

Licensing Sub-Committee

Wednesday 6 September 2017
10.00 am

Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Maria Linforth-Hall

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 29 August 2017



Licensing Sub-Committee

Wednesday 6 September 2017
10.00 am

Ground Floor Meeting Room G01A - 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: AFRIKIKO BAR, RESTAURANT AND NIGHTCLUB, 871 OLD KENT ROAD, LONDON SE15 1NX	1 - 46
6.	LICENSING ACT 2003: UNIT 2, 777 OLD KENT ROAD, LONDON SE15 1NZ	47 - 95
7.	LICENSING ACT 2003: 133 COPELAND ROAD, LONDON SE15 3SN	96 - 140
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE	

Item No.

Title

Page No.

MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 29 August 2017

Item No. 5.	Classification: Open	Date: 6 September 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX	
Ward(s) or groups affected:		Livesey	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 53C of the Licensing Act 2003 by the chief of police for the Metropolitan Police area for the review of the premises licence in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX.
2. **Notes:**
 - a) The grounds for the review are stated in paragraphs 13 to 16 of this report. A copy of review application is attached as Appendix B.
 - b) The application for review of the premises licence is supported by a representation submitted by an 'other person'. A copy of the representation is attached as Appendix C. Details of the representation are provided in paragraph 20 of this report.
 - c) 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 local area is attached as Appendix G.
 - 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 summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

KEY ISSUES FOR CONSIDERATION

The premises licence

8. The premises licence issued in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX allows licensable activities as follows

- Live music, recorded music, performances of dance, entertainment similar to live or recorded music, the sale of alcohol to be consumed on and off the premises:

Monday to Thursday	11:00 to 01:00 the following day
Friday to Sunday	11:00 to 04:00 the following day

- Late night refreshment (indoors):

Monday to Thursday	23:00 to 01:00 the following day
Friday to Sunday	23:00 to 04:00 the following day

- Opening hours:

Monday to Thursday	11:00 to 01:30 the following day
Friday to Sunday	11:00 to 04:30 the following day

9. A copy of the current premises licence is attached as Appendix A.

Designated premises supervisor

10. The designated premises supervisor (DPS) of the premises is Emmanuel Koku Dodzi Kpakpah. Mr Kpakpah has been the DPS of the premises since 31 August 2011.

The review application and certificate

11. On 9 August 2017 the Metropolitan Police Service applied to this licensing authority for a summary review of the premises licence issued in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London SE15 1NX.

12. On 9 August 2017 a Superintendent for the Metropolitan Police Service certified that in her opinion the premises are associated with serious crime, serious disorder or both.
13. The application is concerned with a serious incident that took place on Tuesday 8 August 2017 at approximately 02:00 hours. An emergency call was made to the police at 02:02 hours reporting that a large fight including the use of a knife, and involving approximately 34 persons (both male and female), was taking place outside of the premises. The police attended the premises at 02:08 hours and established that a male was unresponsive on the floor. When the police arrived a large number of people were still in the vicinity of the premises.
14. Police officers viewed CCTV of the incident. The CCTV showed a large group of people outside the premises at 02:00 hours. The closing time of the premises on Tuesday 8 August 2017 was 01:30 hours. The CCTV showed a fight involving weapons. The victim was punched and stabbed. The victim died as a result of the injuries received.
15. The police contend that they have established that on the night of Tuesday 8 August 2017 the premises were being operated in breach of various of the conditions of the premises licence issued in respect of the premises, namely condition 303 (relating to the completion of a venue hire agreement), condition 336 (relating to the requirement for a personal licence holder to be on premises when alcohol is supplied) and condition 347 (requiring that only persons over 21 years old are to be admitted to the basement area).
16. The police further contend that there is a history of non-compliance at the premises with regards to the terms and conditions of the premises licence issued in respect of the premises. Other evidence may become available at the hearing.
17. Copies of the review application, review certificate and a response from the licensee to the review application are attached to this report as Appendix B.
18. Any evidence submitted in addition to this report will be made available at the hearing.

Representations from responsible authorities

19. No representations in respect of the review application were submitted by responsible authorities.

Representations from other persons

20. One representation has been submitted by a local resident. The representation alleges that there are often fights outside of the premises, that noise nuisance arises as a consequence of the premises' operation, that large groups of people loiter in the vicinity of the premises and that a person was the victim of a stabbing in the vicinity of the premises in November 2015. A copy of the representation is attached as Appendix C.

Operating history

21. A premises licence was issued in respect of the premises on 4 October 2005.
22. Various transfers and / or amendments to the licence have taken place. On 31 August 2011 a further application was submitted to transfer the licence to Afrikiko Limited and an application was also submitted to specify Emmanuel Koku Dodzi

Kpakpah as the DPS of the premises. The premises name was also changed on this date to Afrikiko Bar, Restaurant and Nightclub.

23. On 29 June 2012 a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of licence conditions 289, 308 and 336 of the premises licence issued in respect of the premises. A warning letter was sent to the premises in regards to the breached conditions. On 8 December 2012 a re-visit of the premises was undertaken and the premises were found to be being operated compliantly.
24. On 21 March 2014 a licensing inspection of the premises was undertaken. The premises were found to be being operated in breach of conditions 291 and 303 of the premises licence issued in respect of the premises. A warning letter was sent to the premises in regards to the breached conditions.
25. On 4 October 2015 a licensing inspection of the premises was undertaken. The premises were found to be being operated compliantly.
26. On 27 February 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under s.19 of the Criminal and Justice Police Act 2001 in respect of breaches of various conditions of the premises licence issued in respect of the premises.
27. On 30 July 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under s.19 of the Criminal and Justice Police Act 2001 in respect of the breach of condition 344 of the premises licence issued in respect of the premises.
28. On 13 August 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under s.19 of the Criminal and Justice Police Act 2001 in respect of the breach of condition 291 of the premises licence issued in respect of the premises.
29. On 14 August 2016 the Metropolitan Police Service visited the premises. As a result of the visit they served a closure notice in regards to the premises under s.19 of the Criminal and Justice Police Act 2001 in respect of the breach of conditions 302 and 344 of the premises licence issued in respect of the premises.
30. On 13 December 2016 an application, to have immediate effect, was submitted to transfer the licence to the current licensee – Afrikiko Restaurant and Night Club Limited. The DPS remained Emmanuel Koku Dodzi Kpakpah.
31. On 9 August 2017 the Metropolitan Police Service applied to this licensing authority for a summary review of the premises licence issued in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London, SE15 1NX.
32. On 9 August 2017 a superintendent for the Metropolitan Police Service certified that in her opinion the premises are associated with serious crime, serious disorder or both.
33. An expedited review hearing was held on 11 August 2017 to decide whether to implement the interim step suggested by the police in their review application of 9 August 2017. The licensing sub-committee decided to implement the interim step suggested by the police and suspended the premises licence until the full review hearing is held on 6 September 2017. A copy of the Notice of Decision pertaining to the expedited review is attached as Appendix D.

34. Details of visits to the premises by council licensing officers working on the night-time are provided in Appendix E.
35. A list of temporary event notices (TENs) submitted in respect of the premises is attached as appendix F

The local area

36. A map of the local area is attached at Appendix G.

Southwark Council statement of licensing policy

37. Council assembly approved Southwark's statement of licensing policy 2016 to 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 - Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 - Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 - Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 - The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 - Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
38. 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.
39. The statement of licensing policy states that the premises fall within a residential area. The statement of licensing policy states the following closing times are recommended as appropriate within this area for the categories of premises indicated:

- Restaurants and Cafes: 23:00 hours daily
- Public Houses, wine bars or other drinking establishments: 23:00 hours daily
- Night Clubs (with sui generis planning classification) are not considered appropriate for this area.

Resource implications

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

Consultation

41. A suitable public notice as required by the Licensing Act 2003 has been properly displayed at the premises for a period of 28 consecutive days.

Community impact statement

42. 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

43. The sub-committee is asked to consider interim steps following an application to review the premises licence under Section 53A of the Licensing Act 2003.

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

Principles for making the determination

45. The licensing authority must hold a hearing to consider interim steps within 48 hours of receiving an application for review of a premises licence where.

- The application is properly made in accordance with Section 53A of the Act.
- The licensing authority has considered the ground(s) of review to be relevant to the licensing objective for prevention of crime and disorder.

46. 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.

47. 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 premises licence.

48. The steps will remain in place until the review application is determined at a full hearing of the licensing sub-committee.
49. The authority may decide to take no action if it finds no interim steps are appropriate to promote the licensing objectives.
50. 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.
51. 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

52. 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

53. 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
 - To 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.

54. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

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

55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
61. 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.

62. There is no right of appeal to a Magistrates' Court against the licensing authority's decision regarding the setting of interim steps at this stage.

Guidance

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Mrs Kirty Read 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of current premises licence
Appendix B	Copies of the review application & certificate and a reply from the licensee
Appendix C	Copy of the representation submitted by an other person
Appendix D	Copy of the Notice of Decision in respect of 11 August 2017
Appendix E	Details of night time economy team visits to the premises
Appendix F	Details of TENs submitted in respect of the premises
Appendix G	Map of 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	21 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	22 August 2017	

Licensing Act 2003 Premises Licence



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

Premises licence number

844920

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Afrikiko Bar, Restaurant & Night Club 871 Old Kent Road London SE15 1NX	
Ordnance survey map reference (if applicable), 177370535176	
Post town London	Post code SE15 1NX
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence
Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 11:00 - 01:30
Tuesday 11:00 - 01:30
Wednesday 11:00 - 01:30
Thursday 11:00 - 01:30

Friday	11:00 - 04:30
Saturday	11:00 - 04:30
Sunday	11:00 - 04:30

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

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

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

Live Music - Indoors

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Recorded Music - Indoors

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Performance of Dance - Indoors

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Entertainment Similar to live/recorded music - Indoors

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Late Night Refreshment - Indoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 04:00
Saturday	23:00 - 04:00
Sunday	23:00 - 04:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 01:00
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Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Sale by retail of alcohol to be consumed off premises

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 04:00
Saturday	11:00 - 04:00
Sunday	11:00 - 04:00

Part 2

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

Afrikiko Limited

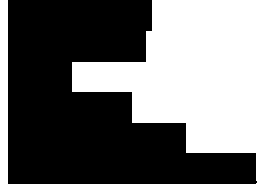


Registered number of holder, for example company number, charity number (where applicable)

07743362

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

Emmanuel Koku Dodzi Kpakpah

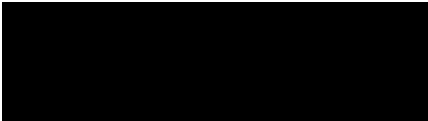


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. 

Authority

Licence Issue date 02/07/2014



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.

107 Any individual carrying out security activities at the premises must be.

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

112 This licence allows for the premises to be open from the start time on New Years Eve until the finish time on New Years Day.

114 This licence allows for the premises to extend the following licensable activities for non standard timings: live music, recorded music, performance of dance, entertainment similar to live/recorded music, facilities for making music, facilities for dancing, provisions similar to making music and dancing, late night refreshment, sale of alcohol on and off the premises from the start time on New Years Eve until the finish time on New Years Day.

255 That fire extinguishers will be checked annually.

276 That the basement area is to be equipped with extract ventilation and chilled intake replacement air to facilitate music and dancing until requested terminal hour.

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.

291 Two SIA registered door supervisors, one of whom shall be female shall be employed from (on Fridays, Saturdays, Sundays and days when non-standard timings are in operation) 22:00hrs until the terminal hour that the premises are in use under the licence when the basement is in use. Hand held search wands will be used to assist in searching all persons entering the premises. All persons to include staff, performers, guests and members of the public. Counting devices shall be used to ensure that the accommodation capacity is not exceeded. The number of attendees shall be recorded periodically whilst the premises is in operation. This information will be made available to the Police and officers of the council and any other authorised person upon request.

298 That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'.

302 That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.

303 That you shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Southwark Licensing a minimum of fourteen (14) days prior to the date of hire.

308 There shall be no new entry or re-entry to the premises after 03:00hrs other than to those who temporarily leave the premises to smoke a cigarette. A maximum of 10 persons at any one time. Those who temporarily leave for this reason shall be subjected to the requirement of a further search. The premises must assign a designated smoking area separate from other members of the public.

309 That all amplification equipment is to be played through the sound limiting device; the level set in conjunction with the Environmental Protection Team.

310 That doors and windows are to be kept closed except for access and egress.

- 311** That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- 312** Customers shall use no outside area after 22:00hrs except those who temporarily leave to smoke, with no more than 10 persons at any one time. Those customers shall be identified by a token or some other method with approval of the Police and Local Authority. Customers shall not take drinks outside after 22:00hrs.
- 313** That there shall be no movement of musical or amplification equipment from the premises between the hours of 12 midnight and 08.00am.
- 332** That children under 16 may only be present at the premises between 12 midnight and 04.30am when accompanied by a person aged over 18.
- 336** That a personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
- 340** That a Personal Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch scheme should there be one in existence for the area in which the premises is located.
- 341** That all children will be supervised.
- 342** That doors and windows are to remain closed during performance.
- 343** That floor speakers are to be mounted on resilient material between floor and speakers to reduce bass transmission.
- 344** An ID scanning system to the reasonable satisfaction of police will be installed and maintained. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passport and ID cards, able to identify fake or forged ID documents.
- 428** That all audio and musical equipment on the premises shall be played through the approved sound limiting/cut out device.
- 345** An ID Scanning system to the reasonable satisfaction of Police be installed and maintained. The system should be capable of sharing information of banned customers with other venues, identify the hologram from a form of ID and read passports and ID cards, and be able to identify fake or forged ID documents. This system is to be used for access to the basement area of the premises only. All members of the public, DJ's and associated staff will have their ID scanned and stored on the system prior to being permitted access to the basement area. The system will be in use at all times after 22:00 and the terminal hour the premises are in use under its licence and when regulated entertainment is being provided in the basement area of the premises.
- 346** All customers entering the basement area will be identified with an ink stamp on initial entry. Persons without the approved ink stamp will not be permitted entry to the basement area via the internal ground floor door and will be required to enter via the external door located in Ilderton Road only. Restaurant users are to access the premises via the entrance on Old Kent Road only. If restaurant users wish to gain access to the basement area, they must conform with the usual security requirements and enter via the entrance on Ilderton Road.
- 347** Only persons of age 21 years or over to be admitted to the basement area for promoted events. This age restriction will be displayed on all promotional material including and not limited to websites and flyers.
- 348** The operating hours of the premises highlighting the last hour of admission and the closing time to be

displayed on all promotional material including and not limited to websites and flyers.

349 Any flyers for promoted events must be approved by the management of the premises prior to distribution to ensure compliance with the requirements of the conditions for the premises.

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

Annex 4 - Plans - Attached

Licence No. 844920

Plan No. N/A

Plan Date 12 June 2009

Document is Restricted

Document is Restricted



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 11 AUGUST 2017

LICENSING ACT 2003: SECTION 53A: AFRIKIKO BAR, 871 OLD KENT ROAD, LONDON, SE15 1NX

1. Decision

That the licence be suspended as an interim step to promote the licensing objectives pending the determination of the review application at the full hearing, to be held on 6 September 2017.

2. Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police for an expedited summary review of the premises.

The police advised that on 9 August 2017 they applied to the licensing authority for a summary review of the premises licence in respect of the premises known as Afrikiko Bar, Restaurant and Nightclub, 871 Old Kent Road, London, SE15 1NX after a Superintendent for the Metropolitan Police Service certified that in his opinion the premises are associated with serious crime or serious disorder or both.

The application related to a serious incident that took place on the previous day, Tuesday 8 August 2017 at approximately 02:00 hours. An emergency call was made to the police at 02:02 hours reporting that a large fight including the use of a knife, and involving approximately 34 persons (both male and female), was taking place outside of the premises. Police attended the premises at 02:08 and established that a male was unresponsive on the floor. A large number of people were still in the vicinity of the premises. Police officers viewed CCTV of the incident which showed a large group of people outside the premises at 02:00. The closing time of the premises on Tuesday 8 August 2017 was 01:30. The CCTV showed a fight involving weapons. The victim was stabbed and died as a result of the injuries the victim received.

The police stated that the premises were being operated on 8 August in breach of various of the conditions on the premises licence, namely condition 303 (completion of Form 696/venue hire agreement), condition 336 (personal licence holder to be on premises when alcohol is supplied) and condition 347 (only over 21s to be admitted to the basement area). They further stated that there was a history of non-compliance at the premises with regards to the terms and conditions of the premises licence issued in respect of the premises and recommended that the premises licence be suspended as an interim step.

The licensing sub-committee have also considered evidence submitted by the premises licence holder and the designated premises supervisor in relation to the application. It was accepted that the DPS was not present and was not aware of the event. It was also accepted that there was no personal licence holder was on the premises that night. No explanation could be given as to why persons under the age of 21 had been admitted to the premises or why the SIA staff had input fake dates of birth (approximately 20 people) in the ID scanner system. The premises stated that the victim was stabbed away from the premises and staggered back to the premises for assistance and "fell on the premises". The victim fell across the doorway and the main door could not be shut.

The licensing sub-committee believe that there are too many questions that require answers and matters that need to be urgently addressed. From the version of the events provided by the premises, the main door must have been open as the victim fell across the doorway and it could not be closed, meaning the door must have been open when he fell. Three conditions had been breached (conditions 336, 303 and 347). At this stage, the licensing sub-committee have no confidence in the management of the premises and in the interim the premises licence must be suspended.

The licensing sub-committee having read and heard all the evidence before them were satisfied that the interim steps set out above were appropriate and proportionate in order to promote the licensing objectives.

3. Appeal rights

There is no right of appeal to a Magistrates' Court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation.

The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

Any representation should be in writing and cannot be received outside of normal office hours.

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

Date: 11 August 2017

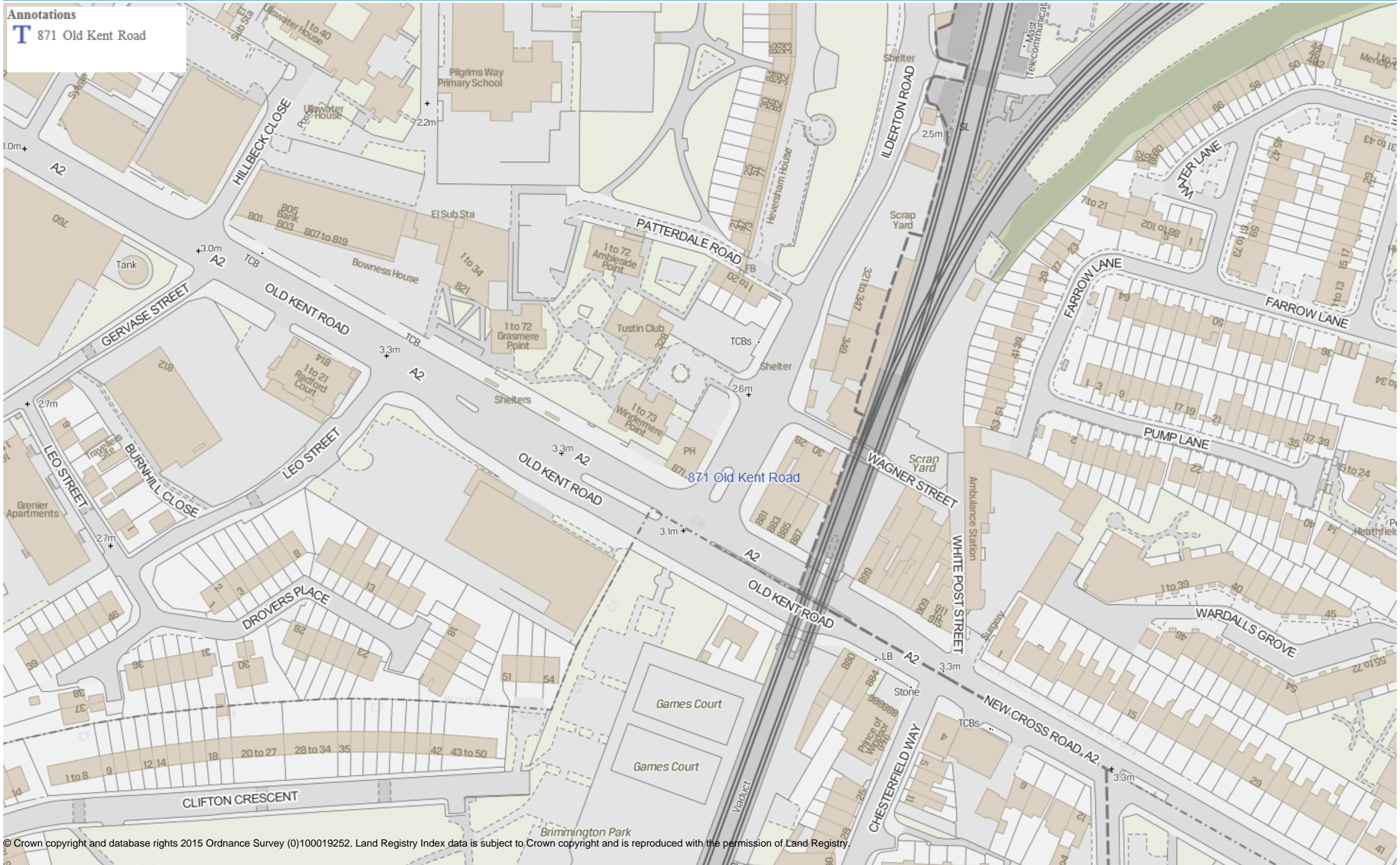
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APPENDIX F

Start date	End date	Times	Maximum attendees	Alcohol?	Entertainment?	LNR?	Late TEN?	Police objection?	EPT objection?
05/11/2011	05/11/2011	22.00 - 07.00	100	No	No	Yes	No	No	No
24/12/2011	26/12/2011	04.00 - 06.00	150	Yes	Yes	No	No	No	No
31/12/2011	02/01/2012	04.00 - 06.00	150	Yes	Yes	No	No	No	No
02/12/2012	02/12/2012	04.00 - 06.00	150	Yes	Yes	No	No	No	No
08/12/2012	09/12/2012	04.00 - 06.00	150	Yes	Yes	No	No	No	No
15/12/2012	16/12/2012	04.00 - 06.00	150	Yes	Yes	No	No	No	No
22/12/2012	27/12/2012	04.00 - 06.00	150	Yes	Yes	No	No	No	No
29/12/2012	02/01/2013	04.00 - 06.00	150	Yes	Yes	No	No	No	No
29/12/2012	02/01/2013	04.00 - 06.00	150	Yes	Yes	No	No	No	No
07/12/2013	08/12/2013	04.00 - 06.00	150	Yes	Yes	Yes	No	No	No
14/12/2013	15/12/2013	04.00 - 06.00	150	Yes	Yes	Yes	Yes	No	No
21/12/2013	23/12/2013	04.00 - 06.00	150	Yes	Yes	Yes	No	No	No
25/12/2013	29/12/2013	01.00 - 06.00	150	Yes	Yes	Yes	No	No	No
31/12/2013	02/01/2014	01.00 - 06.00	150	Yes	Yes	Yes	No	No	No
01/02/2014	01/02/2014	04.00 - 06.00	150	Yes	Yes	Yes	Yes	No	No
23/02/2014	23/02/2014	04.00 - 06.00	150	Yes	Yes	Yes	No	No	No
03/05/2014	06/05/2014	01:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
24/05/2014	27/05/2014	01:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
20/07/2014	20/07/2014	04:00 - 06:30	150	Yes	Yes	Yes	Yes	No	No
13/09/2014	14/09/2014	04:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
01/11/2014	02/11/2014	04:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
20/12/2014	20/12/2014	04:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
27/12/2014	02/01/2015	04:00 - 06:00	150	Yes	Yes	Yes	No	No	No
31/01/2015	01/02/2015	04:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
14/02/2015	15/02/2015	04:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No

28/02/2015	02/03/2015	04:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
25/05/2015	25/05/2015	04:00 - 06:30	150	Yes	Yes	Yes	Yes	No	No
07/06/2015	07/06/2015	04:00 - 06:00	150	Yes	Yes	Yes	No	No	No
14/06/2015	14/06/2015	04:00 - 06:00	150	Yes	Yes	Yes	No	No	No
19/07/2015	19/07/2015	04:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
25/12/2015	28/12/2015	01:00 - 06:00	150	Yes	Yes	Yes	Yes	Yes	Yes
31/12/2015	03/01/2016	01:00 - 06:00	150	Yes	Yes	Yes	Yes	Yes	Yes
09/01/2016	11/01/2016	04:00 - 06:00	150	Yes	Yes	Yes	No	Yes	Yes
06/02/2016	08/02/2016	04:00 - 06:00	150	Yes	Yes	Yes	No	Yes	Yes
26/03/2016	29/03/2016	04:00 - 06:00	150	Yes	Yes	Yes	Yes	Yes	Yes
02/04/2016	02/04/2016	04:00 - 06:00	150	Yes	Yes	Yes	Yes	Yes	Yes
17/04/2016	17/04/2016	04:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
01/05/2016	01/05/2016	04:00 - 06:00	150	Yes	Yes	Yes	Yes	Yes	No
07/05/2016	07/05/2016	04:00 - 06:00	150	Yes	Yes	Yes	Yes	Yes	No
28/05/2016	30/05/2016	04:00 - 06:00	150	Yes	Yes	Yes	Yes	Yes	No
16/07/2016	17/07/2016	22:00 - 06:00	150	Yes	Yes	Yes	Yes	No	No
09/04/2017	09/04/2017	04.00 - 06.30	150	Yes	Yes	Yes	Yes	No	No
29/04/2017	01/05/2017	04.00 - 06.30	150	Yes	Yes	Yes	Yes	No	No
03/06/2017	03/06/2017	04.00 - 06.00	150	Yes	Yes	Yes	Yes	No	No

Annotations
T 871 Old Kent Road



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10-Aug-2017

Item No. 6.	Classification: Open	Date: 6 September 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Unit 2, 777 Old Kent Road, London SE15 1NZ	
Ward(s) or groups affected:		Livesey	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by George Nwachukwu to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Unit 2, 777 Old Kent Road, London SE15 1NZ.
2. Notes:
 - The application seeks to vary a premises licence held under current legislation. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and / or other persons and is therefore referred to the sub-committee for determination. A copy of the current premises licence is attached as Appendix A.
 - Paragraphs 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.
 - Paragraphs 13 to 18 of this report deal with the representations submitted in respect of the application. (Copies of the representations are attached as Appendices C & D).
 - A map showing the location of the premises is attached as Appendix G.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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 in respect of the premises known as Unit 2, 777 Old Kent Road, London SE15 1NZ allows the following licensable activities:
- The sale of alcohol to be consumed on and off the premises

Sunday to Friday	between 11:00 & 23:00
Saturday	between 11:00 & 00:00 (midnight)
 - The provision of late night refreshment

Saturday	between 23:00 & 00:00 (midnight)
----------	----------------------------------
 - Opening hours

Sunday to Friday	between 11:00 & 23:30
Saturday	between 11:00 & 00:30 the following day

The premises are described as a restaurant. A copy of the existing premises licence is attached as Appendix A.

The variation application

8. On 20 June 2017 George Nwachukwu 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 Unit 2, 777 Old Kent Road, London SE15 1NZ.
9. The application is summarised as follows:
- To amend the hours permitted for the sale of alcohol

Sunday to Thursday between 11:00 & 00:30 the following day

Friday, Saturday
and Bank Holidays between 11:00 & 03:00 the following day

- To amend the days and hours permitted for the provision of late night refreshment

Sunday to Thursday between 11:00 & 00:00

Friday and Saturday
and Bank Holidays between 11:00 & 02:30 the following day

- To amend the premises' opening hours

Sunday to Thursday between 11:00 & 01:00 the following day

Friday and Saturday
and Bank Holidays between 11:00 & 03:30 the following day

10. The premises licence application form provides the applicant's operating schedule. The operating schedule sets out any proposed operational control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should an amended premises licence be issued in respect of the application the information provided in the operating schedule will form the basis of conditions that will be included in the licence.
11. A copy of the application is attached to this report as Appendix B.

Designated premises supervisor

12. The designated premises supervisor (DPS) under the existing premises licence is George Nwachukwu.

Representations from responsible authorities

13. The council's planning service has submitted a representation in respect of the prevention of public nuisance licensing objective. The representation notes that events taking place at the premises have resulted in complaints of noise and nuisance from local residents. The representation notes that a temporary stop notice was served by the planning service to ensure that the premises adheres to a closing time of 23:00 hours as per planning permission in respect of the premises. The representation states that two planning applications to extend the hours of operation in respect of the premises have been refused on the grounds of the potential harm to residential amenity by the proposed extended hours of operation and further notes that there has been no change of circumstance to lead to a different conclusion in respect of the potential impact of extending the operating hours of the premises. The representation alleges that the premises are arranged as a late night drinking venue and not as a restaurant. The representation recommends that the application be rejected.
14. The council's director of public health has submitted a representation in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation states that research shows that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries and increased alcohol related

harm. In addition to this the representation notes that this council's Statement of Licensing Policy recommends that restaurants in the premises' location should close at 23:00 hours. The representation recommends that the application be rejected.

15. The council's licensing responsible authority has submitted a representation in respect of the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The representation notes that this council's Statement of Licensing Policy recommends that restaurants in the premises' location should close at 23:00 hours. The representation also notes that current planning permission in regards to the premises stipulates that the premises close at 23:00 hours. The licensing responsible authority recommends that the application is refused. The representation recommends that the application be rejected.
16. The Metropolitan Police Service has submitted a representation which notes that current planning permission in regards to the premises stipulates that the premises close at 23:00 hours. The representation notes that events taking place at the premises have resulted in complaints regarding public nuisance and noise nuisance caused by customers. The representation notes that the hours of operation applied for exceed those recommended in this council's Statement of Licensing Policy for a restaurant in the premises' location. The Metropolitan Police Service object to the application as the proposed extension of hours, if granted, are likely to lead to an increase in public nuisance and crime and disorder in the area.
17. The council's environmental protection team has submitted a representation in regards to the prevention of public nuisance licensing objective. The representation notes that events taking place at the premises have resulted in complaints of noise and nuisance from local residents. The representation also notes that current planning permission in regards to the premises stipulates that the premises close at 23:00 hours and that planning applications to extend the premises' hours of operation have been refused. The environmental protection team recommends that the application be refused.
18. Copies of the representations submitted by responsible authorities are attached as Appendix C.

Representations from other persons

19. Four 'other persons' have submitted representations objecting to the application. In summary the representations are concerned with the following:
 - The existing operation of the premises gives rise to noise nuisance
 - Customers using the premises engage in anti-social behaviour including public intoxication, littering, public urination, fights and sounding their car horns
 - That planning applications to extend the premises operating hours have been refused
 - That the premises operate as a night club
 - That patrons of the premises intimidate local residents
 - That a new residential housing complex is being built in the immediate vicinity of the premises
 - That all of the existing problems will be exacerbated, and crime and disorder in the locale increase, should the premises' hours of operation be extending.
20. Copies of the representations submitted by other persons are attached as Appendix D.

Conciliation

21. Due to time constraints the applicant was sent copies of the representation on the date of the writing of this report, therefore at the time of the writing of this report all of the representations remain outstanding and must be considered by the licensing sub-committee. At the hearing to determine the application the licensing sub-committee will be informed of any developments in respect of the conciliation of the representations.

Operating history

22. A premises licence was issued in respect of the premises on 25 September 2016.
23. On 15 December 2016 a complaint was made to Southwark Anti-Social Behaviour Unit (SASBU) by a local resident alleging that customers using the premises engage in anti-social behaviour in the locale. The complaint was forwarded to the Licensing Unit by SASBU.
24. On 23 December 2016 a complaint was made to a local ward councillor by a second local resident alleging that customers using the premises engage in anti-social behaviour in the locale. The complaint was forwarded to the Licensing Unit by the local ward councillor.
25. On 3 January 2017 a complaint was made to a local MP by a third local resident again alleging that customers using the premises engage in anti-social behaviour in the locale. The complaint was forwarded to local ward councillors by the local MP. The complaint was then forwarded to the Licensing Unit by a local ward councillor.
26. As a result of the above complaints an induction meeting at the premises was undertaken by a licensing officer on 5 January 2017. At the induction meeting the conditions of the premises licence issued in respect of the premises, the remit of the Licensing Unit and the potential consequences of breaching licensing legislation were explained to the licensee. During the induction meeting it was established that the following conditions of the premises licence issued in respect of the premises were not being complied with:
 - 841 (concerning a dispersal policy required at the premises)
 - 4A1 (concerning a refusal register required at the premises)
 - 305 (concerning signage required to be displayed at the premises)
 - 288 (concerning the maintenance of a CCTV system at the premises)

A warning letter was sent to the licensee in regards to the above breaches of the licence conditions. The premises have also been monitored periodically as a result of the complaints outlined above. Details of this monitoring are provided in Appendix E.

27. On 14 July 2017 an inspection of the premises was undertaken by a licensing officer. At the time of the inspection the premises were found to be being operated in compliance with the conditions of the premises licence issued in respect of the premises.
28. A list of the temporary event notices (TENs) submitted in in respect of the premises is attached as Appendix F.

Map

29. A map showing the location of the premises is attached to this report as Appendix G. The premises are identified at the centre of the map by a black diamond. The following licensed premises are also shown on the map:

- **805 Restaurant, 805-809 Old Kent Road, SE15 1NX** licensed for:
The provision of late night refreshment –

On Monday to Sunday between 23:00 and 00:30 the following day

The sale of alcohol provision of regulated entertainment –

On Monday to Sunday between 14:00 and 00:30 the following day
- **Champagne Bar & Lounge, 817 Old Kent Road, SE15 1NX** licensed for:

The provision of late night refreshment –

On Monday to Sunday between 23:00 and 00:30 the following day

The sale of alcohol –

On Sunday to Thursday between 10:00 and 00:00
On Friday and Saturday between 10:00 and 03:00
- **Iceland Foods LTD, 789-799 Old Kent Road, SE15 1NZ** licensed for:

The sale of alcohol –

On Monday to Saturday between 08:00 and 23:00
On Sunday between 10:00 and 22:30
- **Murco Costcutter Hopfields Service Station, 747-759 Old Kent Road, SE15 1NZ**
licensed for:

The sale of alcohol –

On Monday to Sunday between 00:00 to 00:00 (24 hours sales)

The provision of late night refreshment –

On Friday and Saturday between 23:00 and 05:00

Southwark council statement of licensing policy

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

- 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.
31. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
32. This council’s Statement of Licensing Policy defines the location that the premises are located in as a residential area. The Statement of Licensing Policy recommends the following closing times in respect of the restaurants and cafes in residential areas:
- 23:00 hours daily

Resource implications

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

Consultations

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

38. 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.
39. 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.
40. 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.
41. 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

42. 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.
43. 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.

44. 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.
45. 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.
46. 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.
47. Members are also referred to Revised Guidance on conditions issued under section 182 of the Licensing Act 2003 (April 2017) specifically chapter 9 when considering Annexes D, E, F and G of this report.

Reasons

48. 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

49. 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.

50. 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

51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. 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

58. Members are required to have regard to the revised guidance issued under section 182 of the Licensing Act 2003 (April 2017) 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

59. 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 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copy of the representation submitted by responsible authorities
Appendix D	Copies of the representations submitted by other persons
Appendix E	Details of licensing visits to the premises
Appendix F	List of TENs submitted in respect of the premises
Appendix G	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	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	22 August 2017	

Licensing Act 2003 Premises Licence



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

Premises licence number

854638

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Empire Unit 2 777 Old Kent Road	
Ordnance survey map reference (if applicable): 177480534968	
Post town London	Post code SE15 1NZ
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 Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 11:00 - 23:30
Tuesday 11:00 - 23:30
Wednesday 11:00 - 23:30
Thursday 11:00 - 23:30
Friday 11:00 - 23:30
Saturday 11:00 - 00:30
Sunday 11:00 - 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 Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

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

Late Night Refreshment - Indoors

Saturday 23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday 11:00 - 23:00

Tuesday 11:00 - 23:00

Wednesday 11:00 - 23:00

Thursday 11:00 - 23:00

Friday 11:00 - 23:00

Saturday 11:00 - 00:00

Sunday 11:00 - 23:00

Sale by retail of alcohol to be consumed off premises

Monday 11:00 - 23:00

Tuesday 11:00 - 23:00

Wednesday 11:00 - 23:00


Thursday 11:00 - 23:00

Friday 11:00 - 23:00

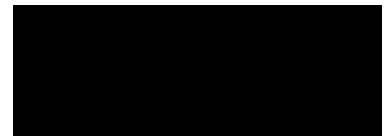
Saturday 11:00 - 00:00

Sunday 11:00 - 23:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licenceGeorge Nwachukwu
**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**George Nwachukwu
**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**Licence No.: Authority: 

Licence Issue date 25/09/2016



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.

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.

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.

489 The responsible person shall ensure that -

- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) Beer or cider: 1/2 pint;
 - (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) Still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

Annex 2 - Conditions consistent with the operating Schedule

288 (a) That a CCTV system shall be installed at the premises and maintained in full working order at all times that the premises are in use. Any recordings made by the CCTV system shall be retained for a minimum of 31 days and shall be made immediately available to officers of the council or police on request. The CCTV system shall record at a minimum of 6 frames per second (FPS).

(b) That at all times that the premises are in operation there shall be a member of staff will be on duty who is capable of downloading recordings within a reasonable time should the police or council officers request a copy of any recordings.

(c) That should the system break down then the police will be informed immediately and the system shall be repaired within two working days, or sooner if the police request.

(d) That the system shall record inside and outside the entrance to the premises and the rear fire exit.

(e) That the system shall be able to record clear images in all lighting conditions.

340 That members of staff shall receive first aid training and an appropriate number of persons trained in first aid shall be on the premises at all times the premises are in operation.

341 That a comprehensive fire risk assessment (FRA) shall be devised in respect of the premises. All management and supervisory staff shall be conversant with the FRA. A copy of the FRA shall be kept at / be accessible at the premises at all times the premises are in operation and shall be made immediately available to officers of the council, fire brigade or police on request. The FRA shall be reviewed annually, or when there is any substantive change to the operation or layout of the premises. Details of any review of the FRA shall be kept in the FRA and shall include the date of the review and who undertook the review.

342 That any emergency lighting and / or fire detection / alarm systems at the premises shall be inspected at least annually by a person qualified to do so to ensure that such systems are maintained in full working order. Certificates in regards to such testing shall be kept / be accessible at the premises at all times that the premise are in operation and shall be made immediately available to officers of the council or police on request.

343 That all interior and exterior areas of the premises shall be regularly inspected by staff.

344 That all staff will be trained to ensure that patrons leave the premises in a quiet and orderly manner.

345 That on each day of the week members of staff shall clear away any litter arising from the operation of the premises, left in the immediate vicinity of the premises, when the premises closes.

346 That the sound level of music played at the premises shall be monitored regularly to prevent music played at the premises causing noise nuisance.

347 That the sound level of music played at the premises shall be controlled at all times solely by the, manager, DPS or other person nominated by the manager or DPS.

348 That all exterior doors at the premises shall be kept closed during the provision of any regulated entertainment except for the purposes of immediate / emergency access and egress to and from the premises.

349 That all windows at the premises shall be kept closed during the provision of any regulated entertainment

350 That when taxis are ordered for customers for the collection of customers from the premises staff

members shall instruct the taxi service to instruct the taxi service's drivers not to sound the driver's car horns outside the premises, but to approach the premises in person and verbally (without raised voices) alert staff that the driver's are at the premises to collect customers.

351 That the details of local taxi firms will be displayed and kept at the premises and provided to customers on request.

352 That a minimum of 2 SIA registered door supervisors shall be on duty from 22:00 until the premises are shut on Friday and Saturday.

353 That there shall be no admittance to the premises after 01:15 when the premises are in operation past this time.

354 An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
- Violence
- Calls to the police or fire brigade
- Abuse of staff and / or customers
- Ejections of people from the premises
- Visits to the premises by the local authority, police or fire brigade
- Refused sales of alcohol
- Any malfunction in respect of the CCTV system
- Any other relevant incidents

The incident book / incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request. A record of the preceding 12 months incidents shall be available at the premises at any time.

355 (a) That a zero tolerance drugs and weapons policy shall be undertaken at the premises.

(b) Anybody found with / using drugs and / or weapons will be ejected from the premises and not shall not be admitted to the premises again.

(c) The details of any person found dealing drugs or using weapons will be taken (if possible) and given to the police.

(d) Any person who is suspected of having drugs on their person will be asked to consent to a search, and should they refuse the search that person shall be ejected from the premises.

356 That the licensee shall sign up to any local licensee radio scheme or pub watch scheme if such schemes exist in the local area.

4AA 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.

4AI 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. The register shall be made immediately available for inspection at the premises to council or police officers on request. A record of the preceding 12 months refusals shall be available at the premises at any time.

293 That all staff shall be trained in their responsibilities under the Licensing Act 2003 and in regards to the terms and conditions of this licence. Records pertaining to such training shall be kept / be accessible at the premises at all times, shall be updated every 6 months and shall be made immediately available for inspection at the premises to council or police officers on request.

305 That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers at all exits from the premises, requesting to the effect that customers leave the premises and area in a quiet and orderly manner. Such signs shall be maintained free from obstruction when the premises are in use in accordance with this licence.

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

840 That alcohol shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals and for consumption by such persons as ancillary to their meal.

841 That a dispersal policy will be implemented and maintained to assist with patrons leaving the premises in an orderly and safe manner and all staff will be trained in the contents of this policy and made aware of any changes. A copy of the dispersal policy shall be made available to the licensing officer and the police on request.

842 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. Such training shall be updated every four months.

Annex 4 - Plans - Attached

Licence No. 854638

Plan No. N/A

Plan Date N/A

20/06/2017

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

Ref No. 836996

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

	GEORGE NWACHUKWU
Premises licence number	854638

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

£	██████████
---	------------

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

Address Line 1	UNIT 2
Address Line 2	777 OLD KENT ROAD
Town	LONDON
County	
Post code	SE15 1NZ
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

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

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

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

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

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

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

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

	<p>VARY HOURS FOR SALE OF ALCOHOL ON AND OFF PREMISES TO: SUNDAY TO THURSDAY 11:00HOURS TO 00:30HOURS THE FOLLOWING DAY FRIDAY AND SATURDAY AND BANK HOLIDAYS 11:00HOURS TO 03:00HOURS THE FOLLOWING DAY</p> <p>VARY LATE NIGHT REFRESHMENT TO SUNDAY TO THURSDAY 23:00HOURS TO 24:00HOURS FRIDAY, SATURDAY AND BANK HOLIDAY 23:00HOURS TO 02:30HOURS THE FOLLOWING DAY</p>
--	---

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

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

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

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

Provision of regulated entertainment

Provision of late night refreshment

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

Supply of alcohol

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

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

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

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

	RESTAURANT
--	------------

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

Day	Start	Finish
Mon	23:00	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:00
Fri	23:00	00:00
Sat	00:00	02:30
	23:00	00:00
Sun	00:00	02:30
	23:00	00:00

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

	BANK HOLIDAYS 23:00HOURS TO 02:30HOURS THE FOLLOWING DAY
--	---

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

	BANK HOLIDAYS 23:00HOURS TO 02:30HOURS THE FOLLOWING DAY
--	---

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

	Both
--	------

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

Day	Start	Finish
-----	-------	--------

Mon	00:00	00:30
	11:00	00:00
Tues	00:00	00:30
	11:00	00:00
Wed	00:00	00:30
	11:00	00:00
Thur	00:00	00:30
	11:00	00:00
Fri	00:00	00:30
	11:00	00:00
Sat	00:00	03:00
	11:00	00:00
Sun	00:00	03:00
	11:00	00:00

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

	BANK HOLIDAY 11:00HOURS TO 03;00HOURS THE FOLLOWING DAY
--	---

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

	BANK HOLIDAY 11:00HOURS TO 03;00HOURS THE FOLLOWING DAY
--	---

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

	NONE
--	------

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

Day	Start	Finish
Mon	00:00	01:00
	11:00	00:00
Tues	00:00	01:00
	11:00	00:00
Wed	00:00	01:00
	11:00	00:00
Thur	00:00	01:00
	11:00	00:00
Fri	00:00	01:00
	11:00	00:00
Sat	00:00	03:30
	11:00	00:00

Sun	00:00	03:30
	11:00	00:00

State any seasonal variations (Please read guidance note 5)

	BANK HOLIDAYS 23:00HOURS TO 03:30HOURS THE FOLLOWING DAY
--	---

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

	BANK HOLIDAYS 23:00HOURS TO 03:30HOURS THE FOLLOWING DAY
--	---

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.

--	--

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

	AS PER EXISTING
--	-----------------

b) the prevention of crime and disorder

	AS PER EXISTING
--	-----------------

c) public safety

	AS PER EXISTING
--	-----------------

d) the prevention of public nuisance

	AS PER EXISTING
--	-----------------

e) the protection of children from harm

	AS PER EXISTING
--	-----------------

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

Upload proposed plans	[REDACTED]
Upload existing plans	

Checklist

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

I agree to the above statement

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

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

Full name	ROBERT JORDAN [REDACTED]
Date (DD/MM/YYYY)	20/06/2017
Capacity	AGENT

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

Full name	
Date (DD/MM/YYYY)	
Capacity	

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

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

Please tick to indicate agreement

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

Please upload proof of entitlement to work in the UK

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

I agree to the above statement

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

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

From: Blackburn, Gavin
Sent: Tuesday, July 11, 2017 5:59 PM
To: Regen, Licensing
Cc: Read, Kirty
Subject: Objection to licence 859302 Extension of hours The Empire, Unit 2 777 Old Kent Road

Dear Sirs,

Planning wish to object to the extension of hours applied for as it runs contrary to the objective of prevention of nuisance. The premises previously had temporary event notices that resulted in complaints of noise and nuisance from residents of the homes immediately to the rear of the premises. To ensure that the premises kept to the hours allowed by the planning permission. The planning department served a Temporary stop notice in February of this year that notice has now expired, but it had the effect of ensuring that the premises shut at 11:00pm.

The issue of the terminal hour of this premises has been extensively considered by planning. The proprietor has made two applications seeking to extend the hours of operation, both of which have been refused on grounds of harm to residential amenity. The second application was appealed and considered independently by a planning inspector who dismissed the appeal on 15th December 2016. The Inspector commented:-

The residents of the six residential units at the rear of the premises are particularly vulnerable to noise disturbance from cars parking in Sylvan Grove and the comings and goings of patrons. Given that there are parking restrictions outside the proposed restaurant/take-away itself, and Sylvan Grove is the nearest side street, it is, in my judgement, likely to be used by patrons or taxis seeking a parking or waiting space for both the take-away and restaurant use. Indeed at my site visit I noted that spaces on Sylvan Grove were in considerable demand. In the early hours of the morning, such comings and goings immediately outside residential properties would cause significant harm to the resident's living conditions.

The planning department are not aware of any change of circumstance that might lead to a different conclusion in terms of the impact of extending hours on the residential amenity of Sylvan Grove. A late night use at this location would cause a nuisance to the residents at the rear.

The planning department has been concerned that the premises has planning permission as a restaurant and take away, but does not appear to operate as such. When recently looking at the history of the ventilation extract system in the premises it was apparent that very minimal cooking is taking place within it. The property has a well presented bar that is a feature of the interior and chairs and tables with subtle multi-coloured lighting. It is arranged as a late night drinking venue and not a restaurant or take away. Planning officers were concerned that on a recent visit the restaurant appeared to have no refuse contract and no lockable refuse bin to store refuse in the proprietor stating that he disposes of refuse himself.

 It is recommended that this application be refused.

Kind regards

Gavin Blackburn
Team Leader
Planning Enforcement

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Monday, July 17, 2017 12:06 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: RE: The Empire - 777 Old Kent Road, LDO - 18/07/2017

To whom it may concern:

Re: The Empire, 777 Old Kent Road, London SE15 1NZ

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

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

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

General Comments

The applicant requests to vary their existing license to extend the sale of alcohol both on and off the premises from 11:00 – 23:30 Monday – Friday and 11:00-00:30 on Sundays to 11:00 – 00:30 Monday – Friday and 11:00-03:00 on Saturdays and Sundays.

I have concerns regarding the hours of alcohol sales requested. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Additionally, the premise is located within a residential area and Southwark's Statement of Licensing Policy recommends a restaurant in this location should close at 23:00. Therefore the applicant already hold a permissive license.

Recommendations

- I recommend this application is rejected.

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

Yours faithfully,

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

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025 | 07733307539
Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

From: [Tear, Jayne](#)
To: [Regen. Licensing](#)
Cc: [McArthur, Wesley](#)
Subject: REPRESENTATION RE EMPIRE VARIATION
Date: 18 July 2017 19:23:59
Attachments: [EMPIRE REP VARY 2017.pdf](#)
Importance: High

Dear Licensing

Please find attached my representation regarding the above application,

With kind regards

Jayne

Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

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

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

MEMO: Licensing Unit

To Licensing Unit **Date** 18 July 2017

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

Subject Re: The Empire, Unit 2, 777 Old Kent Road, London, SE151NZ

Application to vary a premises licence

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

- To add the provision of late night refreshment (indoors) on Sunday to Thursday from 23:00 to 00:00, on Friday from 23:00 to 02:30 the following day and on Saturday to extend the hours from 00:00 to 02:30 the following day
- To extend the supply of alcohol (on and off the premises) on Sunday to Thursday from 23:00 to 00:30 the following day; on Friday from 23:00 to 03:00 the following day and on Saturday 00:00 to 03:00 the following day
- Overall opening times shall be on Sunday to Thursday from 11:00 to 01:00 the following day; and on Friday and Saturday from 11:00 to 03:30 the following day

Non Standard Timings:

- On Bank Holidays for licensable activities shall be from 11:00 to 03:00 the following day
- On Bank Holidays the opening times shall be from 11:00 to 03:30 the following day

The premises is described as 'Restaurant' within the application.

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

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2016 - 2020 the appropriate closing times for restaurants, public houses, wine bars or other drinking establishments in this area is **23:00 daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area.**

It should be noted that planning permission for the premises is until 23:00 and recent applications to extend this have been refused by the planning department. Furthermore under Southwark's Statement of Licensing Policy 2016 – 2020, pages 27/28 para. 96 the following is stated:

'This Authority will look to ensure proper integration with the planning regime. While it is understood that there is no legal basis for a licensing authority to refuse a licence application solely because it does not have planning permission, it would be inconsistent for the authority to give a licence for an activity when planning permission for the same activity has been refused. Therefore, it is expected that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the council would expect the applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be'

The applicant has submitted previous Temporary Event Notices (TENs) and I attach a log of TENs submitted to this representation. Complaints were received from local residents regarding anti-social behavior from patrons leaving the premises, such as people smoking, talking loudly and urinating in the street; shouting and playing loud music from their vehicles parked in Sylvan Grove. On one occasion the premises was found to be operating beyond the TEN hours by a Police Officer on NTET duties. Due to the complaints received, the last TEN submitted on 9/1/2017 was served objection notices by the Police and EPT and the TEN was subsequently withdrawn by the applicant.

The applicant has demonstrated that he has no control over rowdy patrons that leave the premises later at night and if the premises were allowed to open later the impact of anti-social behavior or crime and disorder would affect local residents living nearby and in the surrounding streets.

I therefore submit this representation and to promote the prevention of crime and disorder and the prevention of public nuisance licensing objectives I recommend that this applicant is refused.

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

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

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

Log of temporary Events Notices for The Empire, Unit 2, 777 Old Kent Road, London, SE151NZ

received date	refno	name	area	start_date	end_date	times	plh	max_no people	sale_of alcohol	for consumption	reg. ent	lnr	Late ten	Premises user	police obj	ept obj	desc1	desc2
17/11/2016	856733	The Empire		04/12/2016	04/12/2016	(00:00--03:00) and (11:00--24:00)	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
23/11/2016	856826	The Empire		09/12/2016	11/12/2016	9/12/16 11:00-00:00 10 & 11/12/16 00:00-03:00 & 11:00-00:00	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
01/12/2016	857003	The Empire		16/12/2016	18/12/2016	16/12/16 11:00-00:00 17 & 18/12/16 00:00-03:00 & 11:00-00:00	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
08/12/2016	857111	The Empire		23/12/2016	25/12/2016	23/12/16 11:00-00:00 24-25/12/16 00:00-03:00 & 11:00-00:00	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
12/12/2016	857125	The Empire		30/12/2016	01/01/2017	30/12/(11:00--24:00)31/12&1/1/17 (00:00-03:00)(11:00-00:00)	Yes	90	Yes	On Premises	Yes	Yes	No	George Nwachukwu	No	No		
20/12/2016	857281	The Empire		07/01/2017	09/01/2017	7 & 8 Jan 11:00-03:30, 9 Jan 11-midnight	Yes	90	Yes	On Premises	Yes	Yes	Yes	George Nwachukwu	No	No		
09/01/2017	857379	The Empire		27/02/2017	28/02/2017	23:00-04:30	Yes	100	Yes	On Premises	Yes	Yes	No	Aniekan Ita Etuk	Yes	Yes	objection	Withdrawn

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/21/2988/17**
 Date: **18th July 2017**

Dear Sir/Madam

Re:- The Empire, Unit 2, 777 Old Kent Road SE1 1NZ

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

Premises open to the public

Sun -Thurs 11.00hrs – 01.00hrs
 Fri – Sat 11.00hrs – 03.30hrs

Sale/Supply of alcohol on the premises

Sun -Thurs 11.00hrs – 00.30hrs
 Fri – Sat 11.00hrs – 03.00hrs

Late Night Refreshment

Sun -Thurs 23.00hrs – 01.00hrs
 Fri – Sat 23.00hrs – 03.00hrs

The Applicant was only granted the current Licence in 2016 by the licensing sub-Committee on the 5th September 2016 and a full consultation took place with a number of objections including Southwark council planning department. The planning consent for the venue is 23.00hrs and have subsequently issued a stop notice against the premises after complaints whilst operating under a Temporary Event Notice.

The Southwark council Statement of Licensing Policy advise parity and proper integration between Licensing and planning hours and the applicant should have relevant planning consent prior to the application. The applicant has applied to have his planning hours extended which has been refused

twice and turned down on appeal. Any extension to Licensing hours would be in conflict to those granted by planning and the applicant could be prosecuted for breach of planning.

The police object to the granting of the current variation in full for the following reasons.

The premises is situated in a designated residential area as set out in the Southwark Statement of Licensing policy and the current hours are later than that recommended in the policy for restaurants or public houses and later than the planning permission permits.

When the applicant has operated using a temporary Event notice complaints have been received regarding public nuisance and noise nuisance caused by customers when leaving which including shouting, playing loud music, wheels screeching when vehicles moving off and other behaviour associated with intoxicated people.

Police attended the venue in December 2016 shortly after the licence was granted and when a temporary event notice was given and found that the premises was still in full operation after 03.00hrs which was the finish time specified on the notice. Officers gave a verbal warning to the DPS at the time.

Police object to this application to vary the premises licence as it is highly likely to have a negative impact on local residents and an increase in public nuisance and crime and disorder in the area.

Submitted for consideration.

PC Graham White 288MD
Southwark Police Licensing Unit

From: [McCarthy, Debbie](#) on behalf of [Regen, Licensing](#)
To: [McArthur, Wesley](#)
Subject: FW: The Empire, Unit 2, 777 Old Kent Road, SE15 1NZ
Date: 19 July 2017 08:39:39
Attachments: [Waste at 777 Old Kent Road.png](#)

From: Fox, Roy
Sent: Tuesday, July 18, 2017 6:48 PM
To: Regen, Licensing
Cc: 'r [REDACTED]' 'G [REDACTED]'
 'SouthwarkLicensing@met.police.uk'
Subject: The Empire, Unit 2, 777 Old Kent Road, SE15 1NZ

Dear Sir/Madam

Re: The Empire, Unit 2, 777 Old Kent Road, SE15 1NZ – Application for variation of a premises licence under the Licensing Act 2003

I represent the Environmental Health Responsible Authority. Based on the Licensing Objective 'the prevention of public nuisance', I write to object to the application for a variation of the Premises Licence, number 854638, to extend the hours for the sale of alcohol and the provision of late night refreshment for 'The Empire', Unit 2, 777 Old Kent Road, SE15 1NZ, submitted by Mr George Nwachukwu and received on 20 June 2017. The basis for my objection is presented in the following paragraphs.

Temporary Event Notices for December 2016 and January 2017 lead to a number of complaints by nearby residents about disturbances arising from a number of these events. These complaints involved a number of issues, some of which relate to police and to planning issues, but many of the issues relate to public nuisance. These include the following matters:

- Noise from patrons gathering in the street and in the access yard to the rear of 777 Old Kent Road that adjoins residential premises. This includes shouting, fighting, breaking glass and loud voices of people smoking.
- Noise from the amplified music from the events, increasing when the rear fire escape doors are left open by smokers or others using the rear yard.
- Urination in the yard and around the premises.
- Noise when patrons leave the premises at up to 03:30 hours from vehicles (including horns and loud music), talking, shouting, fighting and so on. Note that the notices indicated the events ending at 03:00 hours. The night time economy police have also visited on 16th December 2016 to witness that they were still operating at after 03:00, giving advice on punctuality to the designated premises supervisor on the night.

The premises has a licence under the Licensing Act 2003 for late night refreshment and the sale of alcohol from 11:00 to 23:00 on Sunday to Friday and up until 24:00 on Saturday. The Temporary Event Notice applied for on 01 December 2016 for an event on

the weekend including the 16 December 2016 included a statement that they would be 'operating in accordance with the principles of the current licence'. The licence includes a number of conditions including that the sale of alcohol shall be only to people taking substantial table meals, restrictions on numbers smoking, closure of the rear exit at all times except emergencies, and a dispersal policy. It is clear from the nature of the complaints made, listed above, that these 'principles' were not been adhered to, which has contributed considerably to the creation of public nuisance from the events held.

An application for review of the existing premises licence has been made (12/07/2017) by a local resident in respect of the prevention of crime & disorder and on the prevention of public nuisance. This is based on issues similar to the complaints listed in the paragraphs above, but, additionally, in respect of verbal abuse by the proprietor when asked to control the noise and people on the street, plus the failure to comply with conditions attached to the planning permission.

The premises has planning permission to operate under class A3 & A5 uses as a food business (specifically a hot food takeaway & restaurant) with hours of operation restricted by condition to 23:00 on Monday to Saturday. A planning application in February 2016 to extend these hours was unsuccessful on the grounds that extended late night hours would likely to lead to adverse impacts on the residential amenity of nearby occupiers. A subsequent application in May 2017 (reference 17/AP/1648) was also rejected by Planning as it simply duplicated the earlier application for which the decision still stood. In response to the latter application there was an objection by a local resident listing various reasons including: running the restaurant as a 'nightclub' causing a public nuisance from noise from the premises and the guests outside; waste piled in the rear alley to such a degree that it was impassable and attracted a vermin infestation; and, grease from the kitchen extract impacting on the area. These matters suggest a poor quality of management of the premises in a variety of ways. A picture of the waste at that time is attached as an illustration. In respect of Planning issues, note that the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, March 2015, states in section 13.58 that when terminal hours have been set within a planning condition, then the earlier closing time should be observed (relative to a licence application).

In conclusion, based on the reasons given above, I would confirm my objection to the extension of hours requested in the application and recommend its refusal.

Regards,

Roy Fox
Principal Environmental Protection Officer

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

020 7525 2458

www.southwark.gov.uk



Party 1

From: [REDACTED]
Sent: Friday, July 07, 2017 7:09 PM
To: Regen, Licensing
Subject: Objection to license number 859302

To whom it may concern

As a property owner [REDACTED] to The Empire lounge I must object to the latest attempt to extend the hours. Our street is already affected by the trash, noise and parking disruption caused by the establishment. Not even to mention the stink of fried food wafting into [REDACTED] from the inadequate ventilation and open back door.

Since opening in December we have complained to the council multiple times and objected to every application for later hours. Twice the police have been involved with incidents at the club. Police came a third time when we spoke to George and it became very heated altercation and another neighbour was intimidated by his shouting and the size of the crowd he brought with him.

As long as this business operates our street will be plagued by the anti social behaviour it brings with it. Please feel free to contact me for any further information you require.

Regards

[REDACTED]

Party 2

From: [REDACTED]
Sent: Friday, July 07, 2017 8:01 PM
To: Regen, Licensing
Subject: Objection for a Licensing Application

[REDACTED]
Opposed to Application for Premises Licences, Club Registrations and extended hours
Licence no. 859302
Trading Name The Empire (Lounge)
777 Unit 2 Old Kent Road SE15 1NZ

Reasons why I am opposed to the application

1. The premises has already been investigated for breach of licence for operating without relevant qualified staff and serving alcohol to visible intoxicated customers who drive home
2. The proprietor has had several heated altercations with local residents and police due to loud music, intoxicated customers drinking and loitering outside the premises, on the street and in the back alley and littering
3. The surrounding residential streets are used for parking by customers late at night with no regard for the residents with music, arguing, horn honking, drinking and urinating in the street
4. The premises has had violent altercation between clients where police have been called out
5. The proprietor tried to get round not having the correct planning permission for late operation on the premises by applying for numerous concurrent TELS (which was stopped by planning permission when our local MP, Richard Livingstone, intervened)
6. The proprietor has applied on numerous occasions to extend the present planning permissions opening hours and has been denied on all occasions due to the close proximity to residential properties
7. The planning permission for the premises is for hot food take out but The Empire Lounge is already trading as a club without permission

To sum up the Empire Lounge has been objected to by local residents from the beginning. The increase in noise, public urination, litter, loud arguments and bouts of violence is intolerable for local residence, all of which has been reported and Southwark Council and Southwark Police have on record.

I am insulted that this application is even being considered. Do your research.

[REDACTED]

Party 3

From: [REDACTED]
Sent: Saturday, July 08, 2017 3:13 PM
To: Regen, Licensing
Cc: Blackburn, Gavin
Subject: Objection for a Licensing Application

[REDACTED]
Opposed to Application for Premises Licences, Club Registrations and extended hours
Licence no. 859302
Trading Name The Empire (Lounge)
777 Unit 2 Old Kent Road SE15 1NZ

Reasons why I am opposed to the application

1. The premises has already been investigated for breach of licence for operating without relevant qualified staff and serving alcohol to visible intoxicated customers who drive home
2. The proprietor has had several heated altercations with local residents and police due to loud music, intoxicated customers drinking and loitering outside the premises, on the street and in the back alley and littering
3. The surrounding residential streets are used for parking by customers late at night with no regard for the residents with music, arguing, horn honking, drinking and urinating in the street
4. The premises has had violent altercation between clients where police have been called out
5. The proprietor tried to get round not having the correct planning permission for late operation on the premises by applying for numerous concurrent TELS (which was stopped by planning permission when our local MP, Richard Livingstone, intervened)
6. The proprietor has applied on numerous occasions to extend the present planning permissions opening hours and has been denied on all occasions due to the close proximity to residential properties
7. The planning permission for the premises is for hot food take out but The Empire Lounge is already trading as a club without permission

To sum up the Empire Lounge has been objected to by local residents from the beginning. The increase in noise, public urination, litter, loud arguments and bouts of violence is intolerable for local residence, all of which has been reported and Southwark Council and Southwark Police have on record.

We were promised by Gavin Blackburn that this application would have been closed but this is still open and we would have missed the deadline for objecting if we didn't notice.

[REDACTED]

Party 4

From: [REDACTED]
Sent: Friday, August 04, 2017 1:38 PM
To: Regen, Licensing
Subject: Licence application 859302 - The Empire - Old Kent Road

Dear Sirs,

We are writing as the Landlord of the Sylvan Grove development, which is due to complete in December this year. The development comprises 80 units in a mix of 1, 2 and 3 bedroom family homes, which are all for affordable rent.

We are writing to object to the Empire's application for an extension to their licence on the grounds that it will have a severe impact on the quiet enjoyment of our residents in Sylvan Grove. The late night opening will cause an increase in crime and disorder as drinkers leave the establishment and their behaviour will spill onto the streets and will cause nuisance and risk public safety by creating an environment which is not conducive with an area where a large number of new families with children are due to settle.

Yours faithfully

[REDACTED]
Head of Construction (London)

T: [REDACTED]
M: [REDACTED]
E: [REDACTED]

The Hyde Group • 30 Park Street • London • SE1 9EQ
www.hyde-housing.co.uk

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APPENDIX E

Date	Time	Officer	Notes
18/11/2016	23:20	Mark Orton	Premises was closed ATOV, appears to be undergoing refurb as stickers on the windows still refer to the previous business at the premises as a grocery shop. Photos attached.
18/12/2016	02:21	Alexander Lisowski	Venue visited at 02.21am, Sunday, 18th December, 2016, with Farhad Choudhury (Health and Safety). Approximately 8 people outside smoking and talking. Returned to venue at 02.58am. Venue in process of closing. Venue had a TEN until 3am that night.
23/12/2016	02:35	Farhad Chowdhury	All quiet still people inside, it was raining outside nobody was outside.
23/12/2016	20:40	Farhad Chowdhury	All quiet at present seen few people inside, looks like setting up, will visit later with the NTE police.
23/12/2016	21:40	Farhad Chowdhury	Called NTE police no answer on their phones this is the second time.
23/12/2016	23:10	Farhad Chowdhury	Called NTE police still no answer on their phones.
23/12/2016	23:42	Farhad Chowdhury	Called NTE police no answer decided to visit alone without Police. It was very busy now lots of cars on Hillbeck Close, and lots of cars parked on Sylvan Grove some blocked the road. Seen people were going into Empire lounge from their cars. I went with John Uzodinma as we approached the door I introduced ourselves to the SIA staff. The licensee then came out Mr George Nwachukwu; he told us that he employed SIA door staff and stewards to direct the customers into the Toys R Us Car Park. He said that the cars on the road were not all his customers they were the two churches above 777 Old Kent Road SE1. I asked for a dispersal policy, he said that they have a dispersal policy but it is not a written policy he could not show me anything. He said that stewards were positioned on the alleyway at the rear and on the roads to prevent people urinating and causing noise disturbance. They have TENS till 3am tonight, they have less than 60 people inside which is about right I did a rough head count. They have 3 WC's and were mixed use. I seen food and drinks on the tables there was loud amplified music being played but nobody was dancing at the time of our visit. I advised the licensee to keep the noise down and not to disturb the local residents and I shall be monitoring them tonight, and the Police also may visit them and we left.
06/01/2017	21:23	Richard Kalu	Visit to premises with Sue Hunter. Arrived at the premises which were operating as a restaurant ATOV. Spoke to operator of the premises and his wife and was advised that there had been an issue earlier in the day which had occurred with a resident that lived at the rear of the premises. Operator alleged that the resident that lived at the rear of the premises had been extorting cash from him. Advised that the resident had been paid £100.00

			<p>previously for not making complaints to the council and the police. The operator alleges that no payment was made today and the resident was unhappy. I was advised that the resident then alleges that he was going to make a complaint to the police. I have advised the operator that if he felt that money was being extorted from him that he should inform the police. I also enquired as why if this had happened why this was the first time that he had mentioned this to anyone. No response was provided and I was advised by the operator that he would discuss this issue with the police and send an email to the council. Discussed the operation of TENS at the premises. Was advised that he had a party booked for his premises and that he did not envisage that numbers would be above 50. I was advised that he would employ extra security for the event to make sure that no issues occurred at the premises. Left premises at 22:22hrs after a very long and lengthy discussion with the operator of the premises and his wife who I have been advised will be acting as the manager of the premises. COMMENTS BY ENFORCEMENT OFFICER LISOWSKI. I visited the venue on 5/1/2017 to do an "induction", going over the conditions of the licence. I spoke to the PLH/DPS, Mr Nwachukwu. I also discussed the complaints that had been registered against The Empire. Mr Nwachukwu didn't make any mention of anyone extorted money from him under the threat of making complaints about The Empire.11/ 1/2017 14:31 MQ3</p>
13/01/2017	23:11	Mark Orton	<p>Monitoring premises. 23:18 Shutters being lowered halfway and two persons leave and walk away, 2 females stood o/s. Two persons return and enter premises. 23:34 One male enters premises. 23:36 Male enters premises. 23:39 shutters fully down, lights still on and approx. 10 persons inside. Left at 23:44 On Fridays the premises licence allows the sale of alcohol until 23.00pm. Closing time is 23.30pm.17/ 1/2017 11:04 MQ3</p>
15/01/2017	00:55	Mark Orton	<p>Monitoring for activity beyond permitted hours. Lights on, shutters down, persons visible inside, unsure of numbers. Drove past at 01:06, estimate at least 10 persons inside, lights on and shutters down. On Saturdays the licence allows for the sale of alcohol until midnight. Closing time is 00.30am on Sunday.</p>
20/01/2017	23:00	Alexander Lisowski	<p>Working with Ken Andrews (EPT) on Friday, 20th January, 2017. At 23.10pm parked in Toys R Us car park to watch venue. Checking on behalf of Planning Dept. who had served a temporary stop notice on the venue to cease activities after 23.00pm. Shutters were down but the lights were on. 23.15pm walked past the venue. Front door was closed and locked. Looking through the window I could see 3 people clearing up. There was no one at or behind the bar. I couldn't see any people in the restaurant part. However there was one part of the restaurant that I couldn't see through the window. I had arranged to meet NTE Police at 23.30pm. They arrived at 23.45pm and we went into the restaurant via the rear door. 2 of the 3 people clearing up were Mr Nwachukwu and his wife. No customers at the venue. I gave Mr Nwachukwu a copy of the letter I had sent on 19th January, 2017. Whilst talking to him he began to complain about how much rent he had to pay and that he had ploughed his life's savings into the restaurant. His voice rose in volume until he was shouting. He accused Southwark Council of singling him out because other venues nearby were allowed to stay open later than him. He then began [REDACTED] I believed that the presence of Council and Police</p>

			officers was aggravating the situation, so we left.
22/01/2017	00:02	Alexander Lisowski	Visited venue at 00.02am, Sunday, 22nd January, 2017, with Roy Fielding (Housing). Venue closed.24/ 1/2017 17:04 MQ3
28/01/2017	03:19	Richard Kalu	Visit to premises with Matt Bourne. Premises closed ATOV.
03/02/2017	23:36	Mark Orton	Shutters down, some lights on inside, no persons seen inside, appears closed.
11/02/2017	01:33	Richard Kalu	Visit to premises with Farhad Chowdhury. Premises closed and non –operational ATOV. Walk around the immediate vicinity of premises and no activity.
12/02/2017	00:25	Farhad Chowdhury	Shutters closed lights on inside cannot see any activities.
25/02/2017	00:15	Farhad Chowdhury	Closed all shut
26/02/2017	01:20	Mark Orton	Premises closed ATOV.
18/03/2017	23:30	Farhad Chowdhury	Open all quiet no door staff seen.
25/03/2017	00:20	Farhad Chowdhury	FRC CLOSED.
08/04/2017	00:02	Mark Orton	Premises appear closed with shutters down. Some lights on inside, one person behind the bar, appears as if they're cleaning up, no other persons visible inside the premises, no music noise audible, no issues.
14/07/2017	21:00	Richard Kalu	Compliance check of premises with Farhad Chowdhury. / Full inspection completed with the premises licence holder and DPS Mr George Nwachukwu [REDACTED] Premises was found to be compliant. No issues noted ATOV.X 4 patrons in the premises ATOV. No amplified recorded music or live music taking place ATOV.
15/07/2017	20:00	Farhad Chowdhury	Met Mr George Nwachukwu manager in charge showed his refusal book and incident book he now has both in place. I advised him to use them from now on and record incidents in the incident book and refusal of sales in the refusals book.
22/07/2017	00:44	Farhad Chowdhury	Closing and people leaving now shutters coming down.
28/07/2017	21:47	Richard Kalu	Visit to premises with John Uzodinma to complete a compliance check. ATOV no patrons located within the premises. No recorded music or live music audible from outside the premises. No patrons located within the premises.X2 staff within the premises cleaning tables. A general walk of the immediate perimeter of the premises did not detect any ASB activity.

Start date	End date	Times	Max .attendees	Alcohol?	Entertainment?	LNR?	Late TEN?	MPS objection?	EPT objection?
04/12/16	04/12/16	00:00 - 03:00	90	Yes	Yes	Yes	No	No	No
09/12/16	11/12/16	9 th : 11:00 - 00:00 10 th - 16 th : 00:00 - 03:00	90	Yes	Yes	Yes	No	No	No
16/12/16	18/12/16	16 th : 11:00 - 00:00 17 th : 00:00 - 03:00 18 th : 11:00 - 00:00	90	Yes	Yes	Yes	No	No	No
23/12/16	25/12/16	23 rd : 11:00 - 00:00 24 th : 00:00 - 03:00 25 th : 11:00 - 00:00	90	Yes	Yes	Yes	No	No	No
30/12/16	01/01/17	30 th : 11:00 - 00:00 31 st : 00:00 - 03:00 1 st : 11:00 - 00:00	90	Yes	Yes	Yes	No	No	No
07/01/17	09/01/17	7 th & 8 th : 11:00 - 03:30, 9 th : 11:00 - 00:00	90	Yes	Yes	Yes	Yes	No	No
27/02/17	28/02/17	23:00 - 04:30	100	Yes	Yes	Yes	No	Yes	Yes

Date 17/8/2016



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Item No. 7.	Classification: Open	Date: 6 September 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: 133 Copeland Road, London SE15 3SN	
Ward(s) or groups affected:		Lane Ward	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the sub-committee decide whether or not to issue counter notices in respect of two temporary event notices (TENs) 860028, 860030 served by Miss Kelly Stewart & Mrs Lori Wilson, in regards to events to be held at two individual locations at 133 Copeland Road, London, SE15 3SN.

Notes:

2. Temporary Event Notice 860028 has been submitted for 133 Copeland Road, London SE15 3SN (Copeland Square) on 15 September -17:00hrs to 22:00hrs on 16 and 17 September 2017 – 12:00hrs to 22:00hrs.
3. Temporary Event Notice 860030 has been submitted for Copeland Gallery,133 Copeland Road, London SE15 3SN on 15 September 2017 - 18:00hrs to 02:00hrs, 16 September 2017 -12:00hrs to 02:00hrs and 17 September 2017 – 12:00hrs to 00:00hrs.

BACKGROUND INFORMATION

The Licensing Act 2003

4. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
 - a) The retail sale of alcohol
 - b) The supply of alcohol to club members or on behalf of a club
 - c) The provision of regulated entertainment
 - d) The provision of late night refreshments.
5. The Act established a process for the giving of “temporary event notices” (TENs).
6. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.

7. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
8. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
9. No premises may be used for temporary events that are less than 24 hours apart.
10. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.
11. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
12. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
13. The police or environmental health may contact the premises user to discuss their objections and attempt to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
14. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

KEY ISSUES FOR CONSIDERATION

The temporary event notices

15. On 11 August 2017 two separate TENs were served by Miss Kelly Stewart & Mrs Lori Wilson in respect of an event intended to be held at various sites located at Copeland Road Industrial Park.
16. The site locations as per the TENs which have been submitted to Southwark Council Licensing are detailed in TENs applications as 133 Copeland Road,

London, SE15 3SN (Copeland Square) and Copeland Gallery, 133 Copeland Road, London SE15 3SN.

17. Copies of the TENs are attached to this report as Appendix A and B.
18. The TENs are summarised as follows:
 - 133 Copeland Road, London, SE15 3SN (Copeland Square) - TEN 860028: To allow the sale of alcohol to be consumed On the premises and the provision of regulated entertainment on 15 September - 17:00hrs to 22:00hrs on 16 and 17 September 2017 – 12:00hrs to 22:00hrs. The maximum number of people expected at any one time at the premises is 499. The activities are to take place On the premises only.
 - Copeland Gallery,133 Copeland Road, London, SE15 3SN - TEN 860030: To allow the sale of alcohol to be consumed On the premises, the provision of regulated entertainment and the provision of late night refreshment on 15 September 2017 -18:00hrs to 02:00hrs, 16 September 2017 -12:00hrs to 02:00hrs and 17 September 2017 – 12:00hrs to 00:00hrs. The maximum number of people expected at any one time at the premises is 499. The activities are to take place On & Off the premises only.

The objection notices

19. On 14 August 2017 the environmental protection team (EPT) served objection in respect of the TENs.
20. The EPT objection has been made on the grounds crime prevention objective EPT state that if granted in the current format, there would be more than 499 people in the audience for outdoor entertainment on Copeland Square, and therefore it is likely that licensing offences would be committed.
21. EPT also state that they object on the grounds of the prevention of public nuisance objective that the TENs requested to authorise activities in respect of what is clearly one event (see attached event plan). Artificially dividing the area into smaller plots of 499 people each as a device to avoid the need for a premises licence, prevents public consultation taking place, and as all relevant considerations in respect of an event of over 499 capacity may not have been considered, increases the risk of public nuisance.
22. A copy of the EPT objection is attached to this report in Appendix C.

TENs History

23. On 9 June 2017 a TENs was served in respect of an event intended to be held at Copeland Gallery, 133 Copeland Road, London, SE15 3SN.
24. The TEN is summarised as follows:
 - Copeland Gallery (9L), Unit 9L, 133 Copeland Road, London, SE15 3SN - TEN 859126: To allow the sale of alcohol to be consumed on & off the premises, provision of regulated entertainment on 21 July 2017 between

12:00hrs – 00:00hrs, 22 July 2017 between 12:00hrs – 02:00hrs and the 23 July 2017 between 00:00hrs and 02:00hrs. The maximum number of people expected at any one time at the premises is 499. The activities are to take place on & off the premises only.

25. On 13 June 2017 the environmental protection team (EPT) served objection in respect of the TENs.
26. The EPT objection was made on the grounds that the TEN submitted was as a way to exceed the 499 capacity limit, which therefore undermines the Licensing Act.
27. EPT also stated that the TEN submitted exceeded the 499 event capacity limit, creates a risk that licensing objectives, specifically prevention of crime and disorder, public safety, and the prevention of public nuisance will not be upheld.
28. The objected TENs application went before licensing sub-committee on 27 June 2017.
29. The TEN was granted at licensing sub-committee on 27 June 2017. A copy of the licensing sub-committee decision notice is attached to this report as Appendix E.
30. Below is the recent history of TENs which have been submitted over the last year for locations specified by the applicant in TENs applications at the site of 133 Copeland Road, London, SE15 3SN.

Copeland Gallery (9L), Unit 9L, 133 Copeland Road, London, SE15 3SN

No.	Premises user	Date of event	Time of event and activities
1	Simon Cotton	22/07/2017 to 23/07/2017	12:00hrs - 02:00hrs Sale by retail of alcohol to be consumed on & off the premises Provision of Regulated Entertainment
2	Simon Cotton	21/07/2017 to 23/07/2017	21st 12:00hrs - 00:00hrs 22nd 12:00hrs- 02:00hrs 23rd 00:00hrs - 02:00hrs Sale by retail of alcohol to be consumed on & off the premises Provision of Regulated Entertainment.

3	Sophie Nathan	20/05/2017 to 21/05/2017	00:00hrs - 02:00hrs (Each Day) Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment
4	Jack Callum Wilkinson	12/05/2017 to 16/05/2017	Start - Friday 12th May 2017 - 1200hrs End - Tuesday 16th May 2017 - 01:00hrs Sale by retail of alcohol to be consumed on & off the premises Provision of Regulated Entertainment Provision of Late night Refreshment
5	Tom Joseph Middleton	From 22/04/2017 to 23/04/2017	12:00hrs to 04:00hrs Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment
6	Joao Soares Neto	01/10/2016 to 02/10/2016	11:00hrs - 18:00hrs both days Sale by retail of alcohol to be consumed on & off the premises
7	Christopher Vaughan	08/07/2016 to 08/07/2016	18:00hrs – 00:00hrs Sale by retail of alcohol to be consumed on premises Provision of Regulated Entertainment Provision of Late night Refreshment

8	Glenn Middleditch	13/05/2016 to 15/05/2016	<p>13/05/2016 11:00hrs - 04:00hrs 14/05/2016 11:00hrs - 23:00hrs 15/05/2016 11:00hrs - 22:00hrs</p> <p>Sale by retail of alcohol to be consumed on the premises</p> <p>Provision of Regulated Entertainment</p> <p>Provision of Late night Refreshment</p>
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Premises history

31. The premises licence for Roof A, Bussey Building, Rear 133 Rye Lane, London, SE15 4ST was granted on 1 July 2013. The premises operates as a bar located on the rooftop of the Bussey Building.
32. The current premises licence holder is a Mr Jonathan Wilson and Mrs Lorelie Wilson. The designated premises supervisor of the premises is a Mr Gerry Cottle.

Premises Licence

33. 133 Copeland Road, London, SE15 3SN (Carpark) and Copeland Gallery (9L), Unit 9L, 133 Copeland Road, London, SE15 3SN do not currently benefit from a premises licence.
34. Details of the current premises licence for Bussey Building (D), Block A Roof Top Rear of D, 133 Copeland Road, London, SE15 3SN is detailed below;
 - **Licensable activities authorised by the licence**
 - Plays – Outdoors
 - Films - Outdoors
 - Live Music - Outdoors
 - Sale by retail of alcohol to be consumed on premises
 - **Opening hours of the premises**
 - Monday to Sunday 12:00 - 00:00
 - **Plays – Outdoors**
 - Monday to Sunday 12:00 - 00:00
 - **Films - Outdoors**
 - Monday to Sunday 12:00 - 00:00
 - **Live Music - Outdoors**
 - Monday to Sunday 12:00 - 22:00
 - **Sale by retail of alcohol to be consumed on premises**
 - Monday to Sunday 17:00 - 23:00

35. This current premises licence for Bussey Building (D), Block A Roof Top Rear of D, 133 Copeland Road, London, SE15 3SN is attached as Appendix D.

Licensing visit history

36. No licensing enforcing visits have been made to the premises in the last 12 months.

The local area

37. A map of the area is attached to this report as Appendix F. The premises are identified at the centre of the map in hatch blocking. The following licensed premises are also shown on the map:

- **PECKHAMPLEX, 95A Rye Lane, SE15 4ST** licensed for:

The provision of films on Sunday to Thursday between 09:00 and 00:00 (midnight) and on Friday and Saturday between 09:00 and 02:00.

Sale of alcohol to be consumed on the premises on Monday to Thursday between 14:00 and 22:00 and on Friday to Sunday between 12:00 and 23:00.

- **Roof B (Bussey Building), 133 Copeland Road SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises on Monday to Friday between 17:00 and 22:30 and on Saturday between 12:00 and 22:30.

The provision of films on Monday to Sunday between 12:00 and 00:00.

The provision of live music on Monday to Sunday between 12:00 and 22:00.

The provision of plays on Monday to Sunday between 12:00 and 23:00.

- **CLF Art Café, 133 Copeland Road, London, SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises Monday to Wednesday between 09:00 and 23:00, Thursday 09:00 to 02:30 and Friday and Saturday 09:00 to 06:00.

Late Night Refreshment on Thursday 23:00 to 02:30 and Friday and Saturday 23:00 to 06:00.

The provision of films premises Monday to Wednesday between 09:00 and 23:00, Thursday 09:00 to 02:30 and Friday and Saturday 09:00 to 06:00.

Recorded music Monday to Wednesday between 09:00 and 23:00, Thursday 09:00 to 02:30 and Friday and Saturday 09:00 to 06:00.

Performance of Dance Monday to Wednesday between 09:00 and 23:00, Thursday 09:00 to 02:30 and Friday and Saturday 09:00 to 06:00.

Entertainment Similar to live/recorded music Monday to Wednesday between 09:00 and 23:00, Thursday 09:00 to 02:30 and Friday and Saturday 09:00 to 06:00.

The provision of live music Monday to Wednesday between 09:00 and 23:00, Thursday 09:00 to 02:30 and Friday and Saturday 09:00 to 06:00.

The provision of plays Monday to Wednesday between 09:00 and 23:00, Thursday 09:00 to 02:30 and Friday and Saturday 09:00 to 06:00.

- **Forza Win Ltd, Unit 4.1, Copeland Industrial Park, 133 Copeland Road, SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises on Wednesday to Saturday between 12:00 and 23:30 and on Saturday between 12:00 and 22:30.

- **The Last Refuge Arts, 133 Unit, 9a Copeland Road, SE15 3SN** licensed for:

The provision of films on Monday to Friday between 18:00 and 00:00 and on Saturday and Sunday between 12:00 and 00:00.

The sale of alcohol and the provision of live music and recorded music on Monday to Friday between 17:30 and 00:00 and on Saturday and Sunday between 14:30 and 00:00.

The provision of plays on Monday to Friday between 19:30 and 22:30 and on Saturday and Sunday between 14:30 and 22:30.

- **Frank's Café, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST** licensed for:

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

- **Frank's Café, Levels 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST** licensed for:

The sale of alcohol to be consumed on the premises Tuesday to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00.

- **Bold Tendencies, Levels 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST** licensed for:

The provision of live and recorded music to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00.

- **Rye Express, 137-139 Unit 1 Rye Lane SE15 4ST** licensed for:

The sale of alcohol to be consumed off the premises Monday to Sunday 08:00 to 00:00.

- **John The Unicorn, 157-159 Rye Lane, SE15 4TL** licensed for:

The sale of alcohol to be consumed on the premises Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00.

The provision of late night refreshment Sunday to Thursday 23:00 to 00:00 and Friday to Saturday 23:00 to 01:00.

- **Iceland Frozen Foods, 74 Rye Lane, SE15 5DQ** licensed for:

The sale of alcohol to be consumed off the premises Monday to Saturday 08:00 to 23:00 and Friday to Saturday 10:00 to 22:30.

- **Ali Baba Bar, 133 Copeland Road** licensed for:

The sale of alcohol to be consumed on the premises Friday 16:00 to 22:45 and Saturday and Sunday 12:00 to 22:45.

The provision of live and recorded music Friday and Saturday 18:00 to 23:00 and on Sunday 12:00 to 22:30.

Policy considerations

38. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

Consideration by the sub-committee

39. The sub-committee is asked to consider whether then issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

Community impact statement

40. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
41. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

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

Consultation

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

44. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act.
45. The principles which sub-committee members must apply are set out below.

Principles for making the determination

46. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the premises user has complied with regulations and submitted the notice within a prescribed time.
47. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
 - Is made by the metropolitan police
 - Has not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
48. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
 - Reject the whole or part of the application for TEN.

Conditions

49. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued
50. Members are also referred to the Department for Culture, Media and Sport (DCMS) guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

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

Hearing procedures

52. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:

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

53. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.

54. 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.

55. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of the police objection.
56. 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.
57. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
58. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

Guidance

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read 020 7525 5748

APPENDICES

No.	Title
Appendix A	Temporary event notice - 133 Copeland Road, London, SE15 3SN (Copeland Square)
Appendix B	Temporary event notice - Copeland Gallery, 133 Copeland Road, London, SE15 3SN
Appendix C	Environmental protection team objection
Appendix D	Copy of current premises licence (Bussey Building (D), Block A Roof Top Rear of D, 133 Copeland Road, London, SE15 3SN)
Appendix E	Licensing sub – committee decision – 27 June 2017
Appendix F	Map of the area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Richard Kalu, Licensing Enforcement Officer	
Version	Final	
Dated	24 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	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	24 August 2017	

11/08/2017

Business - Temporary events notices

Ref No. 866326

Before completing this notice please read the guidance notes at the end of the form.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name

Title	Miss
If other, Please state	
Surname	Stewart
Firstname(s)	Kelly

2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

3. Your date of birth

	██████████
--	------------

4. Your place of birth

	██████████
--	------------

5. National Insurance Number

	██████████
--	------------

6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

Address Line 1	██████████
Address Line 2	██████████
Town	██████

County	
Post code	████████

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

7. Other contact details

	Telephone numbers:
Daytime	████████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	████████████████████

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	Site Office, Copeland Park
Address Line 2	R/O 133 Rye Lane
Town	Peckham
County	London
Post code	SE15 4ST

9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

Address Line 1	
Address Line 2	
Town	

County	
Post code	

Ordnance Survey grid reference

--	--

If there is no recognised Post code, please enter the address for the premises

Address Line 1	Copeland Square
Address Line 2	R/O 133 Rye Lane
Town	Peckham, London SE15 4ST
County	

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

--	--

Please describe the nature of the premises below. (Please read note 4) *

	Copeland square is central to the site and is beginning to be a hub for markets with a number of small independent food traders applying to trade on a weekly basis. It is a multi use outdoor event space enclosed on all 4 sides by Copeland Park property and has been used in the past for performances.
--	--

Please describe the nature of the event below. (Please read note 5)

	Copeland Square Live. A mini cultural/music festival, incorporating local musicians/performers.
--	---

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	
Document 2	
Document 3	

Document 4	
Document 5	

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution. In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	<input type="checkbox"/> The sale by retail of alcohol <input type="checkbox"/> The provision of regulated entertainment
--	---

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	15th September 2017 - 17th September 2017
--	---

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

	15th September - 17:00 - 22:00 (5 hours) 16th September - 12:00 - 22:00 (5 hours) 17th September - 12:00 - 22:00 (10 hours) 20 hours in total
--	--

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

	499
--	-----

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

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

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	Yes
--	-----

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	██████████
Licence number	██████████
Date of issue	██████████
Date of expiry	██████████
Any further relevant details	

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

	Yes
--	-----

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

	2
--	---

Have you already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

--	--

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

--	--

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 14

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions
--	--

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event)before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

I agree to the above statement

	I agree
PaymentDescription	, ,
PaymentAmountInMinorUnits	2100
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	██████████████████

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

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

11/08/2017

Business - Temporary events notices

Ref No. 866329

Before completing this notice please read the guidance notes at the end of the form.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name

Title	Mrs
If other, Please state	
Surname	Wilson
Firstname(s)	Lori

2. Previous names

Title	
If other, Please state	
Surname	Bell
Firstname(s)	

3. Your date of birth

	██████████
--	------------

4. Your place of birth

	London
--	--------

5. National Insurance Number

	██████████
--	------------

6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

Address Line 1	Site Office
Address Line 2	Copeland Park R/O 133 Rye Lane
Town	Peckham, London

County	
Post code	SE15 4ST

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

7. Other contact details

	Telephone numbers:
Daytime	██████████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	████████████████████

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	
Address Line 2	
Town	
County	
Post code	

9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

Address Line 1	
Address Line 2	
Town	

County	
Post code	

Ordnance Survey grid reference

--	--

If there is no recognised Post code, please enter the address for the premises

Address Line 1	Copeland Gallery, R/O 133 Rye Lane
Address Line 2	Peckham
Town	London
County	

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

--	--

Please describe the nature of the premises below. (Please read note 4) *

	Copeland Gallery is an industrial warehouse space used predominantly as a gallery for art exhibitions, some 400 metres from the main road of Rye lane and used as a multi-purpose events space incorporating markets, musical performances including Opera, film shoots, community outreach projects, charity and bespoke events.
--	---

Please describe the nature of the event below. (Please read note 5)

	Peckham Festival. A local community event with musicians, artists, and creative groups.
--	---

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	
Document 2	
Document 3	

Document 4	
Document 5	

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution. In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	<input type="checkbox"/> The sale by retail of alcohol <input type="checkbox"/> The provision of regulated entertainment <input type="checkbox"/> The provision of late night refreshment
--	---

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	15th September 2017 - 17th September 2017
--	---

Please state the times during the event period that you propose to carry on licensable activities (please give

times in 24 hour clock). (Please read note 9)

	15th September - 18:00 - 02:00 (8 hours) 16th September - 12:00 - 02:00 (14 hours) 17th September - 12:00 - 00:00 (14 hours) Total 36 hours
--	--

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

	499
--	-----

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

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

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the

event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	No
--	----

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	
Licence number	
Date of issue	
Date of expiry	
Any further relevant details	

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

	Yes
--	-----

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

	4
--	---

Have you already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

--	--

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

--	--

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 14

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions
--	--

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event)before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

I agree to the above statement

	I agree
PaymentDescription	, ,
PaymentAmountInMinorUnits	2100
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	████████████████████

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

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

From: Newman, Paul

Sent: Monday, August 14, 2017 3:42 PM

To: Regen, Licensing

Cc: xxxxxxxxx

Subject: TENs

I wish to object to the two attached TENs, EPT refs 860448 (Copeland Square), and 860451 (Copeland Gallery); a third TEN for Bussey roof D applied for earlier, has already been issued.

These TENs are planned as part of Peckham Festival. I have been shown an event plan and email correspondence (attached) from the organiser and Neil Kirby, which indicates that this event is expected to have an attendance of over 1,200, and acknowledges that a Time Limited Premises Licence is the appropriate way of authorising temporary licensable activities at this event.

There is currently still sufficient time for the notice giver to apply for a Time Limited Premises Licence (28 days).

Objection of the grounds of the crime prevention objective:

If granted in the current format, there would be more than 499 people in the audience for outdoor entertainment on Copeland Square, and therefore it is likely that licensing offences would be committed.

Objection on grounds of the prevention of public nuisance objective:

The TENs are requested to authorise activities in respect of what is clearly one event (see attached event plan). Artificially dividing the area into smaller plots of 499 people each as a device to avoid the need for a Premises Licence, prevents public consultation taking place, and as all relevant considerations in respect of an event of over 499 capacity may not have been considered, increases the risk of public nuisance.

I refer to the recent House of Lords Select Committee report on the Licensing Act which covered this issue and which concluded: 'Where it appears that notices are being given for TENs simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 guidance be amended to make this clear.'

The sub committee will also be aware of their own decision in respect of a recent beer festival at these premises, where they directed on decision notices dated 27 June 2017, that any future TENs application utilised in a similar manner (by either the premises user or others) should be decided by a licensing sub-committee. In future, events of this nature and number must be made by time limited premises licence applications.

Kind regards

Paul Newman

Principal Environmental Health Officer

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

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

Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail:

paul.newman@southwark.gov.uk

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

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

Licensing Act 2003 Premises Licence

130



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

Premises licence number

840930

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Roof A, Bussey Building Rear 133 Rye Lane London SE15 4ST	
Ordnance survey map reference (if applicable), 176330534362	
Post town London	Post code SE15 4ST
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Plays - Outdoors Films - Outdoors Live Music - Outdoors Sale by retail of alcohol to be consumed on premises

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

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

The times the licence authorises the carrying out of licensable activities

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

Plays - Outdoors

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

Films - Outdoors

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

Live Music - Outdoors

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

Sale by retail of alcohol to be consumed on premises

Monday	17:00 - 23:00
Tuesday	17:00 - 23:00
Wednesday	17:00 - 23:00
Thursday	17:00 - 23:00
Friday	17:00 - 23:00
Saturday	17:00 - 23:00
Sunday	17:00 - 22:30

Part 2

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

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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

[Redacted]

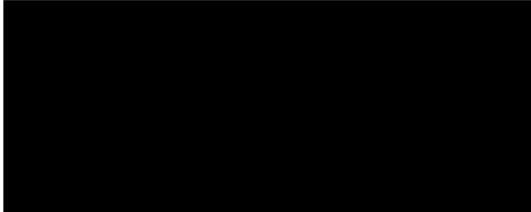
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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

[Redacted]
[Redacted]

Licence Issue date 01/07/2013



Community Safety Enforcement
Business Unit Manger
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

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

485 (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

- (i) the outcome of a race, competition or other event or process; or
- (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters 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.

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

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

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

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

489 The responsible person shall ensure that -

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

(i) Beer or cider: ½ pint;

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

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

(b) Customers are made aware of the availability of these measures

Annex 2 - Conditions consistent with the operating Schedule

288 CCTV shall be installed and have the ability to capture a clear identifiable facial image of all patrons entering the venue. Images will be stored for a minimum of 31 days and will be made available to Police or other relevant authority upon request.

336 A personal licence holder will be on duty at the premises at all times that intoxicating liquor being supplied. Should there be an occasion where a personal licence holder cannot be present, a member of staff suitably trained with regards to their responsibilities under the Licensing Act 2003 will be on duty, A record of the date and time of training will be kept and updated every 6 months and will be made available for inspection by the Police or other relevant authorities on request.

340 Entry and or exit to the premises via the corridor between Rye Lane and the court yard to the front of the Bussey Building is restricted and will only be used up until 21:30. After 21:30 entry and egress from the premises will be via the entrance on Copeland Road.

341 That clear signage shall be displayed directing customers to the entrance.

342 All beverages shall be consumed from plastic/polycarbonate glasses or bottles i.e. no glassware to be used by customers at any time.

343 That live music will be acoustic only. Any loud instrumentation, drums and brass shall be muted or damped.

344 That after 20.00hrs live acoustic music will be played at background volume, on any day.

345 That the closing time shall be 30mins after the cessation of licensable activities.

346 That cleaning/vacuuming will take place during daylight hours to reduce noise.

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

Annex 4 - Plans - Attached

Licence No. 840930

Plan No. N/A

Plan Date 03 APR 2013



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 27 JUNE 2017

LICENSING ACT 2003: LICENSING ACT 2003: COPELAND ROAD BEER FESTIVAL, 133 COPELAND ROAD, LONDON, SE15 3SN (CARPARK) – TEMPORARY EVENT NOTICE 859128

1. Decision

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of

- i. Temporary event notice (859128) served by Simon Cotton in relation to an event to be held at 133 Copeland Road, London, SE15 3SN (Carpark), between 12:00hrs on the 22 July 2017 and 02:00hrs on the 23 July 2017;
- ii. Temporary event notice (859128) served by Simon Cotton in relation to an event to be held at Bussey Building (D), Block A Roof Top Rear of D, 133 Copeland Road, London, SE15 3SN between 12:00hrs and 23:00hrs on the 21 July and 22 July 2017; and
- iii. Temporary event notice (859126) served by Simon Cotton in relation to an event to be held at Copeland Gallery (9I), Unit 9L, Caravan Unit, 133 Copeland Road, London, SE15 3SN on the 21 July 2017 between 12:00hrs – 02:00hrs. 22 July 2017 between 12:00hrs and 02:00hrs and on the 23 July 2017 between 23:00hrs and 02:00hrs.

2. Reasons

This was a temporary event notice (TEN 859128) given by, Simon Cotton, the premises user, in respect of an event to be held at 133 Copeland Road, London, SE15 3SN (Carpark), between 12:00hrs on the 22 July 2017 and 02:00hrs on the 23 July 2017 for 499 people, who also applied for a temporary event notice (TEN 859129) in respect of an event to be held at Bussey Building (D), Block A Roof Top Rear of D, 133 Copeland Road, London, SE15 3SN between 12:00hrs and 23:00hrs on the 21 July and 22 July 2017 for 250 people and finally, a temporary event notice (859126) in relation to an event to be held at Copeland Gallery (9I), Unit 9L, Caravan Unit, 133 Copeland Road, London, SE15 3SN on the 21 July 2017 between 12:00hrs – 02:00hrs. 22 July 2017 between 12:00hrs and 02:00hrs and on the 23 July 2017 between 23:00hrs and 02:00hrs for 499 people.

The licensing sub-committee heard evidence from the premises user who advised that the event was being organised by the London Beer Factory who were founded 3-years ago and distribute to small pubs and clubs and have undertaken a number of small beer festivals. There had recently been a huge rise in craft beers in the area, but there was no substantial beer festival in South London. This was the first craft beer festival in Peckham The event was therefore to celebrate craft breweries and use the event as a show case for the same.

The premises user agreed to amend temporary event notice (859128) in relation to the car park so that the event ends at 23:00 hours in 22 July 2017 in addition to removing the provision of regulated entertainment as only background music would be played. The premises user agreed to amend temporary event notice, (859126) in relation to Copeland Gallery, so that the events on 21, 22 and 23 July end at 01:00 hours.

The licensing sub-committee heard evidence from the environmental protection officer who advised that the three TENs artificially circumvented the 499-person limit for TENs by splitting what clearly was a single premises, covered by a single premises license, into multiple 'areas'. This was a single event and in practice, it would be impossible for the premises supervisor to reasonably control the movement of potentially 1,248 people through the premises to be assured that no single area exceeded 499 people at any one time whilst licensable activities take place. The TENs would be consenting to something known to be unachievable in practice. The officer referred to the recent House of Lords Select Committee report on the Licensing Act which covered this issue and which concluded: *'Where it appears that notices are being given for TENs simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.'*

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that The licensing sub-committee accepted that the provision of TENs within the Licensing Act 2003 were vague as was the s.182 guidance which specifically prohibited the applicant utilising the TENs in the way sought. The sub-committee were sympathetic to concerns raised by the responsible authorities and the recommendations made by the House of Lords Select Committee and concur with their views. At this stage, the details in the report were recommendations only. Any future TENs application utilised in a similar manner (by either the premises user or others) should be decided by a licensing sub-committee. In future, events of this nature and number must be made by either time-limited premises licence applications.

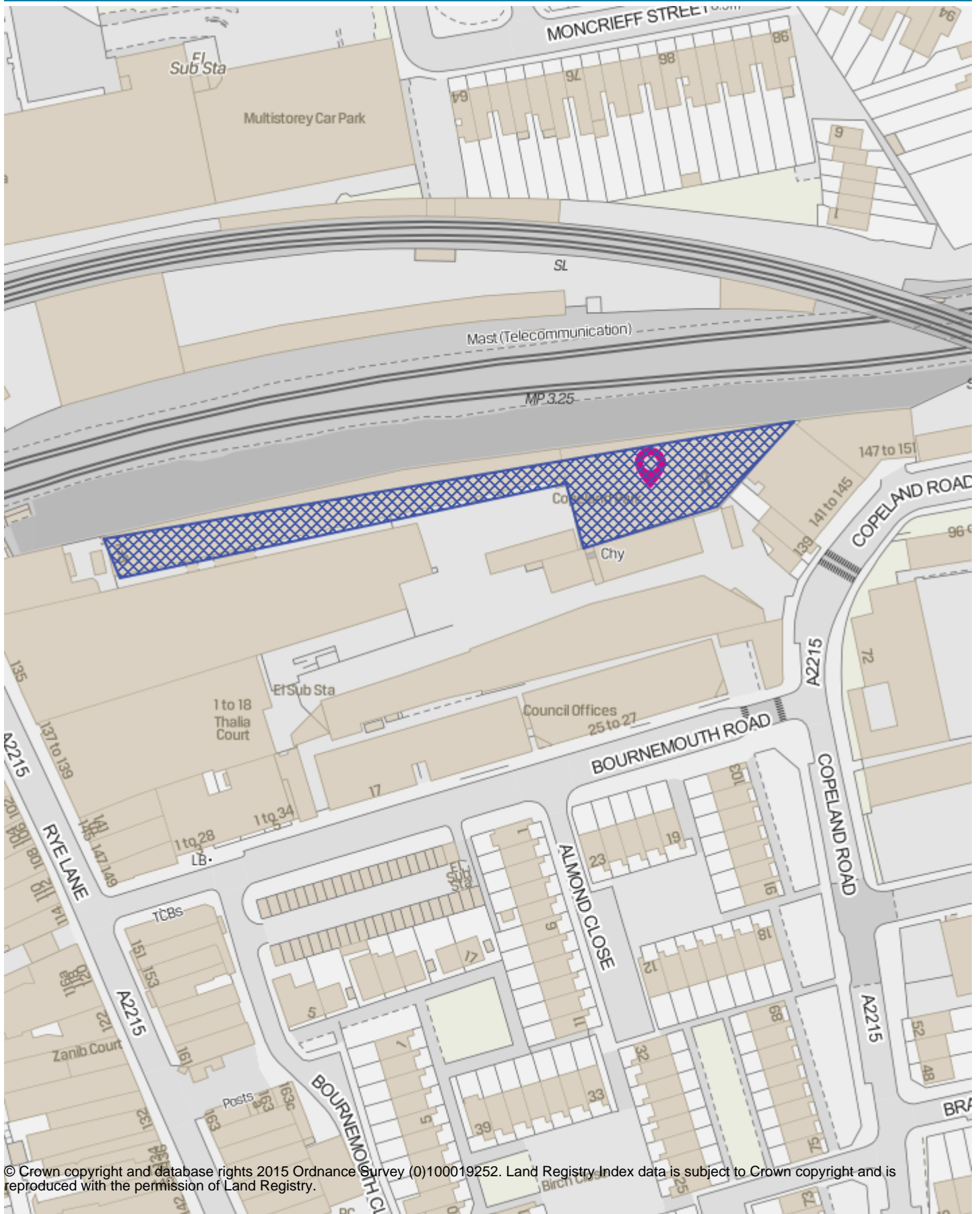
In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3. Appeal rights

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

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

Date: 27 June 2017



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