

Licensing Sub-Committee

Monday 27 November 2017

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Sandra Rhule

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 email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 17 November 2017



PRINTED ON
RECYCLED PAPER

Licensing Sub-Committee

Monday 27 November 2017
10.00 am

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

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	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: CHAPTER 72, 72 BERMONDSEY STREET, LONDON SE1 3UD	1 - 37
6.	LICENSING ACT 2003: BOTTLE & BASKET, 187 WATERLOO ROAD, LONDON SE1 8UX	38 - 83

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: 17 November 2017

Item No. 5.	Classification: Open	Date: 27 November 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Chapter 72, 72 Bermondsey Street, London SE1 3UD	
Ward(s) or groups affected:		Grange	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Chapter 72 Limited to fully vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Chapter 72, 72 Bermondsey Street, London SE1 3UD.
2. Notes:
 - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Chapter 72, 72 Bermondsey Street, London SE1 3UD, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to outstanding representations submitted by local residents and is therefore referred to the sub-committee for determination. Representations were also received from responsible authorities.
 - Paragraph 8 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
 - Paragraphs 10 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix E.
 - Paragraphs 13 to 17 of this report deal with the representations submitted in respect of the application (copies of the representations and agreements for responsible authorities and representations from local residents are attached in Appendices C and D).

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, this council wholly administers the licensing responsibility.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The Licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence issued in respect of the premises known as Chapter 72, 72 Bermondsey Street, London SE1 3UD was issued on 29 November 2016 and allows the following licensable activities:
 - The sale by retail of alcohol (on sales):
 - Monday to Saturday from 11:00 to 22:00
 - Sunday from 11:00 to 21:00.
 - Opening hours:
 - Monday to Saturday from 07:00 to 22:30
 - Sunday from 08:00 to 21:30

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

The variation application

10. On 21 September 2017 Chapter 72 Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Chapter 72, 72 Bermondsey Street, London SE1 3UD.

11. The application for variation is described as follows:

- *'We are a small coffee shop that also sells alcohol located on Bermondsey Street. Now that we have been approved for out door seating we would like to include off sales purchases for our guests.*

Also to increase the number of people allowed to smoke outside at any one time from the current 5 people...'

- The application is to include off sales for take-away alcohol and also for the use of the external area immediately in front of the premises, where there are two tables and 4 chairs. The hours of licensable activities and opening hours remain unchanged. The applicant also seeks to remove Condition 841 to take into account smokers outside the premises, namely:
 - That no more than five patrons will be permitted outside the premises to smoke at any one time.

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

Designated premises supervisor

13. The current designated premises supervisor (DPS) under the existing premises licence is Rod Eslamieh. Mr Eslamieh has also made the application on behalf of the premises licence holders, as one of the directors of the limited company.

Representations from responsible authorities

14. The Metropolitan police Service made representations in relation to concerns of the take away element of alcohol. This has since been resolved as the applicant has agreed to include the following condition on the operating schedule of the premises licence;

- All off sales of alcohol shall be for consumption away from the premises with the exception of those seated at the tables outside.

15. The licensing authority made representation again in relation to the off sales. At the time that this report went to print, this had not been formally conciliated, but the authority and the applicant had made significant steps to resolve the representation. It is likely that by the time this application is heard this will have been withdrawn.

16. Copies of the conciliated representation made by the police and the current progress (at the date of the report print) with licensing are available in Appendix C.

Representations from other persons

17. Representations have been received from four other persons, though it is noted that they are a cut and paste version of one another. These are available in Appendix D. Three other residents had representations rejected as they were either out of time or had simply forwarded the cut-and-paste versions as above.

18. Residents have concerns in relation to the proximity of the premises to residential dwellings and the potential for public nuisance caused by people consuming alcohol in the street.

Conciliation

19. Copies of representations were provided to the Applicant. The representations by the Responsible Authorities have been resolved in part. Mr Eslamieh had wanted to wait until these resolutions had been forthcoming before contacting the residents. At the point of publication of this report, the applicant had not written to the other persons.

Operating history

20. The current premises licence was granted 29 November 2016 and remains as unchanged since that grant.
21. No temporary event Notices have ever been applied for by the incumbent premises licence holders.
22. The only complaint received since that grant was received on 2 October 2017 from a local resident, citing errors with the blue notice displayed at the premises. The applicant received advice from the licensing authority administering the application regarding necessary amendments to the notice. The notice was duly amended and the consultation recommenced for 28 days.

Map

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

International Wine and Spirit Centre, 39-45 Bermondsey Street, London SE1 3XF licensed for:

- The sale by retail of alcohol (on sales)
 - Monday to Sunday from 08:00 to 21:00.

Tanner and Co, 50 Bermondsey Street, London SE1 3UD licensed for:

- The sale by retail of alcohol (on sales)
 - Monday to Sunday from 10:00 to 02:00 (the following day)
- The provision of late night refreshment (both indoors and outdoors)
 - Monday to Sunday from 23:00 to 02:00 (the following day)
- The provision of regulated entertainment in the form of live music, recorded music, plays and the performance of dance (all indoors)
 - Monday to Friday from 17:00 to 02:00 (the following day)
 - Saturday and Sunday from 15:00 to 02:00 (the following day).

Giddy Grocer, 80 Bermondsey Street, London SE1 3UD licensed for:

- The sale by retail of alcohol (on sales)
 - Monday to Sunday from 11:00 to 23:00

- The sale by retail of alcohol (off sales)
 - Monday to Sunday from 11:00 to 22:30
- The provision of regulated entertainment in the form of recorded music (indoors)
 - Monday to Saturday from 07:00 to 23:00
 - Sunday from 08:00 to 23:00.

The Fashion and Textile Museum, 83 Bermondsey Street, London SE1 3XF licensed for:

- The sale by retail of alcohol (on sales)
 - Monday to Sunday from 09:00 to 23:00
- The provision of regulated entertainment in the form of live music, recorded music, performances of dance, plays, recorded music and films (all indoors)
 - Monday to Sunday from 09:00 to 23:00.

B Street Deli, 88 Bermondsey Street, London SE1 3UB licensed for:

- The sale by retail of alcohol (on and off sales)
 - Monday to Sunday from 09:00 to 23:00
- The provision of late night refreshment (indoors)
 - Monday to Sunday from 23:00 to 23:30.

Tee'z Mini Market, 92 Bermondsey Street, London SE1 3UB licensed for:

- The sale by retail of alcohol (off sales only)
 - Monday to Saturday from 06:00 to 23:00
 - Sunday from 07:00 to 22:00.

The Woolpack, 98 Bermondsey Street, London SE1 3UB licensed for:

- The sale by retail of alcohol (both on and off sales)
 - Monday to Wednesday from 11:00 to 23:00
 - Thursday from 11:00 to 23:30
 - Friday and Saturday from 11:00 to 00:00 (midnight)
 - Sunday from 11:00 to 22:30
- The provision of late night refreshment (indoors)
 - Monday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:00 (midnight)

- The provision of regulated entertainment in the form of live and recorded music (indoors)
 - Monday to Wednesday from 11:00 to 23:00
 - Thursday from 11:00 to 23:30
 - Friday and Saturday from 11:00 to 00:00 (midnight)
 - Sunday from 11:00 to 22:30.

The Garrison, 99-101 Bermondsey Street London SE1 3XB licensed for:

- The sale by retail of alcohol (on and off sales)
 - Monday to Thursday from 10:00 to 23:00
 - Friday and Saturday from 10:00 to 00:00 (midnight)
 - Sunday from 12:00 (midday) to 22:30
- The provision of late night refreshment (indoors)
 - Monday to Thursday from 23:00 to 23:00
 - Friday and Saturday from 23:00 to 00:00 (midnight).

Devan News, 107 Bermondsey Street, London SE1 3XB licensed for:

- The sale by retail of alcohol (off sales only)
 - Monday to Sunday from 06:00 to 23:00.

Casse Croute, 109 Bermondsey Street, London SE1 3XB licensed for:

- The sale by retail of alcohol (off sales only)
 - Monday to Saturday from 12:00 (midday) to 22:30
 - Sunday from 12:00 (midday) to 18:00.

Southwark council statement of licensing policy

24. 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 of the policy.

- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
25. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Cumulative impact zone (CIZ)

26. The premises sits outside of a cumulative impact zone but within a residential area.
27. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:
- Restaurants and Cafes:
 - Monday to Sunday until 23:00
 - Public Houses Wine bars or other drinking establishments:
 - Monday to Sunday until 23:00
 - Off licenses
 - Monday to Sunday until 23:00.

Resource implications

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

Consultation

29. Consultation has been carried out in respect of this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper twice. There was an error on the initial advert. However, this was republished within the specified time period to the satisfaction of the licensing

authority. A similar notice exhibited at the premises for a period of 28 consecutive days. This was inspected by a licensing officer during the consultation period and found to be compliant.

Community impact statement

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

Principles for making the determination

33. 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.
34. 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.
35. 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.
36. 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

37. 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.

38. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
39. 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.
40. 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.
41. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions came into force – age verification policy and smaller measures for alcoholic drinks.
42. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

44. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.

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

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

considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

51. 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.
52. 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

53. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations and subsequent withdrawals from responsible authorities
Appendix D	Copies of the representations submitted by other persons
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	14 November 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		15 November 2017

Licensing Act 2003 Premises Licence

APPENDIX A



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

Premises licence number

855941

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Chapter 72 Ltd 72 Bermondsey Street London SE1 3UD	
Ordnance survey map reference (if applicable), 179798533192	
Post town London	Post code SE1 3UD
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

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	07:00 - 22:30
Tuesday	07:00 - 22:30
Wednesday	07:00 - 22:30
Thursday	07:00 - 22:30
Friday	07:00 - 22:30
Saturday	07:00 - 22:30
Sunday	08:00 - 21:30

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 22:00
Tuesday	11:00 - 22:00
Wednesday	11:00 - 22:00
Thursday	11:00 - 22:00
Friday	11:00 - 22:00
Saturday	11:00 - 22:00
Sunday	11:00 - 21:00

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

Ellie Eslamieh
72 Bermondsey Street
London
SE1 3UD
eli.baghbani@gmail.com

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

10411379

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

Rod Eslamieh
1 Cherry Tree Court
Dee Road
Richmond
TW9 2JW

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. 13471
Authority L.B Richmond Upon Thames

Licence Issue date 29/11/2016



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.

Annex 2 - Conditions consistent with the operating Schedule

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

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

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

340 That an incident book shall be kept and maintained at the premises recording at the premises.

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.

4AC That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

4AI That a register of refused sales of alcohol shall be maintained. 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.

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

840 That no alcoholic drinks shall be taken off the premises at any time

841 That no more than five patrons will be permitted outside the premises to smoke at any one time.

842 That all deliveries and collections of waste shall be made between the hours of 08:00 and 20:00 each day.

843 That the depositing of waste glass into external waste receptacles shall not take place between 20:00 and 08:00 the following day.

844 That the premises shall display and make available a telephone number for the management to be contacted.

845 That the premises shall not operate happy hours drink promotions at the premises at any time.

846 That alcohol shall only be consumed by persons who are seated in the premises.

Annex 4 - Plans - Attached

Licence No. 855941

Plan No. N/A

Plan Date N/A

21/09/2017

APPENDIX B

Business - Application to vary a premises licence under the Licensing Act 2003
Ref No. 890138

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

	Chapter 72
Premises licence number	13471

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

£	33,500
---	--------

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

Address Line 1	GROUND FLOOR
Address Line 2	72 BERMONDSEY STREET
Town	LONDON
County	
Post code	SE1 3UD
Ordnance survey map reference	
Description of the location	
Telephone number	07734428862

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

Daytime contact telephone number	07734428862
Email address	info@chapter-72.com
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>We are a small coffee shop that also sells alcohol located on Bermondsey Street. Now that we have been approved for out door seating we would like to include off sales purchases for our guests. Also to increase the number of people allowed to smoke outside at any one time from the current 5 people.</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	

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

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

Provision of regulated entertainment

Provision of late night refreshment

--	--

Supply of alcohol

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

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

	Both
--	------

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

Day	Start	Finish
Mon	11:00	22:00
Tues	11:00	22:00
Wed	11:00	22:00
Thur	11:00	22:00
Fri	11:00	22:00
Sat	11:00	22:00
Sun	11:00	21:30

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

	n/a
--	-----

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)

	n/a
--	-----

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

	n/a
--	-----

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

Day	Start	Finish
Mon	07:00	22:30
Tues	07:00	22:30
Wed	07:00	22:30
Thur	07:00	22:30
Fri	07:00	22:30
Sat	07:00	22:30
Sun	08:00	21:30

State any seasonal variations (Please read guidance note 5)

	n/a
--	-----

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)

	n/a
--	-----

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.

	Not allowing off sale purchases. Only 5 people at a time outside the premises smoking.
--	---

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

	<ul style="list-style-type: none"> - We will at all times run our premises in a responsible fashion seeking always to promote the licensing objectives. - All staff shall be suitably trained for their job function for the premises. - The training shall be written into a programme ongoing and under constant review and must be made available to a relevant responsible authority when called upon.
--	---

b) the prevention of crime and disorder

	<ul style="list-style-type: none"> - We will work alongside community police and any neighbourhood watch organisations to always be aware of any dangers or risks in the area. - A premises daily register shall be kept at the premises. This register shall record the name of the person responsible for the premises on each given day. The premises daily register shall record all pertinent issues which have a bearing on the licensing objectives. The premises daily register shall be made available for inspection by an authorised person upon reasonable request.
--	---

c) public safety

	<ul style="list-style-type: none"> - An adequate and appropriate supply of first aid equipment and materials shall be kept on the premises. - A fire safety and emergency plan shall be implemented and adhered to. - All electrical equipment shall be maintained and tested regularly safety.
--	--

d) the prevention of public nuisance

	<ul style="list-style-type: none"> - Any music provided on the premises shall be background music only. - Anyone who appears to be drunk or seeking to purchase alcohol shall be refused service and asked to leave the premises. - Customer behaviour shall be monitored to minimise the potential for public nuisance.
--	---

e) the protection of children from harm

	- A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised are photographic forms of
--	---

	identification such as drivers licence or passport. - A prominent clear notice shall be displayed on the premises advising customers that they may be asked to provide evidence of their age if seeking to buy alcohol. - All occasions when persons have been refused service shall be recorded in the premises daily register.
--	--

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

Upload proposed plans	
Upload existing plans	

Checklist

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

I agree to the above statement

	I agree
PaymentDescription	10009799011, ,
AuthCode	599164
LicenceReference	ks102 94212
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	Rod Eslamieh
Date (DD/MM/YYYY)	21/09/2017
Capacity	owner

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	Rod Eslamieh
Date (DD/MM/YYYY)	05/05/1977
Capacity	Owner

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	Rod Eslamieh 1 Cherry Tree Court Dee Road Richmond TW9 2JW
Telephone No.	0778 590 7886
If you prefer us to correspond with you by e-mail, your email address (optional)	

Please tick to indicate agreement

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

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.

Heron, Andrew

From: mark.A.Lynch@met.pnn.police.uk
Sent: 19 October 2017 14:55
To: Heron, Andrew
Cc: Regen, Licensing
Subject: Chapter 72 ltd 72 Bermondsey Street SE1

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon

in view of the applicants acceptance of the suggested below licence condition police would now like to withdraw their objection to the variation

regards
Mark

From: Ellie & Rod Eslamieh [mailto:info@chapter-72.com]
Sent: 19 October 2017 13:51
To: Lynch Mark A - MD
Subject: Re: Chapter 72 ltd 72 Bermondsey Street SE1

Hi Mark,

Thank you for clarifying this point.

We fully agree to your terms.

Kind regards
rod

On Thu, Oct 19, 2017 at 12:14 PM, <mark.A.Lynch@met.pnn.police.uk> wrote:

Morning Rod

I would not have any objection to this as the wine/chocolate are being taken away from the premises for consumption , what I would like to avoid are patrons standing on the footpaths/roadside drinking thus causing ASB , with this in mind I have amended the condition to read

1.All off sales of alcohol shall be for consumption away from the premises with the exception of those seated at the tables outside.

hope this makes it clearer but if not feel free to give me a call to discuss. If your happy to accept this amendment then please drop me an email stating such and I will look to withdraw my objection

thanks

Mark

From: Ellie & Rod Eslamieh [mailto:info@chapter-72.com]
Sent: 19 October 2017 09:52
To: Lynch Mark A - MD <mark.A.Lynch@met.pnn.police.uk>
Subject: Re: Chapter 72 ltd [72 Bermondsey Street SE1](#)

Good Morning Mr Lynch,

Thank you for your email.

Chapter 72 would be happy to fully support the descion that any alcohol consumed outside would only be permitted to those seated at our tables.

Would you mind if I asked, does this also restrict people who wish to take drinks away? As winter is coming we are hoping to serve mulled wine and a rum based hot chocolate, but would this only be allowed to be drunk on the premises or would guests be allowed to take it away with them whilst they continue to do their festive shopping?

Kind regards

rod

On Wed, Oct 18, 2017 at 4:21 PM, <mark.A.Lynch@met.pnn.police.uk> wrote:

Good Afternoon

Please find the police objection to the major variation for the premises known as Chapter 72Ltd [72 Bermondsey Street SE1](#)

Regards

Pc Mark Lynch 246MD

Southwark Licensing/NTE

Southwark Police Station

323 Borough High Street

[SE1 1JL](#)

0207 232 6756

sorry for the delay

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MEMO: Licensing Unit

To Licensing Unit **Date** 13 October 2017

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email jayne.tear@southwark.gov.uk

Subject Re: Chapter 72 Ltd, 72 Bermondsey Street, London, SE1 3UD

– Application to vary a premises licence

I write with regards to the above application to vary the premises licence submitted by Chapter 22 Ltd under the Licensing Act 2003, which seeks the following licensable activities:

- Supply of alcohol (off the premises) on Monday to Saturday from 11:00 to 22:00 and on Sunday from 11:00 to 21:30
- To add an supply of alcohol (on the premises) on Sunday from 21:00 to 21:30
- Overall opening times shall be on Monday to Saturday from 07:00 to 22:30 and on Sunday from 21:30

The application also asks to remove conditions from the existing licence as follows:

840 - *That no alcoholic drinks shall be taken off the premises at any time*

841 - *That no more than five patrons will be permitted outside the premises to smoke at any one time.*

This premise is situated within a residential area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for restaurants and cafes on Monday to Sunday is 23:00 daily.

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 applicant wants to extend 'on sales' of alcohol on Sunday from 21:00 to 21:30 but has not allowed any drinking up time as the premises will close at 21:30 this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the end of the night which can lead to antisocial behaviour problems when patrons have left the premises.

I ask the applicant to consider removing this part of the application and keep the existing hours for 'on sales' on Sunday which are 11:00 to 21:00.

Due to the limited information on the application form and to further address the licensing objectives I also ask the applicant to provide the following information:

- An accommodation limit for the inside of the premises (to be conditioned).
- An accommodation limit for the outside area as indicated on the plans (to be conditioned).
- To provide a written dispersal policy for the premises. (to be conditioned)

And to also consider adding a further conditions to the operating shedule to promote the licensing objectives as follows:

- Any 'off sales' of alcohol that are not for consumption in the outside area as indicated on the plan shall be sold in sealed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation

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

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

Jayne Tear
Principal Licensing officer
In the capacity of Licensing Authority as a Responsible Authority

Heron, Andrew

From: Tear, Jayne
Sent: 08 November 2017 17:48
To: 'Rod Eslamieh'
Cc: Heron, Andrew
Subject: RE: Chapter 72

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Dear Rod,

Thank you for your response.

Thank you for agreeing to remove the extension of Sunday 'on sales' of alcohol from the application.

Further to your email below would you now agree to the following conditions:

- The written dispersal policy provided shall be kept at the premises with the licence and made available for inspection by authorised officers
- The accommodation limit for the inside of the premises shall not exceed 30 patrons.
- The accommodation limit for the outside of the premises as indicated on the premises plans shall not exceed 4 patrons.
- Any 'off sales' of alcohol that are not for consumption in the outside area as indicated on the plan shall be sold in sealed containers and taken away from the premises **with the exception of mulled wine, liqueur coffee and hot chocolates provided over the Christmas period.**
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises.

If we can agree all of the above, I will be in a position to withdraw my representation,

With kindest 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>



Womens Safety Charter

<http://www.southwark.gov.uk/business/licences/entertainment-and-alcohol-licences/womens-safety>

From: Rod Eslamieh [<mailto:REslamieh@disaronno.com>]
Sent: Monday, November 06, 2017 10:20 AM
To: Tear, Jayne
Cc: Heron, Andrew
Subject: Chapter 72

Dear Miss Tear

I hope you are well.

Mr Heron has forwarded me your representation regards to Chapter 72, which I have read through and fully appreciate your concerns.

We are happy to keeping the existing hours for 'on sales' on Sunday to 11:00 to 21:00 and not till 21.30.

An accommodation limit for the inside of the premises – 30 people

An accommodation limit for the outside area as indicated on the plans – 4 people

To provide a written dispersal policy for the premises – please find attached.

Any 'off sales' of alcohol that are not for consumption in the outside area as indicated on the plan shall be sold in sealed containers and taken away from the premises. – Miss Tear would you consider an exception to drinks such as mulled wine, liqueur coffee and hot chocolates. With the festive period fast approaching these type of hot drinks lend themselves to people who are walking around doing their shopping and sightseeing and not usually with an aim of being intoxicated. I have no doubt these types of drinks will be available to people in other venues and street vendors in the area which puts us at a disadvantage. I understand drinks such as spirit and mixers or cocktails not allowed in open containers and this is not something at Chapter we would be happy with anyway.

That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the – Yes no problem.

I hope the above is to your satisfaction and look forward to hearing your thoughts on the hot drink off sales option.

Kind Regards
Rod

Heron, Andrew**PARTY A**

From: [REDACTED]
Sent: 17 October 2017 13:53
To: Heron, Andrew
Cc: Regen, Licensing
Subject: RE: Variation Application in respect of 72, Bermondsey Street

Dear Mr. Heron,

Thank you for your reply. I would be grateful if, in light of the original notice being defective, you could kindly confirm what the new final day is for the making of representations in respect of this application. A number of my neighbours are considering making such representations and wish to know what the current position is.

I am writing to you also to make my own formal representations about this application. They are as follows.

I refer to my previous representations in respect of the original application for the premises licence at these premises for the background. Put simply I live next door to the premises and the windows of several of my rooms, including living rooms and bedrooms look directly onto the front door of the premises at a distance of only a few feet, or are virtually above the entrance to the premises.

I have no opposition to the sale of sealed containers of alcohol for consumption off the premises.

I have no objection in principle to allowing the consumption of alcohol by four people sitting outside the premises. However, I feel that suitable conditions and/or amendments to existing conditions are required to ensure that that is all that occurs. If there are no restrictions on what off sales are made there is a significant risk of noise nuisance being caused by those who have removed open containers from the premises and who are consuming alcohol outside the premises. I would also like to see the existing condition which restricts the consumption of alcohol to those who are seated to be extended to cover those who are outside at the two tables in question. I also have concerns about possible noise from customers drinking outside at the end of the evening and so would seek a condition restricting consumption outside the premises until no later than 21.00hrs.

I would therefore suggest that the following conditions are imposed to the varied licence.

“no alcoholic drinks shall be taken off the premises at any time save those in sealed containers or those for consumption by customers seated at the tables outside. The number of such customers outside shall not exceed four at any time. No alcoholic drink may be taken off the premises other than in a sealed container after 21.00hrs”

The necessary change to the licence in respect of seated customers could be expressed as follows;

“alcohol shall only be consumed by persons who are seated either in the premises or at the tables outside, but may not be consumed outside after 21.00hrs.”.

I also understand that the application includes the removal of the current limit of 5 persons outside the premises smoking at any one time. (Obviously these people at present may not take alcohol with them). I see no justification for the removal of this condition and I object to it. If an unlimited number of people are permitted to stand outside the premises smoking, this greatly increases the risk of noise being caused by those outside. The noise of a large group of people talking outside directly under my windows is far more likely to cause a nuisance than that from the same group talking within the premises.

If the applicant considers that the condition as currently drafted causes a problem because if 4 people are seated outside and all are smoking only 1 person in addition may leave the premises, then this can be addressed in the wording of the condition. For instance the limit on those outside smoking may be expressed so as not to include

those who are seated outside the premises, provided that seating is always restricted to 4 seats. I would also seek an absolute limit of no more than 9 customers outside at any one time.

Recent observations by myself and other neighbours has shown that on a number of occasions more than 4 people have been sitting outside and this causes us concerns about how tightly the applicant would keep to the conditions imposed, This makes it more important in our view that clear and precise conditions are attached to this licence in respect of activities outside.

I should make it clear that without conditions of the kind set out above I am opposed to the proposed variation on the grounds that it is likely to undermine the licensing objectives by creating a substantial likelihood of causing noise nuisance to neighbouring properties.

I do not know if, in the light of these representations, a mediation meeting would be appropriate, but myself and my neighbours would be happy to attend one.

I would be grateful if you would confirm receipt of these representations and I look forward to hearing from you further.

Yours sincerely,

[REDACTED]

From: Heron, Andrew [mailto:Andrew.Heron@southwark.gov.uk]

Sent: 02 October 2017 16:34

To: [REDACTED]

Subject: RE: Variation Application in respect of 72, Bermondsey Street

Dear [REDACTED]

Thank you for your email. I have made enquiries with the Applicant; the application will be amended to reflect the application. I'm aware that the notice has just gone up, so it will just mean a simple amendment and the 28day consultation restarting. If you wish to make representation, please do so to licensing@southwark.gov.uk

I can advise however, that this is an application to simply add 'off sales' of alcohol for take aways and consumption on two tables (four seats) immediately in front of the premises. The premises' hours are unaffected.

Regards,

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

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

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

PARTY B**Heron, Andrew**

From: Regen, Licensing
Sent: 17 October 2017 16:19
To: Tahir, Sarah
Cc: Heron, Andrew
Subject: FW: Licensing variation in respect of 72 Bermondsey St

From: [REDACTED]
Sent: Tuesday, October 17, 2017 3:40 PM
To: Regen, Licensing
Subject: Licensing variation in respect of 72 Bermondsey St

I make the following representation as the owner of a nearby property.

I have no opposition to the sale of sealed containers of alcohol for consumption off the premises.

I have no objection in principle to allowing the consumption of alcohol by four people sitting outside the premises. However, suitable conditions and/or amendments to existing conditions are required to ensure that that is all that occurs. If there are no restrictions on what off sales are made there is a significant risk of noise nuisance being caused by those who have removed open containers from the premises and who are consuming alcohol outside the premises.

I would therefore suggest that the following conditions are imposed to the varied licence:

“no alcoholic drinks shall be taken off the premises at any time save those in sealed containers or those for consumption by customers seated at the tables outside. The number of such customers outside shall not exceed four at any time. No alcoholic drink may be taken off the premises other than in a sealed container after 21.00hrs”

The necessary change to the licence in respect of seated customers could be expressed as follows:

“alcohol shall only be consumed by persons who are seated either in the premises or at the tables outside, but may not be consumed outside after 21.00hrs.”

I understand that the application also includes the removal of the current limit of 5 persons outside the premises smoking at any one time. (Obviously these people at present may not take alcohol with them). I see no justification for the removal of this condition and I object to it. If an unlimited number of people are permitted to stand outside the premises smoking, this greatly increases the risk of noise being caused by those outside. Moreover, those smoking outside the premises leave their litter behind them. It would be a simple matter for there to be a suitable receptacle for smoking litter provided by the applicant

If the applicant considers that the condition as currently drafted causes a problem because if 4 people are seated outside and all are smoking only 1 person in addition may leave the premises, then this can be addressed in the wording of the condition. For instance the limit on those outside smoking may be expressed so as not to include those who are seated outside the premises, provided that seating is always restricted to 4 seats. I would also seek an absolute limit of no more than 9 customers outside at any one time.

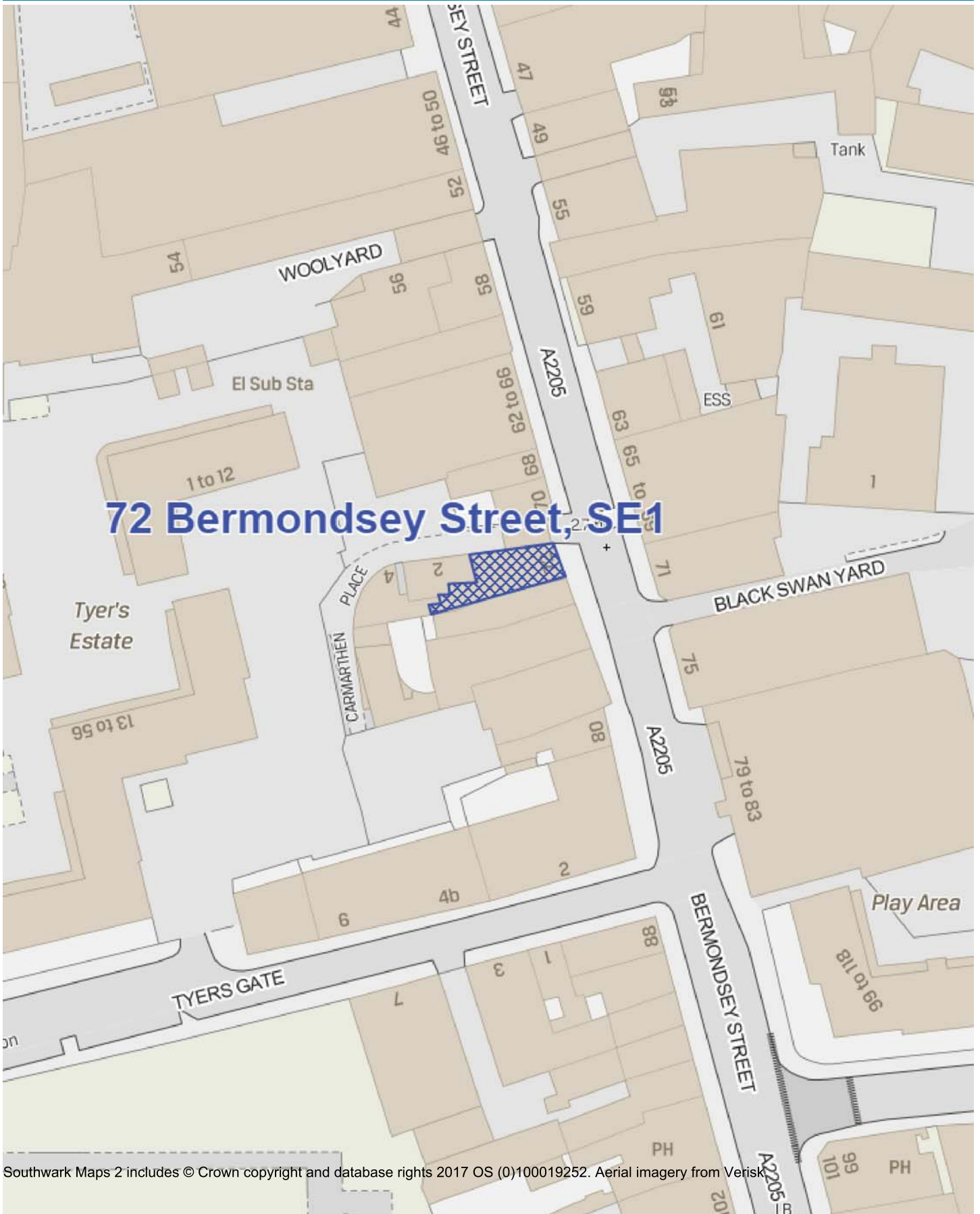
Recent observation has shown that on a number of occasions more than 4 people have been sitting outside and this causes us concerns about how tightly the applicant would keep to the conditions imposed, This makes it more important in our view that clear and precise conditions are attached to this licence in respect of activities outside.

Without conditions of the kind set out above, I am opposed to the proposed variation on the grounds that it is likely to undermine the licensing objectives by creating a substantial likelihood of causing noise, smoke and litter nuisance to neighbouring properties.

[REDACTED]

[REDACTED]

[REDACTED]



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Item No. 6.	Classification: Open	Date: 27 November 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Bottle & Basket, 187 Waterloo Road, London SE1 8UX	
Ward(s) or groups affected:		Cathedrals	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Abbas Derinyer to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Bottle & Basket 187 Waterloo, London SE1 8UX.
2. Notes:
 - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Bottle & Basket, 187 Waterloo Road London SE1 8UX, under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from responsible authorities and other persons and is therefore referred to the sub-committee for determination.
 - b) Paragraph 10 of this report provides a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A. Copies of the existing premises licence and the notice of decision of 24 May 2016 are attached as Appendices B and C.
 - c) Paragraphs 13 to 19 of this report deal with the representations received to the premises licence application and conciliation progress made. Copies of the relevant representations from responsible authorities and other persons are attached as Appendices D and E.
 - d) Paragraph 25 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix F.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a 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 current premises licence

8. The premises licence allows for the following activities
 - Sale of alcohol for consumption off premises
 - Monday to Saturday from 08:00 to 23:00
 - Sunday from 08:00 to 22:30.
9. A copy of the premises licence is provided as Appendix B.

The variation application

10. On 29 September 2017, Abbas Derinyer applied to this council to vary the premises licence issued in respect of the premises known as Bottle & Basket, 187 Waterloo Road, London SE1 8UX. A brief description of the variation is given as follows.
 - To extend the permitted hours for the sale of alcohol on Mon - Sun from 08:00 to 02:00.
 - Non standard timing: Bank Holidays, Christmas Eve, St Patrick's Day, Boxing Day – 24 hours.

- To remove the conditions currently listed at Annex 2 of the premises licence namely:
 - **124** Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:
 - a. On weekdays, other than Christmas Day, 8.00am to 11.00pm
 - b. On Sundays, other than Christmas Day, 10.00am to 10.30pm
 - c. On Christmas day, 12 noon to 3.00pm and 7.00pm to 10.30pm
 - d. On Good Friday, 8.00am to 10.30pm.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel.
 - ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered.
 - iii) The sale of alcohol to a trader or club for the purposes of the trade or club.
 - iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces .
- **125** Alcohol shall not be sold in an open container or be consumed in the licensed premises.
 - **127** Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
 - a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal.
 - b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation.
 - c. To a canteen or mess.
- The rest of the conditions shall remain.
 - The client will additional employ SIA door staff after 22:00 till closing time.
11. The variation to the premises application form provides the applicant operating schedule. Parts L, J, K, L, M, N and O and P set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part P of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

12. The designated premises supervisor is Gizem Derinyer who has a personal licence issued by Enfield Council.

Representations from responsible authorities

13. Representations have been submitted by the Metropolitan Police Service, licensing (as a responsible authority) and public health.
14. The police state that hours sought exceed the recommended opening hours within the current statement of licensing policy 2016 - 2020, for this part of the borough. This venue sits in an area that in the past has suffered with anti-social behaviour, much of which associated with the street drinking community and also the excessive consumption of alcohol. They note the applicant has offered a condition in regard to the employment of SIA door supervisors after 22:00. Whilst ordinarily this would seem like a positive response, they have doubts as to the reasoning behind this measure, usually reserved for on licence premises that operate late into the night time economy.
15. The Licensing 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 sits in the Borough and Bankside policy and the applicant has not addressed the presumption to refuse this application within the operating schedule. They recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area.
16. Public health concerns relate to 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 hours requested are considerably later than what is recommended in Southwark's statement of licensing policy. The premises in question is located within Cathedrals ward. Cathedrals ward has the highest levels of ambulance call outs for binge drinking related incidents of the whole borough. They also refer to the review hearing of 24 May 2016 and recommend a rejection of the application.
17. The representations are attached as Appendix D.

Representation from other persons

18. There is one representation from an other person (local ward councillor). They state That the premises has already undergone a review of its licence. In addition, the hours requested are not in line with Southwark's recommended hours of operation in our statement of licensing policy.
19. The representation is attached as Appendix E.

Conciliation

20. The representations were forwarded to the applicant. The licensing sub committee will be updated of any developments on 27 November 2017.

Premises history

21. The premises has an existing licence number 852151. The premises licence consists of an off Licence based on the ground floor and was carried over from the justices licence in the 2005 transition period. The premises licence was transferred to the current premises licence holder on the 2 February 2017.
22. On the 30 March 2016 an application to change the designated premises supervisor was received by Southwark Council licensing. This application sought to specify Gizem Derinyel as the new designated premises supervisor of the premises.

Review of premises licence

23. On 10 March 2016 trading standards applied to the licensing authority for a summary review of the premises licence. Trading standards sought to review the premises licence on the basis of non-compliance and failure of the premises to promote the licensing objectives of crime and disorder and protection of children from harm.
24. On 24 May 2016 the review application was determined by the licensing sub committee, the decision was to suspend the licence for two weeks and to modify the licence by adding conditions submitted by trading standards. The applicant appealed the decision made by the licensing sub committee. The appeal was heard on 14 November 2016 and a final decision was made by the magistrate court. The notice of decision and court consent order are attached as Appendix C.

The local area

25. A map showing the location of the premises is attached to this report as Appendix F. The premises is identified by a triangle at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius. The following licensed premises are also shown on the map and provide licensable activities as stated:
 - Travelodge, St Georges House, 195-203 Waterloo Road, London SE1 (24hr licence for a hotel)

Deregulation of entertainment

26. 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.
27. 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').

Borough and Bankside cumulative impact zone

28. Council assembly approved the introduction of a cumulative impact zone for Borough and Bankside on 5 November 2008 and extended the area in April 2011. This application falls within the policy area.
29. The decision to introduce the cumulative impact zone was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
30. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
31. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

32. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
 - Closing time for public houses, wine bars or other drinking establishments:
 - Sunday to Thursday 23:00
 - Friday and Saturday 00:00.
33. 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.
34. 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.

Resource implications

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

Consultation

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

Community impact statement

37. 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

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

Principles for making the determination

40. 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.
41. 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.

42. 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.
43. 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

44. 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.
45. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
46. 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.
47. 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.
48. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions came into force: age verification policy and smaller measures for alcoholic drinks.
49. 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

50. 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

51. 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.
52. 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.

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

53. 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.
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 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.
56. 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.
57. 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.
58. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
59. 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.
60. 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

61. 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 Corporate Services

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	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Variation application
Appendix B	Current licence
Appendix C	Notice of decision from 24 May 2016
Appendix D	Representations from responsible authorities
Appendix E	Representation from other person
Appendix F	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	15 November 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	15 November 2017	

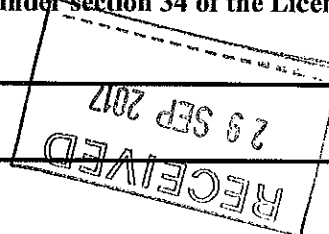
**APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT
2003**

I/We **MR. ABBAS DERINYER**

(Insert name(s) of applicant)

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

Premises licence number 852151



Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
BOTTLE & BASKET 187 WATERLOO ROAD			
Post town	LONDON	Postcode	SE1 8UX
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£16,250	

Part 2 – Applicant details

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

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

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

DD	MM	YYYY
0	1	1
1	2	0
1	7	

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

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

THE PREMISES RUN AS AN OFF LICENCE – SUPERMARKET AND CURRENT PERMITTED HOURS;
08:00 AM – 23:00 PM MONDAY TO SATURDAY, 10:00 AM – 22:30 PM ON SUNDAYS

1) TO EXTEND THE PERMITTED HOURS FOR THE SALE OF ALCOHOL TO BE AS FOLLOWS

08.00 AM TO 02.00 AM MONDAY TO SUNDAY ,

BANK HOLIDAYS, CHRISTMAS EVE, ST. PATRICK'S DAY, BOXING DAYS - 24 HOURS

2) TO REMOVE THE CONDITIONS CURRENTLY LISTED AT ANNEX 2 OF THE LICENCE

3) REST OF THE CONDITIONS ON THE PREMISES LICENCE WILL REMAIN AS IT IS.

4) THE CLIENT WILL ADDITIONALLY PUT SIA DOOR SUPERVISOR AFTER 22:00 PM TILL CLOSING TIME.

5) THE SHOP IS AIMED PRIMARILY AT CUSTOMERS ORIGINATING FROM TURKEY AND OTHER MEDITERRANEAN COUNTRIES WHO WANT TO ENJOY FOODSTUFFS, BEERS, WINES ETC FROM THEIR HOMELANDS WHICH ARE NOT FREELY AVAILABLE FROM OTHER LOCAL RETAILERS. THE SHOP REFLECTS THE FACT THAT SOUTHWARK IS HOME TO A WIDELY DIVERSE COMMUNITY.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

X

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the		

			exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)
Sat			
Sun			

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
			State any seasonal variations for boxing or wrestling entertainment		

			(please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)

E

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		

Tue			
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)
Thur			
Fri			
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)
Sun			

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
			State any seasonal variations for the provision of late night refreshment		

			(please read guidance note 5)
Thur			
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)
Sat			
Sun			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	X
Day	Start	Finish	Both	<input type="checkbox"/>	
Mon	08.00	02.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	08.00	02.00			
Wed	08.00	02.00			
Thur	08.00	02.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	08.00	02.00	Bank Holidays, Christmas Eve, St. Patrick's Day, Boxing Days 24 HOURS		
Sat	08.00	02.00			
Sun	08.00	00.00			

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	08.00		<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>Bank Holidays, Christmas Eve, St. Patrick's Day, Boxing Days 24 HOURS</p>
		02.00	
Tue	08.00		
		02.00	
Wed	08.00		
		02.00	
Thur	08.00		
		02.00	
Fri	08.00		
		02.00	
Sat	08.00		
		02.00	
Sun	08.00		
		02.00	

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.

TO REMOVE THE CONDITIONS CURRENTLY LISTED AT ANNEX 2 OF THE LICENCE.

REST OF THE CONDITIONS ON THE PREMISES LICENCE WILL REMAIN AS IT IS.

THE CLIENT WILL ADDITIONALLY PUT SIA DOOR SUPERVISOR AFTER 22:00 PM TILL CLOSING TIME.

Please tick as appropriate

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

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

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

M

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

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

REMAIN AS IT IS

b) The prevention of crime and disorder

REMAIN AS IT IS

c) Public safety

REMAIN AS IT IS

d) The prevention of public nuisance

REMAIN AS IT IS

e) The protection of children from harm

REMAIN AS IT IS

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in

X

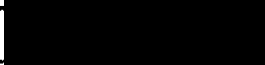
relation to the introduction of the late night levy.

- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

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

Signature	
Date	26.09.2017
Capacity	AUTHORISED LICENSING CONSULTANTS

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

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

ARCH PLANNING & LICENSING CONSULTANCY
33B GRAND PARADE, GREEN LANES

Post town	LONDON	Post code	N4 1LG
Telephone number (if any)	0208 809 2320		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) info@archpl.co.uk			

Licensing Act 2003 Premises Licence

62

APPENDIX B



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

Premises licence number

852151

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Bottle & Basket 187 Waterloo Road London SE1 8UX	
Ordnance survey map reference (if applicable), 179673531436	
Post town London	Post code SE1 8UX
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2

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

The times the licence authorises the carrying out of licensable activities
For any non standard timings see Annex 2 of the full premises licence
Sale by retail of alcohol to be consumed off premises
Monday 08:00 - 23:00
Tuesday 08:00 - 23:00
Wednesday 08:00 - 23:00
Thursday 08:00 - 23:00
Friday 08:00 - 23:00
Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

Part 2

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

Abbas Derinyer



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

Gizem Derinyer

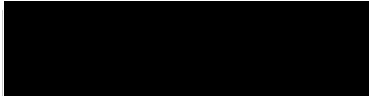


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. LN/201500102

Authority L.B Enfield

Licence Issue date 02/02/2017



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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

124 Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

- a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m.
- c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- d. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club ;
- iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces .

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

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

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

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

788 An approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premises shall be positioned to capture the sale of alcohol and tobacco products.

789 The CCTV system shall have a 31 day recording facility and will be maintained in full working order at all times that the premises is in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. All CCTV footage shall be kept for a period of 31 days and shall, on request, be made immediately available to the police and/or authorised officers from Southwark Council.

840 An electronic point of sale (EPOS) system shall be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

841 There shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales. Authorisation must also be in writing and displayed on the premises adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it.

842 No beers, lagers or ciders in single can, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises. This condition does not apply to Guinness Foreign (ABV 7.5%), Dragon Stout (ABV 7.5%) and Leffe Blonde (ABV 6.6%) or any other such brands to be displayed, sold or offered for sale from the premises with the prior agreement of Metropolitan Police; such agreement not to be unreasonably withheld.

843 All staff working on the premises shall be trained and fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate effect.

844 All off-sales of alcohol shall be supplied in closed containers only.

845 Any agreed additional products in relation to condition (7) to be incorporated onto the premises licence by way of a minor variation.

8AA The premises shall operate an agecheck "Challenge 25" policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.

8AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck "Challenge 25" policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

8AC Agecheck or "Challenge 25" signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck "Challenge 25" policy applies and proof of age may be required.

8AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

Annex 4 - Plans - Attached

Licence No. 852151

Plan No. PL210535-01

Plan Date 29.09.2010



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 24 MAY 2016

LICENSING ACT 2003: BOTTLE & BASKET, 187 WATERLOO ROAD, LONDON SE1 8UX

1. Decision

That the council's licensing sub-committee, having had regard to the application made under Section 51 of the Licensing Act 2003 by the Southwark Council trading standards team for a review of the premises licence issued in respect of the premises known as Bottle & Basket, 187 Waterloo Road, London SE1 8UX and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Suspend the licence for a period of two weeks and

Modify the conditions of the licence as follows:

That the following additional conditions as agreed by the licensing sub-committee shall apply

1. That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.
2. That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
3. That Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required
4. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

5. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.
6. That there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales. Authorisation must also be in writing and displayed on the premises adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it.
7. That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises. Signage to this effect shall be clearly displayed at the premises.
8. That all staff working on the premises shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate effect.
9. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a 31 day recording facility and will be maintained in full working order at all times that the premises in in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. All CCTV footage shall be kept for a period of 31 days and shall, on request, be made immediately available to the police and/or authorised officers from Southwark Council.
10. That all off-sales of alcohol shall be supplied in closed containers only.

2 **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review who advised on 26 February 2016 trading standards officers and police from the night time economy team carried out a compliance inspection at the premises. Two males were serving behind the counter and when asked whether the owner or DPS were present one of the males advised that he had bought the business (including stock) a week previously for £65,000 and the owner/DPS no longer had anything to do with the business. He later stated that the £65,000 was for stock only and not the sale of the lease. No premises licence had been transferred and he was running the business on a trial basis until the purchase went through.

Checks were made by the trading standards officer confirming that Mr Aydin Ciceki who was held out to be a director of Bottle and Basket UK Ltd was actually not a director of that business. Checks also found that the business operator was in accordance with the Bottle and Basket UK Ltd's 2011 status and was incorrectly registered and in breach of the Food Safety Act.

The trading standards officer also found that the tobacco blunts offered for sale did not comply with The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. The male stated that they belonged to the previous owner, contradicting what he had said about the purchase of the stock.

Trading standards found that the male did not know about the systems in place to prevent underage sales, including Challenge 25, there were no training records or refusals of sales registers available. On searching the premises, these documents were found disregarded in a plastic bag in the basement. Furthermore, one of the males working in the shop was an "overstayer" and was arrested.

Further still, the premises had made an underage sale in June 2012 to which the business had accepted a simple caution under Section 146 (1) Licensing Act 2003.

The licensing sub-committee heard from the Metropolitan Police Service representative, who supported the review and went on further to provide details of complaints received of anti-social behaviour and street drinking in the immediate vicinity of the premises. The premises had verbally agreed that they would erect signage that they wouldn't sell beers, lagers or ciders above 7% ABV but they failed to do this.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority, supporting the review. The licensing officer stated that she attended the premises on 19 March 2016 and found that a bottle opener was available behind the counter, which management claimed was for opening soft drinks only. The officer accepted that the management disposed of the bottle opener immediately on request and had since that date, found them to be cooperative. The licensing officer also made reference to the night time economy log and noted that there had been instances of street drinking associated with the premises.

The licensing sub-committee heard from the ward councillor who made representations about the review. He stated that his constituents had complained about the premises being associated with crime and disorder, street drinkers being served and congregating outside the premises and the premises irresponsibly selling high strength beers and ciders. That said, he had received positive comments from some of his constituents who viewed the premises as a local asset.

The licensing sub-committee heard from the legal representative for the premises who said that the four licensing objectives were largely complied with. He stated that the employment of an illegal worker was an irrelevant consideration. The illegal tobacco blunts and food safety registration were breaches of other regulatory regimes and similarly were irrelevant considerations. He added that there had been no repletion of underage sales since 2012. He disputed that sales were made to street drinkers and said that the premises had an important local function.

On 30 March 2016, there had been a change of DPS and the business was in the process of being sold. In the meantime, the premises licence had now been transferred and the transfer of the lease was due to complete in the next few weeks.

The representative stated that they were largely in agreement with all of the conditions proposed by trading standards and the licensing authority but questioned the need for the condition relating to a maximum ABV for beers, lagers and ciders as this could have a negative impact on the business. Similarly, a suspension of the licence could make any purchase of the business unviable.

The licensing sub-committee considered all the written and oral representations before it and deemed that these were serious breaches, including an under age sale in 2012, the breach of other regulatory regimes, the fact that there was no DPS in place for a significant period, meaning sales of alcohol were being sold in breach of the Licensing Act 2003. The representative for the premises stated that the employment of an illegal worker was an irrelevant consideration, despite very recent case law supporting a revocation in such cases (East Lindsey District Council v Abu Hanif (trading as Zara's Restaurant and Takeaway (April 2016))).

The licensing sub-committee also found that there was clear evidence from the responsible authorities that there was street drinking associated with and in the immediate vicinity of the premises. Therefore, it was felt that the condition relating to the maximum ABV for beers, lagers and ciders was necessary and proportionate.

Due to the fact that the lease hasn't yet been transferred and the need for more staff to be trained as personal licence holders, this licensing sub-committee find it necessary and proportionate to suspend the licence for two weeks. This suspension will break the cycle of street drinkers attending the premises ensuring a fresh start for the new owners. Since the premises sells other products other than alcohol this short suspension will have limited effect on the viability of the business.

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**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

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

This decision does not have effect until either:

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

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

Date: 24 May 2016



Camberwell Green Magistrates' Court

Code 2576

South London Magistrates' Courts Group

Email: GL-SouthGroupMCEng@hmcts.gsi.gov.uk

Telephone: 020 7805 9860/9851

LB SOUTHWARK V BOTTLE & BASKET
Legal Services
DX 136147 London Bridge 7

Case number: **011601473782**

Orders

The court has heard the matters shown below and made the orders listed.

Date: 14 November 2016

K.T.Griffiths

Justices' Clerk

Matters and orders

011601473782/1

Appeal against a decision of the London Borough of Southwark licensing authority relating to Bottle & Basket on an application for a review of a premises licence under section 52 of the Licensing Act 2003 on the ground that 1. The respondent's decision was against the weight of evidence before it

2. The respondent is a new owner and he is not linked to the problems occurred which the Sub-Committee had considered seriously

3. The respondent failed to give sufficient weight to the evidence of the appellant and the subsequent steps he had taken to address the concerns raised since the premises licence was subject to review

In accordance with Part 1 of Schedule 5 to the Licensing Act 2003.

It is ordered that BY CONSENT IT IS ORDERED THAT:

1. The appeal hearing listed on 14th November 2016 at Camberwell Green Magistrates Court be vacated, save for the effectuation of this Consent Order.

2. All further proceedings in the appeal against London Borough of Southwark Licensing Sub-Committee's decision on 24th May 2016 be stayed upon the terms set out in this Consent Order.

3. The following Conditions be added to the appellant's premises licence:

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

ii. All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

iii. Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at point of sale to inform customers that an agecheck 'challenge 25' policy applies and proof of age may be required.

iv. A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

v. An electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

vi. There shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales. Authorisation must also be in writing and displayed on the premises adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it.

vii. No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV or more than 6.5% will be displayed, sold or offered for sale from the premises. This condition does not apply to Guinness Foreign (ABV 7.5%), Dragon Stout (ABV 7.5%) and Leffe Blonde (ABV 6.6%) or any other such brands to be displayed, sold or offered for sale from the premises with the prior agreement of Metropolitan Police; such agreement not to be unreasonably withheld.

viii. All staff working on the premises shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate effect.

ORDER TO CONTINUE:

It is ordered that ix. An approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a 31 day recording facility and will be maintained in full working order at all times that the premises is in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. All CCTV footage shall be kept for a period of 31 days and shall, on request, be made immediately available to the police and/or authorised officers from Southwark Council.

x. All off-sales of alcohol shall be supplied in closed containers only.

4. Any agreed additional products in relation to condition (vii) to be incorporated onto the premises licence by way of a minor variation.

5. The two week suspension of the premises licence imposed on 24th May 2016 be extinguished.

6. The Appellant does pay a contribution to the Respondent's costs in respect of these proceedings in the sum of £2,000.00, paid directly to the Respondent



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/3040/17

Date: 1st November 2017

Dear Sir/Madam

Re:- Bottle & Basket 187 Waterloo Road SE1 8UX

Police are in possession of an application from the above for a new premises licence. The application describes the operation as an Off Licence - Supermarket. It is not within a cumulative community impact zone (CIZ), however the hours applied for are considerably greater than those recommended by Southwark's licensing Policy as published in 2016.

The application seeks to extend the current permitted hours for the sale of alcohol from 2300hrs to 0200hrs Monday to Sunday. The current policy hours for off licence establishments recommends that the terminal hour is no greater than midnight.

I note the applicant has offered a condition in regard to the employment of SIA door supervisors after 2200hrs. Whilst ordinarily this would seem like a positive response, I have my doubts as to the reasoning behind this measure, usually reserved for on licence premises that operate late into the night time economy.

I might suggest that if there is a need to employ SIA door supervisors outside of an off licence then that off licence need not be open until such a late hour.

I have my doubts that this is a viable or sustainable option just in order to remain open for an additional three hours.

This venue sits in an area that in the past has suffered with anti-social behaviour, much of which associated with the street drinking community and also the excessive consumption of alcohol. I am of the opinion that allowing the premises to open for an additional three hours with the extended availability of alcohol would again increase the possibility of these problems returning. It is for these reasons that the Police object to this variation as detailed in the application on the grounds that it is likely to have a negative impact on the prevention of crime and disorder licensing objectives.

It seems that there might be some scope for movement and compromise as the current hours are less than those recommended in policy, however any increase should be within the current policy hours recommended for off licenses.

Police have no objection to the removal of conditions as per annex 2 of the current premises licence.

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 Police Licensing Unit
Tel: 0207 232 6756

MEMO: Licensing Unit

To	Licensing Unit	Date	3 November 2017	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Bottles & Basket, 187 Waterloo, London, SE1 0UN
 - Application to vary a premises licence

I write with regards to the above application to vary the premises licence submitted by Mr Abbas Derinyer under the Licensing Act 2003, which seeks to extend the following licensable activities:

- Supply of alcohol (off the premises) on Monday to Saturday from 23:00 to 02:00 and on Sunday from 22:30 to 00:00
- Overall opening times shall be on Monday to Sunday from 08:00 to 02:00

Non standard timings requested

24hrs for Bank Holidays, Christmas Eve, St. Patricks Day, Boxing Day

The Premise is a supermarket and off licence and is situated in Bankside and Borough District Town Centre Area and under the southwark statement of licensing policy appropriate closing times for off-licences and alcohol sales in grocers and supermarkets is 00:00 hours daily in this area.

The premises also falls within the Borough and Bankside CIP Area.

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.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Borough and Bankside policy area as defined in paragraph 129 of the policy and, as an off licence this premises falls into the class of premises in 130 of the policy.

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

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

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

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

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Tuesday, October 24, 2017 4:30 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Consultation - 187 Waterloo Road, Bottle & Basket

To whom it may concern:

Re: Bottle & Basket, 187 Waterloo Road, London SE1 8UX

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 current licence to extend the hours of alcohol sales from 08:00-23:00 daily to 08:00-02:00 daily. Additionally the applicant would like to serve alcohol 24hours a day on bank holidays, Christmas Eve, St. Patrick's Day and Boxing Day.

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 hours requested are considerably later than what is recommended in Southwark's Statement of Licensing Policy.

Moreover, this premises was recently reviewed by Southwark's Licensing Sub-Committee on 24 May 2016, due to numerous issues with the management of the premises. Additionally, this premises is located in an area of high levels of alcohol related harm, in particular there is an issue with street drinking in the local area. The premises in question is located within Cathedrals ward. Cathedrals ward has the highest levels of ambulance call outs for binge drinking related incidents of the whole borough.

Recommendations

I recommended this application is rejected.

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

Yours sincerely,

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

From: Morris, Adele
Sent: Monday, October 23, 2017 10:27 PM
To: Jerrom, Charlie; Linforth-Hall, Maria; Mills, Dorcas; Noakes, David
Cc: 'Ian.Clements@met.pnn.police.uk'; Franklin, David; Prickett, Mark
Subject: RE: Consultation - 187 Waterloo Road, Bottle & Basket

Dear Charlie

I write to object to this application to extend the hours of operation of this premises. There have been numerous problems with this premises, and it has undergone a review of its licence. In addition, the hours requested are not in line with Southwark's recommended hours of operation in our Statement of Licensing Policy.

Best wishes

Councillor Adele Morris
Cathedrals Ward Liberal Democrat Councillor
Opposition Spokesperson for Regeneration
Vice Chair of Licensing Committee
Deputy Chair, LGA Environment, Economy, Housing and Transport Board
LGA Planning Advisory Service Board Member

Tel: 0207 525 4377



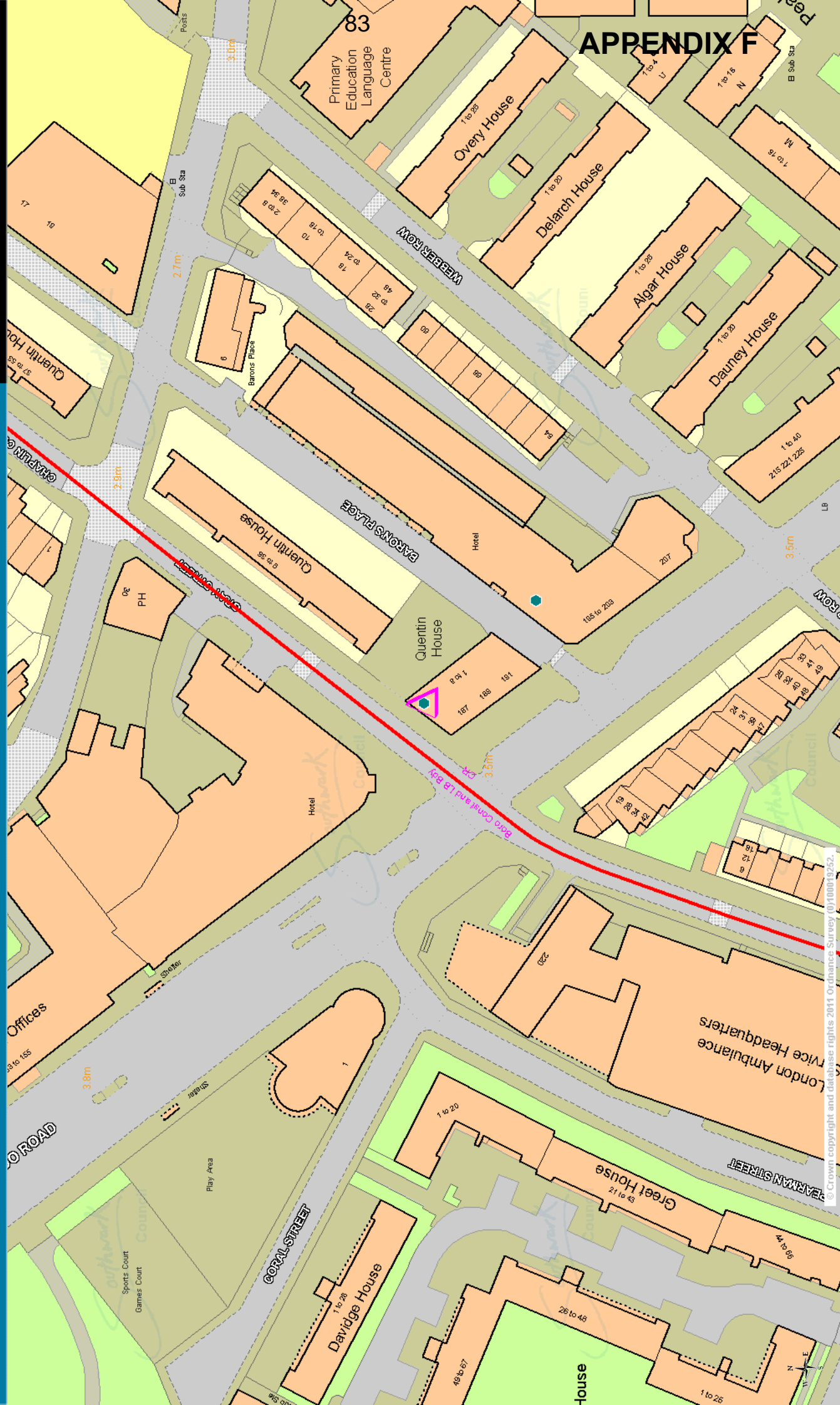
AdeleCathedrals

As your locally elected councillors, we may use your email address to contact you from time to time with updates about the issue you have contacted us about or other issues which affect your area. If you do not wish to receive such emails, please let us know.

Bottle & Basket 187 Waterloo Road

Date 12/4/2016

Southwark Council



APPENDIX F

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