

## Licensing Sub-Committee

Tuesday 24 October 2017

10.00 am

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

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Jon Hartley  
Councillor Sunny Lambe

### Reserves

Councillor Maria Linforth-Hall

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 16 October 2017



## **Licensing Sub-Committee**

Tuesday 24 October 2017  
10.00 am

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

### **Order of Business**

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
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#### **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.

<b>5. LICENSING ACT 2003: LUCA'S KITCHEN AND BAKERY, 35 NORTH CROSS ROAD, LONDON SE22 9ET</b>	<b>1 - 39</b>
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**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

**PART B - CLOSED BUSINESS****EXCLUSION OF PRESS AND PUBLIC**

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

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

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

Date: 16 October 2017

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 24 October 2017	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Luca's Kitchen and Bakery, 35 North Cross Road, London SE22 9ET	
<b>Ward(s) of group(s) affected</b>		East Dulwich	
<b>From</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers whether an application submitted by Constanza (UK) Ltd for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as Luca's Kitchen and Bakery, 35 North Cross Road, London E22 9ET.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 9 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 18 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report in Appendices B and C. A map showing the location of the premises is attached to this report as appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

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

## KEY ISSUES FOR CONSIDERATION

### The premises licence application

8. On 28 August 2017 Constanza (UK) Ltd applied to this council for the grant of a premises licence in respect of Luca's Kitchen and Bakery, 35 North Cross Road, London SE22 9ET.
9. The application is summarised as follows:
- **The sale of alcohol to be consumed both on and off the premises**
    - Monday to Sunday 09:00 – 22:30 (with on sales to commence from 11:00)
  - **Proposed opening hours of the premises**
    - Monday to Sunday 07:00 to 23:00
  - The premises are described as a coffee shop, restaurant and bakery with a delicatessen shop section.
10. The premises licence application form provides the applicant's operating schedule. Parts J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report as Appendix A.

### **Designated premises supervisor**

11. The proposed designated premises supervisor (DPS) is Luca Constanza.

### **Representations from responsible authorities**

12. The director of public health submitted a representation recommending amendments to the application. The applicant agreed to the recommended amendments and the representation was withdrawn.
13. The Metropolitan Police Service submitted a representation suggesting that the application be amended to include certain control measures that would become conditions of any licence issued subsequent to the application. The applicant agreed to the inclusion of the control measures (with an agreed to alteration to one of the control measures) and the representation was withdrawn.
14. Copies of the representations and related correspondence are attached as Appendix B.

### **Representations from other persons**

15. Three representations have been submitted by local residents. The representations are concerned that the proposed operation of the premises will give rise to noise nuisance, note that the premises are located in a residential area and contend that earlier finish times in regards to the sale of alcohol would be more appropriate.
16. Copies of the applicant's replies to the representations are attached as Appendix C.

### **Conciliation**

17. The applicant has provided replies to the local residents, composed of a letter and a copy of steps in the application that the applicant has included to promote the four licensing objectives. At this time all of the representations remain outstanding and must be considered by the licensing sub-committee. At the hearing to consider this application, the licensing sub-committee will be updated as to any further information pertaining to the conciliation of the representations submitted by the local residents.
18. Copies of the applicant's replies to the representations are attached as Appendix D.

### **Premises history**

19. No licensing authorisation has been issued in respect of the premises under the Licensing Act 2003 or any previous legislation.
20. No temporary event notices have been submitted in regards to the premises.
21. On 28 August 2017 Constanza (UK) Ltd applied to this council for the grant of a premises licence in respect of Luca's Kitchen and Bakery, 35 North Cross Road, London SE22 9ET.

### **Map**

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

**Tandoori Nights, 73 Lordship Lane, London SE22 8EP** licensed for:

- The sale of alcohol to be consumed on the premises
  - Monday to Saturday from 11:00 to 00:00 (midnight)
  - Sunday from 12:00 to 23:30
- The provision of late night refreshment
  - Monday to Saturday from 23:00 to 00:30 the following day
  - Sunday from 23:00 to 00:00

**Lord Palmerston, 91 Lordship Lane, London SE22 8EP** licensed for:

- The sale of alcohol to be consumed on & off the premises, live music, recorded music, anything similar to live or recorded music, films, indoor sporting events
  - Sunday to Thursday from 10:00 to 23:30
  - Friday and Saturday from 10:00 to 00:30 the following day
- The provision of late night refreshment
  - Sunday to Thursday from 23:00 to 3:30
  - Friday and Saturday 23:00 to 00:30 the following day

**Londis, 93 Lordship Lane, London SE22 8HU** licensed for:

- The sale of alcohol to be consumed off the premises
  - Monday to Sunday from 00:00 to 00:00 (24 hours)

**House Of Tippler, 123 Lordship Lane, London SE22 8HZ** licensed for:

- The sale of alcohol to be consumed on and off the premises and films
  - Monday to Thursday from 11:00 to 00:00
  - Friday and Saturday from 11:00 to 01:00 the following day
  - Sunday from 11:00 to 23:30
- Live music, recorded music, anything similar to live or recorded music
  - Monday to Thursday from 11:00 to 00:30 the following day
  - Friday and Saturday from 11:00 to 01:30 the following day
  - Sunday from 11:00 to 00:00
- Performances of dance
  - Monday to Wednesday from 11:00 to 23:00
  - Thursday from 11:00 to 00:00
  - Friday and Saturday from 11:00 to 01:00 the following day
  - Sunday from 11:00 to 22:30

- The provision of late night refreshment
  - Monday to Wednesday from 23:00 to 23:30
  - Thursday from 23:00 to 00:30 the following day
  - Friday and Saturday from 23:00 - 01:30 the following day

**Gourmet Burger Kitchen, 121 Lordship Lane, London SE22 8HU** licensed for:

- The sale of alcohol to be consumed on and off the premises
  - Monday to Thursday from 10:00 to 23:30
  - Friday and Saturday from 10:00 - 00:00
  - Sunday from 11:00 - 23:00
- The provision of late night refreshment
  - Monday to Thursday from 23:00 to 23:30
  - Friday and Saturday from 23:00 to 00:00

**Curry Cabin, 96 Lordship Lane, London SE22 8HF** licensed for:

- The sale of alcohol to be consumed on the premises
  - Monday to Saturday from 11:00 - 00:00
  - Sunday from 12:00 to 23:30
- The provision of late night refreshment
  - Monday to Saturday from 23:00 to 00:30 the following day
  - Sunday from 23:00 to 00:00

**Kaival News, 100 Lordship Lane, London SE22 8HF** licensed for:

- The sale of alcohol to be consumed off the premises
  - Monday to Saturday from 07:00 to 23:30
  - Sunday from 07:00 - 22:30

**Yama Momo, 72 Lordship Lane, London SE22 8HF** licensed for:

- The sale of alcohol to be consumed on & off the premises
  - Monday to Wednesday from 10:00 to 00:00
  - Thursday from 10:00 to 01:00 the following day
  - Friday and Saturday from 10:00 to 02:00 the following day
  - Sunday from 12:00 to 00:00
- Recorded music
  - Monday to Wednesday from 10:00 to 00:00
  - Thursday from 10:00 to 01:00 the following day
  - Friday and Saturday from 10:00 to 02:00 the following day
  - Sunday from 10:00 - 00:00



- The provision of late night refreshment
  - Monday to Wednesday from 23:00 to 00:30 the following day
  - Thursday from 23:00 to 01:00 the following day
  - Friday and Saturday from 23:00 to 02:00 the following day
  - Sunday from 23:00 - 00:30 the following day

**Marks & Spencer Simply Foods, 84-90 Lordship Lane, London SE22 8EW** licensed for:

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

**Blue Mountain Café, 18 North Cross Road, London SE22 9EU** licensed for:

- The sale of alcohol to be consumed on the premises
  - Monday to Saturday from 10:00 to 23:00
  - Sunday from 10:00 to 18:00

**Vintage Pretty, 49 North Cross Road, London SE22 9ET** licensed for:

- The sale of alcohol to be consumed on the premises
  - Monday to Sunday from 11:00 to 00:00

**The Actress, 90 Crystal Palace Road, London SE22 9EY** licensed for:

- The sale of alcohol to be consumed on and off the premises, live music, recorded music anything similar to live or recorded music
  - Monday to Thursday from 10:00 to 23:00
  - Friday and Saturday from 10:00 to 23:30
  - Sunday from 10:00 to 22:30
- The provision of late night refreshment
  - Monday to Sunday from 23:00 to 23:30.

### **Deregulation of entertainment**

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

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

24. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

### **Southwark council statement of licensing policy**

25. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
  - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
  - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
  - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
26. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
27. The premises are located in Lordship Lane district town centre area. Closing times suggested in the statement of licensing policy for the following types of licensed premises located in Lordship Lane district town centre area are:
  - Restaurants and cafes
    - Sunday to Thursday: 00:00
    - Friday and Saturday: 01:00

- Public houses, wine bars or other drinking establishments
  - Sunday to Thursday: 23:00
  - Friday and Saturday: 00:00.

### **Resource implications**

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

### **Consultation**

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

### **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

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

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

33. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
34. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
35. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:

- The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
  - Any condition which must under section 19, 20 or 21 be included in the licence
- To exclude from the scope of the licence any of the licensable activities to which the application relates
  - To refuse to specify a person in the licence as the premises supervisor
  - To reject the application.

### **Conditions**

36. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
37. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
38. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
39. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
40. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

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

### **Hearing procedures**

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

- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.
    - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
  - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
43. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

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

that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

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

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

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

### **Guidance**

51. Members are required to have regard to the Home Office 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**

52. 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**

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

**APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Copy of the application
Appendix B	Copies of representations submitted by responsible authorities and related correspondence
Appendix C	Copies of the representations submitted by other persons
Appendix D	Copies of the replies from the applicant to the other persons' representations
Appendix E	Map of the local area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration		
<b>Report Author</b>	Wesley McArthur, Principal Licensing Officer		
<b>Version</b>	Final		
<b>Dated</b>	10 October 2017		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	Yes	Yes	
<b>Cabinet Member</b>	No	No	
<b>Date final report sent to Constitutional Team</b>		12 October 2017	

28/08/2017

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

Ref No. 875486

## Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Costanza (UK) Ltd
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## Premises Details

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

£	17000
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

## Premises trading name

	Luca's Kitchen & Bakery
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Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	35 NORTH CROSS ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE22 9ET
Ordnance survey map reference	
Description of the location	
Telephone number	

## Applicant Details

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

	a person other than an individual (limited company, partnership, etc)
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If you applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the  premises for licensable activities
--	--

#### Other Applicants

#### Personal Details - First Entry

Name	Costanza (UK) Ltd
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#### Address - First Entry

Street number or building name	
Street Description	
Town	
County	
Post code	
Registered number ( where applicable )	
Description of applicant ( for example, partnership, company, unincorporated association etc )	private limited company

#### Contact Details - First Entry

Telephone number	
Email address	

#### Operating Schedule

When do you want the premises licence to start?

	26/09/2017
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If you wish the licence to be valid only for a limited period, when do you want it to end?

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General description of premises ( see guidance note 1 )

	<ul style="list-style-type: none"> <li>• A new premises licence to allow the retail sale of alcohol for consumption ON &amp; OFF the premises. The premises will be operated as a coffee shop, restaurant and bakery, but also with a delicatessen shop section.</li> <li>• Alcohol will be sold primarily to complement the provision of food.</li> <li>• The property at 35 North Cross Road is in a parade of small shops and businesses and will operate at ground floor level, but also utilising a small outside space belonging to the property at the front which will be included in the licensed area.</li> <li>• This outside space (shown on the plan) will not be used for the purpose of the sale and/or consumption of alcohol after 2200hrs each day.</li> <li>• The premises will be open from 7am to provide breakfasts and coffees, but alcohol sales will commence at 11am for ON consumption.</li> <li>• Alcohol sales for OFF consumption will occur from 0900hrs</li> </ul>
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Please select the range of the number of people expected to attend the premises at any one time.

	Less than 5000
If 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

#### Operating Schedule part 2

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

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 to the Licensing Act 2003)
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#### Provision of regulated entertainment


#### Provision of late night refreshment

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#### Supply of alcohol

	j) Supply of alcohol
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## J - Supply of Alcohol

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

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

Day	Start	Finish
Mon	09:00	22:30
Tues	09:00	22:30
Wed	09:00	22:30
Thur	09:00	22:30
Fri	09:00	22:30
Sat	09:00	22:30
Sun	09:00	22:30

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

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

--	--

Please upload the consent form completed by the proposed premises supervisor

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## Premises Supervisor

Full name of proposed designated premises supervisor

First names	Luca
Surname	Costanza

Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	

County	
Post code	

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

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

K

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

	none
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L - Hours premises are open to public

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

Day	Start	Finish
Mon	07:00	23:00
Tues	07:00	23:00
Wed	07:00	23:00
Thur	07:00	23:00
Fri	07:00	23:00
Sat	07:00	23:00
Sun	07:00	23:00

State any seasonal variations ( Please read guidance note 4 )

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

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M - Steps to promote four licencing objectives

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

	The premises licence holder, DPS, management and staff will constantly assess any
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	<p>risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task. There will be:</p> <ul style="list-style-type: none"> <li>• A written notice of 'authority' record for all staff who sell alcohol</li> <li>• Adequate training for staff and records kept for inspection</li> <li>• Contact details of the Designated Premises Supervisor available to staff and the authorities</li> <li>• Substantial food will be available to customers throughout the hours that alcohol is offered for sale</li> </ul>
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## b) the prevention of crime and disorder

	<p>The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder. This will include:</p> <ul style="list-style-type: none"> <li>• An effective, secure, recordable CCTV system as per Metropolitan Police recommendations with appropriate staff training for its operation and for the retrieval of images which will be made available to the authorities on demand.</li> <li>• Staffing levels maintained appropriately to ensure adequate security.</li> <li>• High value items stored securely</li> <li>• Staff being trained on all security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.</li> <li>• A policy of zero-tolerance to drugs at the premises</li> <li>• Alcohol will not be permitted to be removed from the property in open vessels or containers, except for customers using the outside seating area.</li> </ul>
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## c) public safety

	<p>The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to. The policy will include:</p> <ul style="list-style-type: none"> <li>• Ensuring that the entrance, the outside area and any walkways within the premises are kept free from obstruction</li> <li>• Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.</li> <li>• Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.</li> <li>• Effective lighting maintained and operated to ensure the safety of the public and staff</li> </ul>
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## d) the prevention of public nuisance

	<p>The DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:</p> <ul style="list-style-type: none"> <li>• The premises and public areas nearby are kept free from litter associated with the operation of the business</li> <li>• A bin will be provided in the outside area to minimise litter.</li> <li>• Any noise, vibrations, smells, light pollution or other potential nuisance is monitored and kept to an acceptable level</li> <li>• Deliveries and waste removal are undertaken at a time and in a manner that does not cause disturbance</li> <li>• A written notice will be displayed and visible to customers using the outside area inviting them to be quiet and considerate to local residents.</li> </ul>
--	--

## e) the protection of children from harm

	<p>The premises will be promoted as family friendly and suitable for all ages. There will be no inappropriate entertainment, promotions, activities or behaviour tolerated at the premises that might put children at risk. There will be an effective age verification policy in accordance with the mandatory code. This policy will be one of Challenge 25 for age-restricted products and include:</p> <ul style="list-style-type: none"> <li>• The appropriate display of notices relating to the policy within the premises.</li> <li>• These notices will indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being sold alcohol.</li> <li>• Appropriate ID will be a valid passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.</li> <li>• Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.</li> <li>• Staff training will occur before a staff member is authorised to sell alcohol within the premises.</li> <li>• Staff training records will be available for inspection by the police or other responsible authority upon request.</li> <li>• The business will maintain an incident and refusals book, which will be checked regularly by the premises licence holder and/or designated premises supervisor and will be available for inspection by the responsible authorities.</li> <li>• Children and young people will be discouraged from loitering outside the premises</li> </ul>
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Please upload a plan of the premises

	<a href="#">Luca-s-Kitchen-plan.pdf</a>
--	---

Please upload any additional information i.e. risk assessments

--	--

Checklist

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

Please tick to indicate agreement

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

Declaration

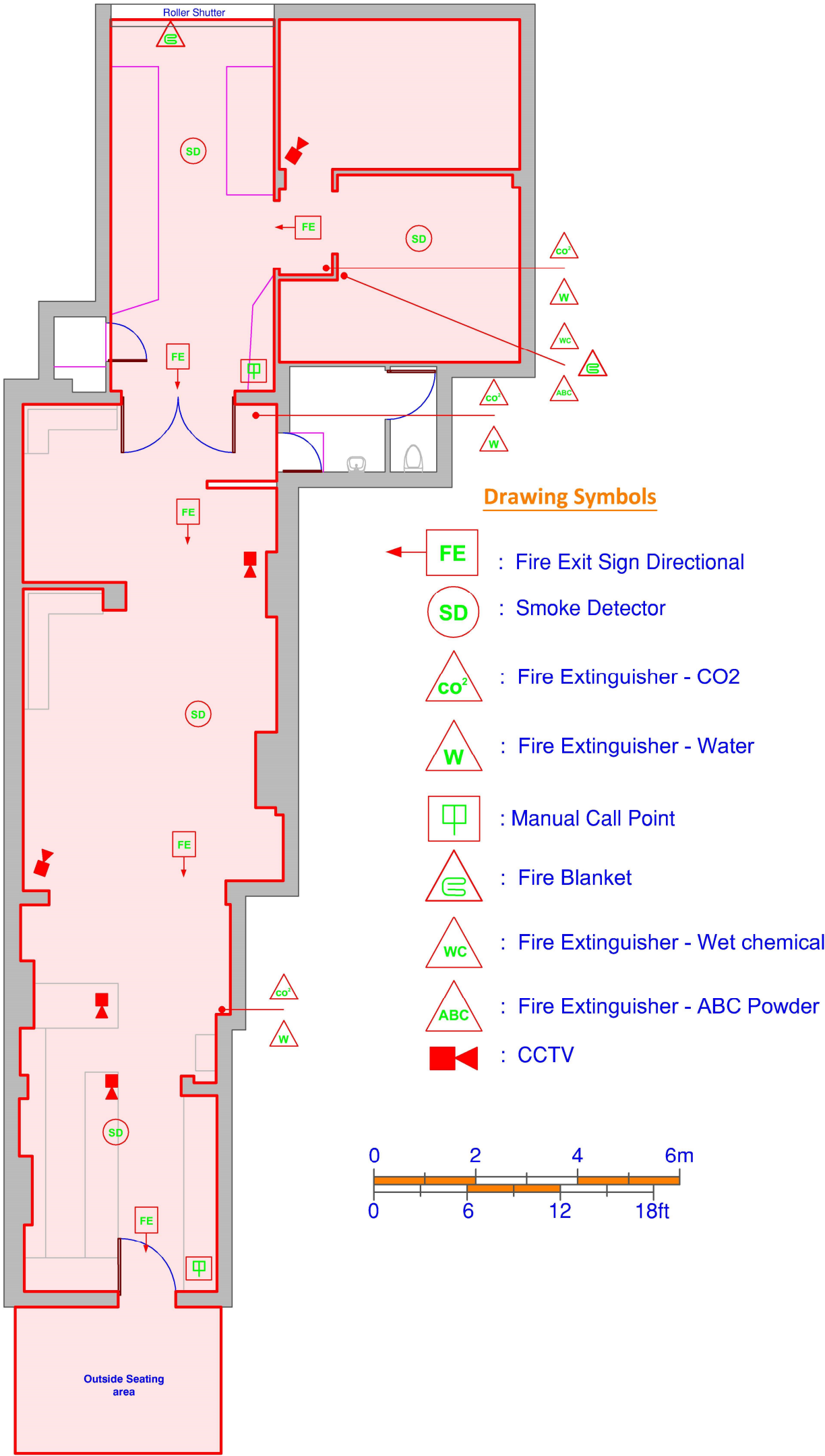
I agree to the above statement

	<input type="checkbox"/> Yes
PaymentDescription	
AuthCode	

LicenceReference	
PaymentContactEmail	

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

Ground Floor Plan



**Licensed Floor Area**  
Licensed Ground Floor Area: 142.6ms  
**Total Licensed Floor Area: 142.6ms**

Drawing No: 003798 - Rev C	Drawing Title: Premises Licensing Plan	Property: Lucas Kitchen, 35 North Cross Road, London	Date: 25/08/17	Sheet: 1 of 1
CAD Drafting - Planning - Building Regulations Building Surveying - Alcohol Licensing			Do not scale off this plan	Drawn By: BT & DJR
			Scale: 1:100 @ A3	

**Notes:**  
This drawings have been produced to the standards set out within the Licensing Act 2003.  
  
No deviation may be made from the details shown on this drawing without prior written permission of UK Surveyors. Any discrepancy found between this drawing and any other document should be referred immediately to UK Surveyors.  
  
**IF IN ANY DOUBT PLEASE ASK.**  
  
All rights described in chapter IV of copyright, design and Patents Act 1988 have been generally asserted.



**Appendix B – copies of representations from responsible authorities and related correspondence**

**From:** Public Health Licensing  
**Sent:** Friday, September 15, 2017 4:00 PM  
**To:** Regen, Licensing  
**Cc:** Public Health Licensing  
**Subject:** RE: Consultation - Luca's Kitchen & Bakery, 35 North Cross Road

To whom it may concern:

**Re: Luca's Kitchen & Bakery, 35 North Cross Road, SE22 9ET**

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

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

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

**General Comments**

The applicant requests a new license for the sale of alcohol off the premises between the hours of 0900-2230 and on the premises between the hours 11:00 - 22:30 daily.

I have concerns regarding the hours of alcohol sales requested. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking.

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

**Recommendations**

- I recommended alcohol sales are not permitted before 11am for both on and off sales of alcohol
- I recommend that no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%.

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

Yours sincerely,

Dr Sadie Regmi

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

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 Dr Sadie Regmi | [sadie.regmi@southwark.gov.uk](mailto:sadie.regmi@southwark.gov.uk) | 02075253063

Specialty Registrar in Public Health Medicine, London Borough of Southwark, 160 Tooley Street, London SE1 2QH

**From:** [REDACTED]  
**Sent:** Wednesday, September 27, 2017 7:47 PM  
**To:** Regmi, Sadie  
**Cc:** McArthur, Wesley  
**Subject:** Luca's Kitchen & Bakery, 35 North Cross Road SE22 9ET

Dear Dr Regmi

I represent the applicant in his application for the grant of a premises licence.

We note your letter of representation which has been considered by my client.

He is very keen to be a responsible operator and to that end, takes on board your suggested conditions which he accepts and will adopt under his premises licence, notably:

- Alcohol sales will not be permitted before 1100hrs for both ON and OFF sales
- No beers, lagers, ciders or similar alcohols to be sold in cans with an abv in excess of 6.5% or in bottles larger than 750ml with an abv in excess of 6.5%.

We trust that the latter condition would still allow him to make sales of specialist 'artisan' products that may exceed 6.5% and are provided in bottles (less than 750ml). Such products are most unlikely to be the product of choice for a street drinker.

Please don't hesitate to contact me if I can assist further.

Kind Regards, [REDACTED]

[REDACTED]

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**From:** Regmi, Sadie  
**Sent:** Thursday, September 28, 2017 10:09 AM  
**To:** [REDACTED]  
**Cc:** McArthur, Wesley; Sharpe, Carolyn  
**Subject:** RE: Luca's Kitchen & Bakery, 35 North Cross Road SE22 9ET

Dear Mike

Based on your email, I am happy to withdraw my representation.

All the best  
 Sadie

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Dr Sadie Regmi | [sadie.regmi@southwark.gov.uk](mailto:sadie.regmi@southwark.gov.uk) | 02075253063  
 Specialty Registrar in Public Health Medicine, London Borough of Southwark, 160 Tooley Street, London SE1 2QH

**From:** [Ian.Clements@met.pnn.police.uk](mailto:Ian.Clements@met.pnn.police.uk) [<mailto:Ian.Clements@met.pnn.police.uk>]  
**Sent:** Wednesday, September 20, 2017 1:54 PM  
**To:** Regen, Licensing  
**Subject:** Luca's Kitchen Ref 860199

Please find attached letter of representation in regard to the above PL application.

Kind Regards

*Ian Clements PC 362 MD*  
*Police Licensing Officer*  
*Southwark Police Station*  
*323 Borough High Street SE1 1JL*  
*T 0207 232 6756*  
*M 07974 836 444*  
[Ian.clements@met.pnn.police.uk](mailto:Ian.clements@met.pnn.police.uk)

---



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

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

Tel: 020 7232 6756  
 Email: [SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)

**Our reference:** MD/3027/17

**Date:** 20<sup>th</sup> Sep 2017

Dear Sir/Madam

**Re:- Luca's Kitchen & Bakery 35 New Cross Road SE22 9ET**

Police are in possession of an application from the above for a new premises licence. The application describes the operation primarily as a coffee shop, restaurant with ancillary bar. The applicant has offered a number of control measures as part of the application, in principle we are in agreement with the recommendations. However in order to ensure the operation remains as a restaurant/coffee shop we would like the following conditions to be considered and the wording of each condition to be as below to avoid any ambiguity.

The following conditions are to address the prevention of crime and disorder and public nuisance licensing objectives.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use

under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.

2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
5. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal. No on sales will take place before 1100hrs.
6. 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

All other conditions to be included as per the application.

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

Yours Sincerely

PC Ian Clements 362MD  
Southwark Licensing/NTE  
Southwark Police Station  
323 Borough High Street  
SE1 1JL  
0207 232 6756

**From:** [REDACTED]  
**Sent:** 27 September 2017 18:54  
**To:** Clements Ian J - MD <[Ian.Clements@met.pnn.police.uk](mailto:Ian.Clements@met.pnn.police.uk)>  
**Subject:** Luca's Kitchen & Bakery, 35 New Cross Road SE22 9ET

Dear Ian

We represent the applicant in respect of the above application for the grant of a premises licence.

We note your letter of representation and thank you for providing clarity of argument.

Your suggested conditions (1, 2 & 3) regarding CCTV are accepted and will be adopted, as will condition 4 regarding staff training.

Condition 6 matches what is already offered in our operating schedule, so will naturally be accepted.

In terms of condition 5, for the avoidance of doubt, can we invite you to agree to a slight amendment of the wording (otherwise off sales through the shop business would be dependent upon substantial food), to:

**'Intoxicating liquor shall not be sold or supplied *for consumption* on the premises otherwise than to persons taking tables meals there and for consumption by such person as an ancillary to his meal. No 'on' sales will take place before 1100hrs'.**

Kind Regards, [REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 28 September 2017 23:33  
**To:** Clements Ian J - MD <[Ian.Clements@met.pnn.police.uk](mailto:Ian.Clements@met.pnn.police.uk)>  
**Cc:** 'McArthur, Wesley' <[Wesley.McArthur@southwark.gov.uk](mailto:Wesley.McArthur@southwark.gov.uk)>  
**Subject:** RE: Luca's Kitchen & Bakery, 35 New Cross Road SE22 9ET

Perfectly happy, thanks

Regards, Mike

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**From:** [Ian.Clements@met.pnn.police.uk](mailto:Ian.Clements@met.pnn.police.uk) [<mailto:Ian.Clements@met.pnn.police.uk>]  
**Sent:** Thursday, September 28, 2017 12:58 PM  
**To:** [REDACTED]  
**Subject:** RE: Luca's Kitchen & Bakery, 35 New Cross Road SE22 9ET

Dear [REDACTED]

The amendments make perfect sense, that's absolutely fine with me.

If happy I will forward to the local authority withdrawing our representation.

Kind Regards

*Ian Clements PC 362 MD*  
*Police Licensing Officer*  
*Southwark Police Station*  
*323 Borough High Street SE1 1JL*  
*T 0207 232 6756*  
*M 07974 836 444*  
[ian.clements@met.pnn.police.uk](mailto:ian.clements@met.pnn.police.uk)

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**From:** Ian.Clements@met.pnn.police.uk [mailto:Ian.Clements@met.pnn.police.uk]  
**Sent:** Friday, September 29, 2017 10:45 AM  
**To:** McArthur, Wesley; Regen, Licensing  
**Subject:** Luca's Kitchen & Bakery, 35 New Cross Road SE22 9ET

Dear Wesley

With the slight amendments agreed to Condition 5 of my original representation, I am now in a position to withdraw my representation.

Kind Regards

*Ian Clements PC 362 MD*  
*Police Licensing Officer*  
*Southwark Police Station*  
*323 Borough High Street SE1 1JL*  
*T 0207 232 6756*  
*M 07974 836 444*  
[ian.clements@met.pnn.police.uk](mailto:ian.clements@met.pnn.police.uk)

**Party 1**

**From:** Tahir, Sarah  
**Sent:** Monday, September 25, 2017 9:08 AM  
**To:** McArthur, Wesley  
**Subject:** FW: representation against licensing application

Added to l1u = 860199

---

**From:** [REDACTED]  
**Sent:** Friday, September 22, 2017 9:44 PM  
**To:** Regen, Licensing  
**Subject:** representation against licensing application

22 September 2017

Dear Sir/Madam,

I would like to object to the application for licence number 860199 at Luca's Kitchen & Bakery, 35 North Cross Road SE22 9ET in East Dulwich Ward.

I live at [REDACTED]. North Cross Road is perpendicular to [REDACTED]. So the rear of Luca's Kitchen & Bakery is very close to the rear of our property. The owners of Luca's have installed a new extraction system, which is causing considerable noise nuisance for us and interfering with our enjoyment of our property, particularly our back garden.

I would like to object to the proposed hours of the licensing application (serving alcohol until 22.30 and opening until 23.00). The owner has told me that they can't do any cooking without the extraction system being on. This means that if the premises are open in the evening, the noise nuisance could continue until 22.30 or beyond. We have no objection to alcohol being served until 17.00.

Yours faithfully,

[REDACTED]

Electronically signed. Please let me know if you also need a handwritten signature.

**Parties 2 & 3**

**From:** Tahir, Sarah  
**Sent:** Monday, September 25, 2017 9:11 AM  
**To:** McArthur, Wesley  
**Subject:** FW: Licence 860199 objection

Added to 1lu = 860199

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**From:** [REDACTED]  
**Sent:** Sunday, September 24, 2017 7:38 PM  
**To:** Regen, Licensing  
**Subject:** Licence 860199 objection

[REDACTED] & [REDACTED]  
[REDACTED]

24<sup>th</sup> September 2017

Dear Sir or Madam

**Re- licence number 860199 – Luca's kitchen and bakery – 35 North Cross Rd, SE22 9ET**

I would like to register our objection to the request for an extended license on the grounds of noise pollution. The extractor fan (recently installed) and in use continuously during opening house makes a noise which can be heard in our property. The extended hours would mean that this noise would continue antisocially late.

Please let me know if this email is sufficient - as it does not include the requested signature. If you need our signature then please let me know by return email so that I can get this to you by the close of 25th September.

Kind regards

[REDACTED] & [REDACTED]

Owners of the above property



**Party 4**

**From:** [REDACTED]  
**Sent:** Sunday, September 24, 2017 9:39 PM  
**To:** Regen, Licensing  
**Subject:** Luca's Kitchen & Bakery 35 North Cross Road SE22 9ET - Alcohol license to 10.30pm - Objection

Dear Sir or Madam

I am a resident on [REDACTED], and wish to notify Southwark Council about my objection to the licensing application from Luca's Kitchen & Bakery on 35 North Cross Road, which is [REDACTED] our house.

Luca's have applied for a license to remain open from Monday to Sunday until 10.30pm with an alcohol license. It is a residential area which is already well catered for further down the road with restaurants and pubs, and also on Lordship Lane.

10.30pm is very late for those who need to be up working early in the morning.

Previously we'd complained to the Duck Egg Cafe on several occasions, who were formerly in the same unit as Luca's on North Cross Road. The noise travels from customers leaving later and they didn't disperse immediately. We would prefer the property remain as a bakery and cafe, and not open late into the evening selling alcohol.

Yours faithfully

Caroline Clark

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On 25 September 2017 at 09:13, Tahir, Sarah <[Sarah.Tahir@southwark.gov.uk](mailto:Sarah.Tahir@southwark.gov.uk)> wrote:

**From:** Regen, Licensing  
**Sent:** Monday, September 25, 2017 7:54 AM  
**To:** Tahir, Sarah  
**Subject:** FW: Luca's Kitchen & Bakery 35 North Cross Road SE22 9ET - Alcohol license to 10.30pm - Objection

Dear [REDACTED]  
 In order for me to process your representation I will need your full postal address.  
 Kind Regards,  
 Sarah

---

**From:** [REDACTED]  
**Sent:** Monday, September 25, 2017 9:17 AM  
**To:** Tahir, Sarah  
**Subject:** Re: Luca's Kitchen & Bakery 35 North Cross Road SE22 9ET - Alcohol license to 10.30pm - Objection

Hi Sarah

Thanks for your email. No problem at all. It's [REDACTED]  
 [REDACTED]

All best  
 [REDACTED]

6 October 2017

Dear Concerned Resident

Luca's Kitchen & Bakery, 35 North Cross Road, London SE22 9ET

I act for the applicant in respect of the above premises. We note your representations in opposition to the application for the grant of a premises licence to allow the retail sale of alcohol, which will be considered by the licensing sub-committee of Southwark Council in due course. We are grateful to you for expressing your concerns which are taken very seriously by my client.

Representations that have been raised include suggestions that the business is likely to cause public nuisance late in the evening, that the area is well served by other licensed premises in the area and a perception that an extractor unit is unreasonably noisy.

I would like to take this opportunity to make some observations about these points of concern to reassure you about the integrity of the applicant and his proposals for the business and to invite you to reconsider your representation.

This application does not include any request for regulated entertainment or for late night refreshment and complies fully with the suggested hours of operation recommended by the Statement of Licensing Policy of Southwark Council. It is also in line with the premises' planning approval. The premises are not within any cumulative impact area, therefore there is a legal presumption in favour of granting this application. There is no requirement for the applicant to prove that there is a need for the licence.

The application includes a comprehensive set of enforceable conditions which have been modified further in consultation with the police and public health officer (over a reduction of licensed hours in the morning and the types of alcoholic products for sale, the use of CCTV, policies for ensuring effective dispersal from the premises and over staff training).

The application has been scrutinised and agreed by each and every responsible authority, including the planning officer and the environmental health officer (EHO) who offer no objection to the application. The EHO, of course, is the person who is responsible for any issues concerning possible noise nuisance.

It is worth noting too that the use of the extraction unit of these premises, which is a legal requirement under health and safety legislation, is approved under planning and has been installed, maintained and will be operated in accordance with the manufacturer's recommendations. This extraction unit is permitted for use regardless of whether a premises licence is granted or not.

Nevertheless, as Luca is keen to be regarded as a good and responsible neighbour, he is committed to monitoring any potential noise nuisance and will ensure that any unreasonable disturbance is acted upon immediately.

Please do not hesitate to contact me if I can provide any more reassurance about the proposed operation of the business.

Kind Regards

Yours Faithfully

A large black rectangular redaction box covering the signature and name of the sender.

**Luca's Kitchen & Bakery**

35 North Cross Road

London

SE22 9ET

- A new premises licence to allow the retail sale of alcohol for consumption ON & OFF the premises. The premises will be operated as a coffee shop, restaurant and bakery, but also with a delicatessen shop section.

**Opening Hours:**

**0700hrs to 2300hrs** daily (to allow a 30 minute drinking up/winding down period to effect an orderly dispersal from the premises)

(Amended) **Alcohol Hours:**

From **1100hrs to 2230hrs** daily (On & Off sales)

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

**a) General – all four licensing objectives (b, c, d and e)**

The premises licence holder, DPS, management and staff will constantly assess any risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task. There will be:

- A written notice of 'authority' record for all staff who sell alcohol
- Adequate training for staff and records kept for inspection
- Contact details of the Designated Premises Supervisor available to staff and the authorities
- Substantial food will be available to customers throughout the hours that alcohol is offered for sale
- This outside space (shown on the plan) will not be used for the purpose of the sale and/or consumption of alcohol after 2200hrs each day.

**Following discussion with the police, the following conditions were added:**

1. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
2. Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal. No on sales will take place before 1100hrs.

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

The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder. This will include:

- An effective, secure, recordable CCTV system as per Metropolitan Police recommendations with appropriate staff training for its operation and for the retrieval of images which will be made available to the authorities on demand.
- Staffing levels maintained appropriately to ensure adequate security.
- High value items stored securely
- Staff being trained on all security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.
- A policy of zero-tolerance to drugs at the premises
- Alcohol will not be permitted to be removed from the property in open vessels or containers, except for customers using the outside seating area.

### **Following discussion with the police, the following conditions were added:**

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.

### **c) Public safety**

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to.

The policy will include:

- Ensuring that the entrance, the outside area and any walkways within the premises are kept free from obstruction
- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff

d) The prevention of public nuisance

The DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:

- The premises and public areas nearby are kept free from litter associated with the operation of the business
- A bin will be provided in the outside area to minimise litter.
- Any noise, vibrations, smells, light pollution or other potential nuisance is monitored and kept to an acceptable level
- Deliveries and waste removal are undertaken at a time and in a manner that does not cause disturbance
- A written notice will be displayed and visible to customers using the outside area inviting them to be quiet and considerate to local residents.

**Following discussion with police the following condition was added:**

- 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

**Following discussion with public health the following conditions were added:**

- No beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%.
- Alcohol for consumption ON or Off the premises must not be sold before 1100hrs on any day

e) The protection of children from harm

The premises will be promoted as family friendly and suitable for all ages. There will be no inappropriate entertainment, promotions, activities or behaviour tolerated at the premises that might put children at risk. There will be an effective age verification policy in accordance with the mandatory code. This policy will be one of **Challenge 25** for age-restricted products and include:

- The appropriate display of notices relating to the policy within the premises.
- These notices will indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being sold alcohol.
- Appropriate ID will be a valid passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.
- Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.
- Staff training will occur before a staff member is authorised to sell alcohol within the premises.
- Staff training records will be available for inspection by the police or other responsible authority upon request.
- The business will maintain an incident and refusals book, which will be checked regularly by the premises licence holder and/or designated premises supervisor and will be available for inspection by the responsible authorities.
- Children and young people will be discouraged from loitering outside the premises

**From:** [REDACTED]  
**Sent:** Friday, October 06, 2017 9:46 AM  
**To:** McArthur, Wesley  
**Subject:** RE: Luca's Kitchen & Bakery, 35 New Cross Road SE22 9ET

Dear Wesley

I have drafted a letter with the approval of the applicant, for the benefit of the residents.

Could you kindly forward it on?

Thanks (see attached)

Regards, [REDACTED]

---

**From:** McArthur, Wesley  
**Sent:** Friday, October 06, 2017 12:19 PM  
**Subject:** Application for a premises licence - Luca's Kitchen & Bakery, 35 North Cross Road, SE22 9ET (our ref: L1U 860199)  
**Importance:** High

Dear Residents,

Please find attached a letter, from the applicant, in response to your representations.

If you have any further comments, if you wish your representation to stand as submitted or if you wish to withdraw your representation please let me know ASAP. Please copy me into any response sent directly to Mr [REDACTED].

Regards,

***Wesley McArthur***

Principal Enforcement Officer  
 London Borough of Southwark

***E-mail:*** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

***General:*** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

***Phone:*** 020 7525 5779

***Fax:*** 020 7525 5705

***Address:*** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

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**From:** [REDACTED]  
**Sent:** Friday, October 06, 2017 2:11 PM  
**To:** McArthur, Wesley  
**Subject:** RE: Luca's Kitchen & Bakery, 35 New Cross Road SE22 9ET

Thanks Wesley

I have created a summary of the conditions offered and the amendments agreed (see attached)

Please feel free to send this to the respective parties too

Kind Regards, [REDACTED]



**From:** McArthur, Wesley

**Sent:** Friday, October 06, 2017 4:04 PM

**Subject:** RE: Application for a premises licence - Luca's Kitchen & Bakery, 35 North Cross Road, SE22 9ET (our ref: L1U 860199)

**Importance:** High

Dear Residents,

Please find attached a summary of the control measures stated in the application. These control measures will form the basis of legally binding licence conditions that must be complied with should any licence be issued subsequent to the application and the premises be operated under that licence. Also included are conditions / amendments to the application, proposed by the police and this council's director of public health, that have been agreed to by the applicant.

If you have any further comments, if you wish your representation to stand as submitted or if you wish to withdraw your representation please let me know ASAP. Please copy me into any response sent directly to Mr [REDACTED].

Regards,

***Wesley McArthur***

Principal Enforcement Officer

London Borough of Southwark

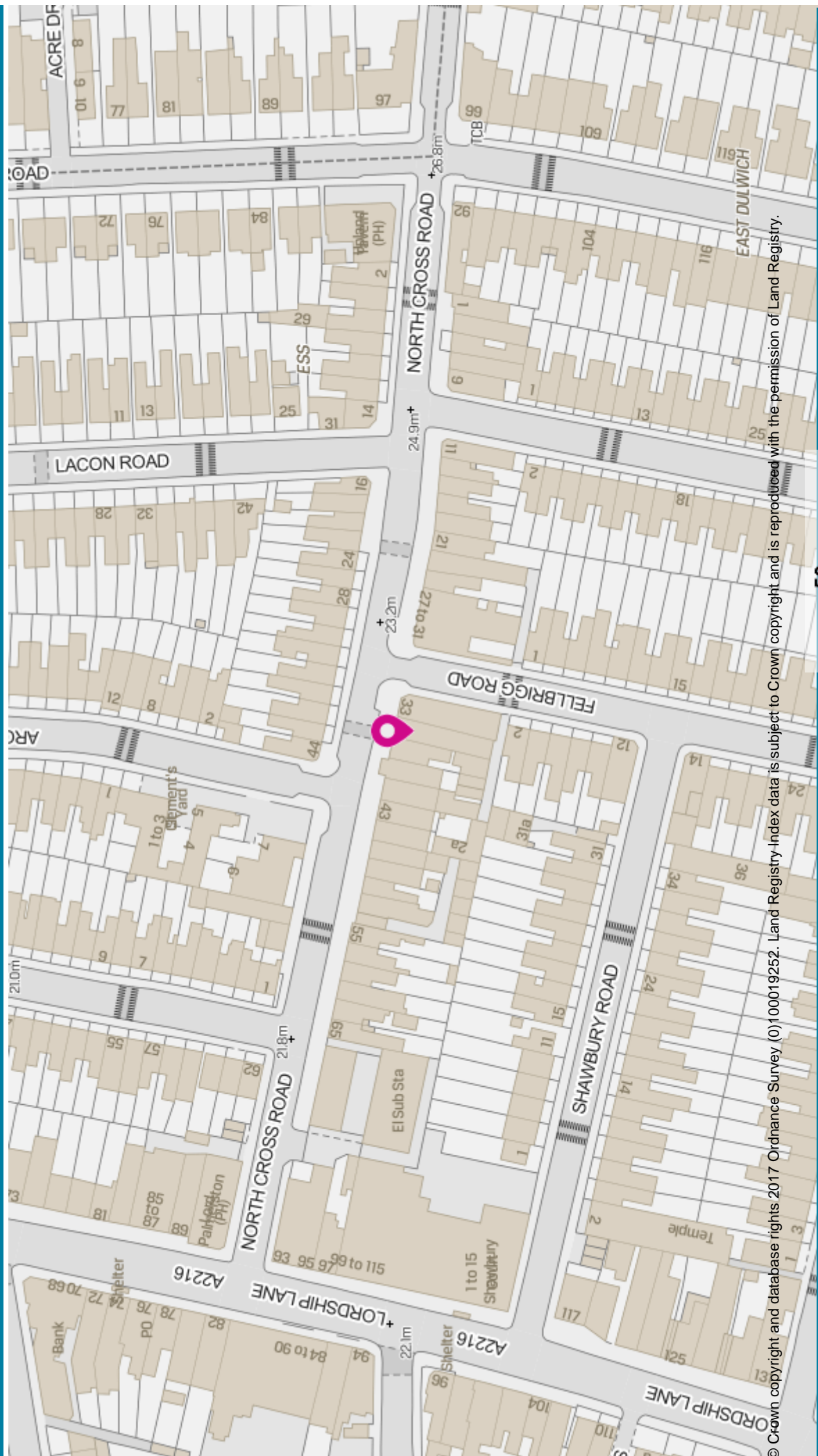
***E-mail:*** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

***General:*** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

***Phone:*** 020 7525 5779

***Fax:*** 020 7525 5705

***Address:*** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH



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Andrew Weir - Tel: 020 7525 7222

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