behaviour from patrons of this business, such as fighting, shouting, screaming urinating outside the venue and in the alleyway and around the church.

I am getting together residents to protest about their current licence, and would like it restricted to closing before midnight as we are constantly disturbed by noise which is making our lives a misery.

I have already complained to the licensing team about this business, as I believe a number of residents from strata

I will be happy to discuss in person if you would like my opinion on this.

Many thanks

[REDACTED]

PARTY R**Heron, Andrew**

From: Regen, Licensing
Sent: 24 July 2017 08:44
To: Heron, Andrew
Subject: FW: Objection to application for extended hours for La Barra (Licence number: 859492)

From: [REDACTED]
Sent: Sunday, July 23, 2017 10:38 PM
To: Regen, Licensing
Subject: Objection to application for extended hours for La Barra (Licence number: 859492)

I would like to object to the application for extended hours for the above premises. I live in a south facing apartment to this premises:

[REDACTED]

They are already a public (noise) nuisance and extending the opening hours will exacerbate the issue. Representatives from the Strata building have already approached La Barra who were not helpful in resolving current noise issues. The management of the establishment should not be trusted to ensure that inside music cannot be heard outside and be heard in south facing apartments.

Regards,

[REDACTED]

PARTY S**Heron, Andrew**

From: [REDACTED]
Sent: 27 July 2017 11:45
To: Regen, Licensing
Subject: objection to application 859492
Attachments: IMG_2397.MOV

Dear Southwark Licensing,

I'm writing to object to application 859492, for an extended hours premises license at 'La Barra'. I am writing on my behalf as a resident of the adjoining building, and as a Director of the Strata SE1 Management Company, representing 408 flats in close proximity to the applicant.

I've been a resident of Strata since it was built in 2010. I have in all that time never had to call the council noise line, until this venue recently began unlicensed late night activities a few weeks ago. We have been, I think, good neighbors to each-other, unfortunately the development of some of these businesses from restaurants to places of late night entertainment is unsuitable for the location.

The venue's location is close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, noise from music and coming and going is already causing public nuisance.

The venue has inadequate soundproofing, the windows are left open during operation, and the single, thin front door does nothing to contain the music and noise. Other archway premises such as Corsica Studios have invested heavily in containing their noise, this one has not, causing public nuisance.

As mentioned, the applicant has been playing loud music in breach of their license in recent weeks, causing public nuisance. Many of my neighbours have resorted to complaining to the southwark noise line. I visited the premises on the evening of 2nd July and asked them to turn the music down. The respondent, who did not give his name said in response "we have a license, we can do what we want". The venue does not have a music license at all at present, and clearly is not operated by people with sufficient awareness of the law and their impact on their neighbors. I attach a video showing the unlicensed operation with music on 2nd July.

Since the unlicensed evening activities began we have also endured a increase in antisocial behaviour, with groups of smokers and drinkers outside the venue during opening hours, and then departing slowly after it closes, making considerable noise.

The use of Strata's service yard as the venue's smoking area is also a cause of nuisance.

Children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night, and noise which causes public nuisance.

I regret having to make this representation, and have attempted to deal with the noise issue directly, but I'm confident that this business can operate in proximity to our building, as others have, but it's use as a late night music venue is wholly inappropriate to the construction of the venue and the location.

With best regards,

[REDACTED]

PARTY T**Heron, Andrew**

From: Jerrom, Charlie on behalf of Regen, Licensing
Sent: 28 July 2017 14:38
To: Heron, Andrew
Subject: FW: Licence Notification 859492

fyi

From: [REDACTED]
Sent: Friday, July 28, 2017 2:12 PM
To: Regen, Licensing
Subject: Licence Notification 859492

Dear Sir or Madam,

I would like to make an objection and therefore I am writing as I am objecting to application 859492. I object due to the below:

- The prevention of crime and disorder; antisocial behaviour in the ally by people leaving the premises late at night, causing public nuisance and public safety concerns
- Public safety; the provision of a smoking area below people's bedroom windows is unacceptable causing public nuisance from noise and smells
- The prevention of public nuisance; the inadequate soundproofing of the venue, especially as the licensee has been playing loud music in breach of their license in recent week and the operation to-date with the window open on the first floor, and an inadequate front door arrangement that provides minimal sound proofing, leading to significant nuisance from noise
- The protection of children from harm; children of the visitors to the business are left unaccompanied and are using our loading area as playground, which poses a risk of harm to them from vehicles using the area at night

All in all, the site's location is close to bedrooms of around 250 Strata flats on the south and east, plus the Draper Estate, causing public nuisance. That the we have lived and worked in close proximity for seven years with few issues, but the recent change in the use of the venue (addition of late opening and loud music) is causing significant nuisance.

FULL Address:

[REDACTED]

I feel very strongly about this and feel that a granting of an extension will exacerbate all the issues as mentioned above.

I look forward to hearing back from you.

Best regards,
[REDACTED]

PARTY U**Heron, Andrew**

From: Regen, Licensing
Sent: 28 July 2017 08:53
To: Heron, Andrew
Subject: FW: Objection to extended opening hours of La Barra 859492

Follow Up Flag: Follow up
Flag Status: Completed

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

From: [REDACTED]
Sent: Thursday, July 27, 2017 8:49 PM
To: Regen, Licensing
Subject: Objection to extended opening hours of La Barra 859492

I wish to object to the proposed extension of the opening hours of the La Barra .
This premises is located next to the strata apartment block and close to the bedrooms of the apartments located on the lower floors.

The premises at the moment has been playing loud music in breach of their license with complete disregard to the impact this is causing .

The premises have insufficient soundproofing and have the door and windows open when playing loud music in the evening.

The public footpath leads to the premises down the side alley which has bedroom located above in the Strarta building. This alley is being used as a toilet, there is constant groups standing in the alley shouting and drinking causing a public nuisance, I have witnessed fighting and arguments late at night which is causing a disturbance to the residents.

The Strarta loading bay and car park located at the rear of the Strarta building and adjacent to the venue is being used by La Barra customers who play loud music from there cars, there is constant engine revving and anti social behaviour late in the evening.

Kind regards
[REDACTED]

Sent from my iPad

PARTY V**Heron, Andrew**

From: Regen, Licensing
Sent: 28 July 2017 15:49
To: Heron, Andrew
Subject: FW: Objection to licence number 859492

From: [REDACTED]
Sent: Friday, July 28, 2017 3:00 PM
To: Regen, Licensing
Subject: Objection to licence number 859492

Hello

I would like to register my objection to the proposal for extended hours for licence number 859492

I live [REDACTED]. My flat is on the south side of the building on the [REDACTED] floor, facing the premises concerned, La Barra.

I have lived here since September 2010 and for the majority of that time have had no issues with noise from any of the surrounding businesses or the railway line above those premises. However since a licence was granted to La Barra in March, I have had more nights of interrupted sleep than the previous 7 years put together. Mostly due to the behaviour of customers who shout at each other in the early hours of the morning. Some continue very loud conversations (loud enough for me to hear every word clearly from the 5th floor, sometimes even with a closed window) for prolonged periods (20 minutes or longer) in the service yard area below my window.

In recent warmer months, I have heard loud music playing from the venue to the extent that I cannot hear my own tv clearly without raising the volume to a level that I couldn't tolerate or dampen the noise pollution by closing my own windows despite the heat. I do not believe the building is adequately sound-proofed to have be able to have music playing without becoming a significant nuisance and there are no conditions regarding the music in the current application.

I dread to imagine how the combination of longer drinking hours with loud music will affect the volume of patrons leaving the establishment at 3am!

In view of the above, I would urge the Licensing Authority to refuse the application.

Many thanks
[REDACTED]

APPENDIX E

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

Tel: 020 7525 7531

Date: 31 May 2017

La Barra Ltd,
La Barra,
Unit 2 Eagle Yard, Arch 147,
Hampton Street,
London, SE1 6SP.

Dear Sir/Madam,

Breach of Licensing Conditions, La Barra, Hampton Street, London, SE1 6SP.

I am writing to you in your capacity as the premises licence holder for La Barra, Unit 2 Eagle Yard, Arch 147, Hampton Street, London, SE1 6SP. On Saturday's your bar is licensed to sell alcohol until midnight, and closing time is 00.30am on the following Sunday morning.

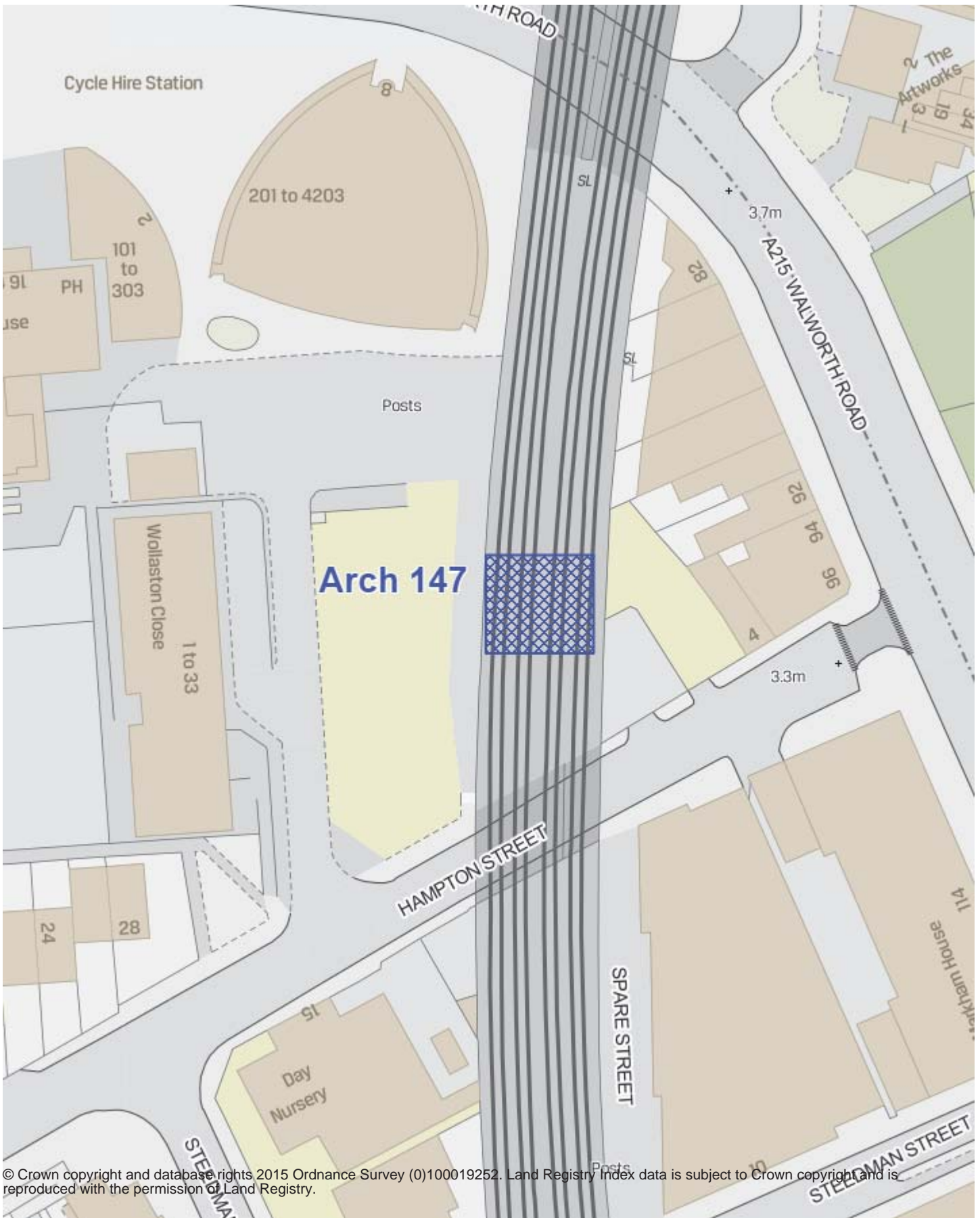
I visited your bar at 00.44am on Sunday morning, 27th May, 2017. The bar was still open and there were six customers seated at a table drinking beer. The designated premises supervisor, Mr Juan David Mandoza, was present. This is a breach of the conditions of the premises licence, and is an offence under The Licensing Act, 2003.

This letter is a warning that you have allowed an offence to occur under The Licensing Act, 2003. A copy of this letter will be kept in my Department's records. If any further offences are discovered being committed at your bar, it will be taken into account when considering how to deal with those offences. Please ensure that Mr Mandoza is aware of the conditions on the licence for the bar.

Yours sincerely,

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

APPENDIX F



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