

Licensing Sub-Committee

Monday 18 December 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 Maria Linforth-Hall

Reserves

Councillor Sunil Chopra

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: 8 December 2017



Licensing Sub-Committee

Monday 18 December 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: MC & SONS, 160 UNION STREET, LONDON SE1 0LH	1 - 44
6.	LICENSING ACT 2003: CLUB 701, 516 OLD KENT ROAD, LONDON SE1 5BA	45 - 126

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: 8 December 2017

Agenda Item 5

Item No. 5.	Classification: Open	Date: 18 December 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Mc & Sons, 160 Union Street, London SE1 0LH	
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 Ryan McElhinney and John McElhinney to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Mc & Sons, 160 Union street, London SE1 0LH.
2. Notes:
 - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Mc & Sons, 160 Union Street London SE1 0LH 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) Paragraphs 8 to 12 of this report provide a summary of the current premises and the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A. A copy of the existing premises licence is attached as Appendix B.
 - c) Paragraphs 13 to 21 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 C and D.
 - d) Paragraph 26 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix E.
 - 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
 - Sun 08:00 from 08:00 to 22:30.
9. A copy of the premises licence is provided as Appendix B.

The variation application

10. On 19 October 2017, Ryan & John McElhinney applied to this council to vary the premises licence issued in respect of the premises known as Mc & Sons, 160 Union Street, London SE1 0LH. The premises is described as a ground floor public house. A brief description of the variation is given as follows:
 - To extend the permitted hours for the sale of alcohol on the premises
 - Thursday to Saturday from 23:00 to 01:00.

- Operating hours:
 - Monday to Wednesday from 10:00 to 23:00
 - Thursday to Saturday from 10:00 to 01:00
 - Sunday from 12:00 to 23:30.
11. The variation to the premises application form provides the applicant operating schedule. Parts 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 Ryan McElhinney who has a personal licence issued by Lambeth Council.

Representations from responsible authorities

13. Representations have been submitted by the Metropolitan Police Service, the environmental protection team (EPT), licensing (as a responsible authority) and public health.
14. The police object to the granting of the variation as they see no exceptional circumstances to grant the application. The current licence has minimal conditions and the operating schedule appears to have offered nothing to negate the increase in hours and the problems that would be associated with it for a premises situated within the cumulative impact zone (CIZ). They have recommended a number of conditions to be included on the licence to promote the crime and disorder licensing objective, some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity.
15. The EPT representation states that the hours sought exceed the recommended opening hours within the current licensing policy (2016-2020) for this part of the borough. As this is a newly opened premises, with one alleged noise complaint already received, they raise concerns about permitting a 01:00 opening time on Thursdays, Fridays and Saturdays and the potential for public nuisance to occur.
16. 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. They advise that the premises sits in the Borough and Bankside CIZ and the applicant has not addressed the presumption to refuse this application within the operating schedule. They have recommended a number of conditions, which if agreed will form part of the licence conditions.
17. The public health representation raises concerns regarding the hours of alcohol sales requested. They advise that 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 those recommended in Southwark's statement of licensing policy. The premises is located in the close vicinity of local residents and therefore there are concerns that these extended hours will cause public nuisance to these

local residents due to noise and dispersal from the premises. They also recommended that operating hours should be as per Southwark's statement of licensing policy.

18. The representations are attached as Appendix C.

Representation from other persons

19. There are eight representations from other persons (a local ward councillor and seven residents). They state that since officially opening a few weeks ago there have been crowds of people from the pub gathering around the premises until after 23:00 each night. Customers with drinks currently block the pavement, create noise and leave bottles and glasses (sometimes broken glass). They state they can also hear the music from the public house in the homes. There are also issues with the disposal of empty bottles and rubbish bags which create noise and mess.
20. Their representations are attached as Appendix D.

Conciliation

21. The representations were forwarded to the applicant. The licensing sub-committee will be updated of any developments on 18 December 2017.

Premises history

22. The premises has an existing licence number 860110. The premises licence consists of a public house 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 17 August 2017.
23. An application was also made on that day to specify John Mc Elhinney as the new designated premises supervisor of the premises.

Complaint

24. There is one recorded complaint about loud music, made on 19 October 2017.

Temporary event notices (TENs)

25. A TEN has been issued for 11 December 2017 for regulated entertainment and alcohol and to extend the hours of operation till midnight.

The local area

26. A map of the area is attached to this report as Appendix E. 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:
- Blue Tree Kitchen, 164-180 Union Street, London SE1 (Monday to Sunday until 23:00)
 - Spots and Stripes, Railway Arch 64 Ewer Street, London SE1 (Monday to Sunday until 01:30)

- Union Viet Cafe & Restaurant, 120-128 Union Street, London SE1 (Monday to Sunday until 23:00)
- Ewer Street Car Park, Great Suffolk Street, London SE1 (Monday to Sunday until 07:30)
- Cafe 171, The Jerwood Space Ltd, 171 Union Street, London SE1 (Monday to Saturday until 23:00 and Sunday until 2:30).

Deregulation of entertainment

27. 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.
28. 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

29. 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.
30. 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.
31. 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.
32. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark Statement of Licensing Policy

33. 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.

34. 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.
35. 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

36. 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

37. 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

38. 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

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

Principles for making the determination

41. 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.
42. 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.
43. 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.
44. 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

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

47. 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.
48. 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.
49. 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.
50. 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

51. 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

52. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
 - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the 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.
53. 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

54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. 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.

61. 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

62. 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

63. 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	Representations from responsible authorities
Appendix D	Representations from other persons
Appendix E	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	6 December 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		6 December 2017

19/10/2017

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

Ref No. 908875

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

	Ryan Mc Elhinney and John Mc Elhinney
Premises licence number	860110

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

£	0
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Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	Mc & Sons
Address Line 2	160 Union Street
Town	London
County	
Post code	SE1 0LH
Ordnance survey map reference	180031531980
Description of the location	Ground Floor Public House
Telephone number	0203 953 0250

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

Daytime contact telephone number	02037723921
Email address	victoria@windmilltaverns.com
Postal Address if different from premises address	The Kings Arms, 25 Roupell St
Town / City	London
Postcode	SE1 8TB

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

Please tick	<input checked="" type="checkbox"/> Yes
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If not from what date do you want the variation to take effect?

(DD/MM/YYYY)	
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Please describe briefly the nature of the proposed variation (see guidance note 2)

	<p>We currently run a few busy pubs in the area with responsibility and conscientiousness with regards to our opening hours and adhering to the license in all terms especially noise and environmental issues. We would be looking to vary this license at our new premises to be in line with our other license at The Ring Bar, 72 Blackfriars Road.</p> <p>This means applying to vary the license by extending the licensed sale by retail of alcohol hours on Thursday, Friday and Saturdays from 23:00 as they are currently to 01:00 hours.</p>
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If 5,000 or more people attend the premises at any one time, please state the number

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

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

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

Provision of late night refreshment

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Supply of alcohol

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

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

Day	Start	Finish
Mon	10:00	23:00
Tues	10:00	23:00
Wed	10:00	23:00
Thur	10:00	01:00
Fri	10:00	01:00
Sat	10:00	01:00
Sun	12:00	22:30

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

	None
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Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 6)

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

	None
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Hours premises are open to the public (standard timings Please read guidance note 7)

Day	Start	Finish
Mon	10:00	23:00
Tues	10:00	23:00
Wed	10:00	23:00
Thur	10:00	01:00
Fri	10:00	01:00
Sat	10:00	01:00
Sun	12:00	23:30

State any seasonal variations (Please read guidance note 5)

	None
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Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

	None
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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.

	No conditions to be removed as a consequence of the proposed variation
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a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 10)

	<p>In order to promote the four licensing objectives in general of the proposed variation we will adhere to our current guidelines and our employees (bar staff and managers) will</p> <ul style="list-style-type: none"> make sure no unauthorised sales of alcohol are made no irresponsible promotions in relation to the premises are carried out Provide free water at all times Ensure an age verification policy is continued to be used Ensure all measures are available and advertised to customers for any alcoholic drinks being sold
--	--

b) the prevention of crime and disorder

	<p>Make sure that all CCTV on the premises is maintained in good working order and advertise to customers that they are on CCTV</p> <p>Respond and react appropriately to any incidents that might occur on site (ie call the police, ensure the safety of our patrons).</p> <p>Alcohol will not be sold or supplied unless during permitted hours</p> <p>Work with the Southbank BID to prevent crime and disorder by concerning ourselves with any members of the public that the police have highlighted as possibly dangerous or disorderly, remain vigilant in identifying these people and reporting incidents as soon as they happen.</p> <p>Exercising the right to refuse the sale of alcohol to anyone that we believe to be intoxicated or disorderly</p>
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c) public safety

	<p>Exercising the right to refuse the sale of alcohol to anyone that we believe to be intoxicated or disorderly and removing those patrons from the premises to avoid danger to the public.</p> <p>Accepting responsibility for the customers on our premises or leaving our premises and ensuring their safety at all times through continued vigilance in the sale and supply of alcohol</p> <p>Making sure CCTV is maintained and in working order at all times and advertising this to members of the public. Supplying the CCTV to the police if they ask for it.</p> <p>Continued staff training in how to recognise and diffuse possible dangerous situations as they happen, removing any threat that might occur on the premises safely.</p>
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d) the prevention of public nuisance

	Displaying brief and clear descriptions to patrons that they must respect our neighbours as they leave the premises Make sure no one is outside the premises loitering and making noise after 10pm, instead using the smoking area towards the rear of the building. Using a staff member to monitor patrons leaving at closing time and encouraging them to leave quietly and get home swiftly and safely Telling patrons with 30 minutes notice that we will be closing soon so that they leave promptly when it is time to go Turning off any background music before we close as above Not organising any live music after 9pm on any day.
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e) the protection of children from harm

	No person under fourteen shall be in the bar during permitted hours unless he/she is the child of the holder of the premises license, he resides in the premises, he is in the bar solely to pass to or from some part of the premises which is not a bar.
--	--

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

Upload proposed plans	
Upload existing plans	

Checklist

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

I agree to the above statement

	I agree
PaymentDescription	, ,
AuthCode	██████
LicenceReference	██████████
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	Ryan Mc Elhinney
Date (DD/MM/YYYY)	19/10/2017
Capacity	Director

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

Full name	John Mc Elhinney
Date (DD/MM/YYYY)	19/10/2017
Capacity	Director

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	Victoria Mawson The Kings Arms 25 Roupell St London SE1 8TB
Telephone No.	02037723921
If you prefer us to correspond with you by e-mail, your email address (optional)	victoria@windmiltaverns.com

Please tick to indicate agreement

<input type="checkbox"/>	I am a company or limited liability partnership
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I agree to the above statement

<input checked="" type="checkbox"/>	Yes
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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.

Licensing Act 2003 Premises Licence



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

Premises licence number

860110

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
<p>Mc & Sons 160 Union Street London SE1 0LH</p> <p>Ordnance survey map reference (if applicable), 180031531980</p>	
Post town London	Post code SE1 0LH
Telephone number 020 7401 3744	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
<p>Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises</p>

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
<p>Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises</p>

The times the licence authorises the carrying out of licensable activities

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

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 23:00
Friday	10:00 - 23:00
Saturday	10:00 - 23:00
Sunday	12:00 - 22:30

Sale by retail of alcohol to be consumed off premises

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 23:00
Friday	10:00 - 23:00
Saturday	10:00 - 23:00
Sunday	12:00 - 22:30

Part 2

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

Ryan Gerrard Mc Elhinney

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

John Joseph Mc Elhinney

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Ryan Gerrard Mc Elhinney

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Licence [REDACTED]
Authority L.B. Lambeth

Licence Issue date 18/08/2017

[REDACTED]

Head of Regulatory Services
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

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

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

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

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

(a) a holographic mark; or

(b) an ultraviolet feature.

489 The responsible person shall ensure that -

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

(i) Beer or cider: 1/2 pint;

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

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

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

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

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

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

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

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

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence;

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

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

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

122 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies

- a.He is the child of the holder of the premises licence
- b.He resides in the premises, but is not employed there
- c.He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient means of access or egress.
- d.The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancilla. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of tablemeals and alcohol is only sold or supplied to persons as ancillary to their table meals.

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.

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

- a.On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00.a.m. to 11.00.p.m.
- b.On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30.p.m.
- c.On Good Friday, 12 noon to 10.30.p.m.
- d.On Christmas Day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- e.On New Year's Eve, except on a Sunday, 10.00.a.m. to 11.00.p.m.
- f.On New Year's Eve on a Sunday, 12 noon to 10.30.p.m.
- g.On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

- i)During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- ii)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;
- iii)During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

- iv) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- v) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- vi) The sale of alcohol to a trader or club for the purposes of the trade or club;
- vii) 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;
- viii) The taking of alcohol from the premises by a person residing there; or
- ix) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or
- x) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises.

110 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only which is produced solely by the reproduction of recorded sound is permitted.

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

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

Annex 4 - Plans - Attached

Licence No. 860110

Plan No. N/A

Plan Date N/A



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: MD21/3052/17

Date: 15th November 2017

Dear Sir/Madam

Re:- MC & Sons, 160 Union Street, London SE1 0LH

Police are in possession of an application from the above for a variation to the premises licence. The application describes the operation as a Public House on the ground floor.

The hours applied for fall within outside that recommended within the Southwark statement of licensing policy for a strategic cultural area which the premises is situated. It is also situated within the Borough and Bankside Cumulative Impact Zone (CIZ).

The statement of licensing policy recommends 23.00hrs Sunday to Thursday and Midnight Friday and Saturday. The premises is situated next door to a number of residential premises and also appear to have residential above. Police visited the premises and it is in a quiet part of Union Street and even during the day when noise is at a maximum I would consider it quiet. The front of the venue is protruding from the residential premises leaving a larger area to the side which would attract customers to stand when smoking and in hotter weather and any additional hours on those granted at the moment would likely cause a considerable increase in public nuisance to residents.

Police object to the granting of the variation as see no exceptional circumstances to grant the application. The current licence has minimal conditions and the operating schedule appears to have offered nothing to negate the increase in hours and the problems that would be associated with it for a premises situated within the CIZ.

If the licensing subcommittee were to grant in part or in full the application, we would recommend the following conditions to be included on the licence to promote the crime and disorder licensing objective. Some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and all areas the licensable activities are carried out and the outside area immediately adjacent to the premises to a responsible standard in all lighting conditions.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
5. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time.
6. No drinks shall be consumed outside the front of the premises at any time.

The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD

Southwark Police Licensing Unit

Tel: 0207 232 6756

From: Prickett, Mark
Sent: Tuesday, November 14, 2017 2:09 PM
To: Regen, Licensing
Cc: Mills, Dorcas; 'victoria@windmilltaverns.com'
Subject: EPT rep - Premises licence variation for 160 Union Street

Dear Licensing,

Southwark's Environmental Protection Team have reviewed the variation application for MC & Sons, 160 Union Street.

The application is to extend the licensed sale by retail of alcohol hours on Thursday, Friday and Saturdays from 23:00 to 01:00 hours.

The existing licence is found here;

<http://app.southwark.gov.uk/Licensing/LicPremisesGrantedDetails.asp?systemkey=860110>

It is noted that there is no request for regulated entertainment (i.e. live music or recorded music) after 23:00, therefore background music will be played after this time.

It is also noted that the applicant does not wish to extend late night refreshment. The extension of hours requested will therefore be for the sale of alcohol and the consumption by patrons.

EPT STANCE

Section 7 of Southwark's Statement of Licensing Policy 2016-2020 outlines recommended hours for operation in certain areas of the borough for certain types of premises. In the Borough & Bankside area, public houses are suggested to close at the following hours;

Sunday to Thursday 23:00

Friday and Saturday 00:00

The variation application for the requested hours therefore exceeds the suggested hours within Southwark's Licensing Policy. For reference this can be found here;

http://www.2.southwark.gov.uk/downloads/download/2385/southwark_statement_of_licensing_policy_2016-2020

EPT also note that there was a complaint to Southwark's Noise & Nuisance Team in the evening of the 19th October regarding loud music and people noise which was alleged to be from MC & Sons. It is noted however that no council officer visited to substantiate the complaint. Having reviewed the social media accounts for MC & Sons it may be the case the 19th October coincided with the opening party.

As this is a newly opened premises with 1 alleged noise complaint already received, EPT raise concern about permitting a 1am opening time on Thursdays, Fridays & Saturdays and the potential for public nuisance to occur.

As such EPT **make representation** against this application based on the prevention of public nuisance licensing objective. EPT would request the applicant to pull back the hours to be in line with Southwark's Licensing Policy, i.e. request an extension of hours to midnight on Fridays & Saturdays.

If agreeable then EPT will be in a position to remove its representation.

EPT would recommend that if the 1am closing time is still sought then the applicant first conduct a period of time for compliance for the pulled back hours (i.e. 6-12months), then apply for several TENs running to 1am to gauge the impact. If the TENs are operated without any complaint or concerns then the applicant could subsequently put in a variation to extend the hours further. It should be noted that such an application will be required to go through the same consultation process and the aforementioned stance is only with regards to the Environmental Protection Team responsible authority.

Kind regards,

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

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services,
3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX
Office address (By appointment only): Southwark Council, 160 Tooley Street, London,
SE1 2QH

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>
Construction web pages: <http://www.southwark.gov.uk/construction>
London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



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

MEMO: Licensing Unit

To Licensing **Date** 16 November 2016

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject **MC & Sons, 160 Union Street, London, SE1 0LH**

I make this representation with regards to the application to vary a new premises licence by Ryan Mc Elhinney and John Mc Elhinney, for the premises MC & Sons, 160 Union Street, London, SE1 0LH.

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 application describes the variation as a “We currently run a few busy pubs in the area with responsibility and conscientiousness with regards to our opening hours and adhering to the license in all terms especially noise and environmental issues. We would be looking to vary this license at our new premises to be in line with our other license at The Ring Bar, 72 Blackfriars Road. This means applying to vary the license by extending the licensed sale by retail of alcohol hours on Thursday, Friday and Saturdays from 23:00 as they are currently to 01:00 hours.”

The application asks for additional hours as follows:

Sale of alcohol on the premises

Thursday to Sunday 23:00 to 01:00 hours.

Opening hours

Thursday to Sunday 23:00 to 01:00 hours.

A number of additional control conditions are submitted as part of the application.

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 a restaurant/café, 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 variation applications to current premises licences 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 provided conditions within the operating schedule but has not specifically addressed the presumption to refuse the application.

Should members consider that the operating schedule proposed by the operators are sufficient to prevent the operation of the premises contributing to crime and disorder and public nuisance within the policy area then I can confirm that under section seven (from page 137) of the statement of policy on hours of operation will apply.

The premises is within the Bankside, Borough, London Bridge Strategic Cultural & Bankside and Borough District Town Centre Area, the hours applied for are exceed the guidance hours in the policy for this type of premises, which states that the closing time for Closing time for Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.

Additionally the proposed hours for closing are the same time as the proposed hours for the termination of the sale of alcohol, to promote the licensing objectives the sale of alcohol should terminate at least 30 minutes prior to the time patrons have to leave the premises to allow them time to finish their drinks responsibly.

I therefore recommend the following:

1. That proposed termination hours for licensable activities and closing times are adjusted in line with policy to give the following times:

Sale of alcohol both on and off the premises

Thursday	No additional hours
Friday & Saturday	23:30 hours

Opening hours

Sunday	23:30 hours
Friday & Saturday	00:00 hours

2. A capacity limit for patrons on each floor is submitted and conditioned on the premises licence
3. That a dispersal policy is written and submitted for the premises and a condition placed on the licence that the dispersal policy in implemented, all staff are trained in the use of the policy and a copy of the dispersal policy is kept onsite and can be viewed by authorised Council and Police Officers.

David Franklin
Licensing Authority as a Responsible Authority

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Wednesday, November 15, 2017 5:41 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Consultation - Variation for 160 Union Street

To whom it may concern:

Re: MC & Sons, 160 Union Street, London SE1 0LH

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

The applicant requests to vary their current licence to extend the sale of alcohol on the premises to 01:00 on Thursdays, Fridays and Saturdays.

The hours requested fall outside what is recommended in Southwark's Statement of Licensing Policy which is 23:00 on Thursdays and 00:00 on Fridays and Saturdays. Additionally this premises is located within one of Southwark's Cumulative Impact Policy Areas and in my opinion the operating schedule provided does not adequately rebut the presumption that this premises will add to the cumulative impact of alcohol-related harm in the local area.

Further, this premises is located in the close vicinity of local residents and therefore I have concerns that these extended hours will cause public nuisance to these local residents due to noise and dispersal from the premise.

Recommendations

I recommended a closing time for alcohol sales of 00:00 on Fridays and Saturdays as per Southwark's Statement of Licensing Policy.

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)

Party 1

From: Morris, Adele
Sent: Monday, October 23, 2017 10:42 PM
To: Jerrom, Charlie; Linforth-Hall, Maria; Mills, Dorcas; Noakes, David
Subject: RE: Consultation - Variation for 160 Union Street

Dear Charlie

I object to this application to:

“Vary the license by extending the licensed sale by retail of alcohol hours on Thursday, Friday and Saturdays from 23:00 as they are currently to 01:00 hours.”

This is a public house, and this is beyond the hours recommended in Southwark’s Statement of Licensing Policy for a public house.

I have also received a complaint from a local resident (on behalf of two other residents) that there is noise escaping from the rear area, and I understand that the noise team were called last Thursday night. This public house has recently re-opened after a long period of closure and needs to be reminded of the duty to be considerate to the neighbours.

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.

Party 2

From: [REDACTED]
Sent: Monday, November 13, 2017 8:33 AM
To: Regen, Licensing
Subject: Application 860745 - 160 Union Street

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13th November 2017

Dear Sir,

Application 860745 - 160 Union Street

I am writing to object to the proposed extension of licensing hours to 1am. I am writing not only on my own behalf but also [REDACTED] the residents association of the 51 apartments of the Rosler Building on the junction of Ewer and Union Streets - just 100 metres from the pub. We asked the residents about this and all but one wish to support this objection.

Though we welcome the return of the pub use to the building, we do not support an extension of its hours. Since the building closed for redevelopment, the area has changed. Union Street is now a residential street. It is not just the noise from customers leaving on closing time is being amplified by the unrelieved hard surfaces of the surrounding buildings, it is also the management of smokers. People wishing to smoke currently occupy the pavement outside the pub. There may be a place for them outside at the back but this is neither enforced nor managed. The extension of the hours to 1am will keep the whole neighbourhood awake.

Yours faithfully

[REDACTED]
[REDACTED]

Rosler Building residents association.

Party 3

Licensing Team
SE1P 5LX

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date : 06/11/17

Proposed Licence extension at:
Mc & Sons 160 Union Street SE1 OLH
Licence Number 860745

Criteria for objection :

- 1. Prevention of crime and disorder**
- 2. Prevention of public nuisance**

Dear Sir/Madam,

I am currently resident and owner at the above address. [REDACTED] [REDACTED] with the pub. I am writing this letter to object to the licence extension proposed at 160 Union Street SE1 OLH. I have discussed this licence with the surrounding neighbours and have many related concerns.

In particular I have concerns regarding increased noise. I appreciate I live in a busy area and accept surrounding noise as part of living in Central London. However an extension to the licence will lead to a greater number of people to an already saturated area for a longer period. I feel this is a noise and environmental consideration where strategies need to be in place. This is to protect the surrounding residents who live here.

Since officially opening a few weeks ago there is on going crowds of people from the pub gathering around my front lounge window and front door until after 2300 each night. They create noise and leave bottles and glasses (sometimes broken glass) on my window ledge and on my doorstep after leaving. On occasion I have had people from the pub sitting on my front door step. I have also had pub customers looking in my front window. Currently there has been no attempt of the licence holder to take responsibility or show consideration to the neighbours in relation to this. This anti social behaviour is unacceptable. Any increase in hours of the licence will make this situation prolonged and more unpleasant than it already is.

In the SE1 area I notice other pubs displaying notices asking for respect to neighbours in relation to such behaviour. This is not only a consideration of noise and environment but also surrounding my privacy and quality of life.

I think it is unrealistic to consider any further licence extension. This is based on the simple fact we are already struggling as residents in relation to the noise and conditions we have with the current hours of licence.

There are currently two pub entrances - back and front of the pub. Both of these areas are noisy until 2300 currently. The doors at the back and front of the pub are left open during current licence hours. This creates further noise to the front and back of my property. There is also considerable noise coming through my walls. This effects my bedrooms that are at the

back of my property, when I am trying to sleep. I am currently using ear plugs to get sleep. Licence extension would prolong this issue especially during the working week. I am currently a busy medical doctor therefore sleep is important. Music is played through a sound system during current opening hours. I cannot hear my television at what I consider to be a normal volume within my own home.

Overall there is impact on my environment and surroundings as both my lounges, bathroom and both bedrooms share the party wall with the pub. I currently hear music coming from the pub and noise from pub customers on both floors of my flat and at times of varying volume.

I would be most grateful if these points could be considered in relation to this application for licence extension. The current licence is severely effecting the surrounding residents. Therefore any extension will create further prolonged problems causing considerable impact to the environment and quality of life of surrounding residents.

Yours Sincerely

██████████

Party 4

From: [REDACTED]
Sent: Tuesday, November 14, 2017 10:00 PM
To: Regen, Licensing
Subject: Opposing MC&Sons late license no. 860745

Hi there,

[REDACTED]

14/11/2017

I'm opposing the application for a late license at MC&Sons - license no. 860745. I own and live in the [REDACTED] and I am already having issues with noise and customers smoking in my door way. I am female and currently live alone and it's disconcerting when I open my door to a large group gathered around the door way / often sat in my door way. I can also hear the pub music from my bedroom and I'm consequently putting down carpet to try and muffle the noise.

The pub and its owners are lovely and I don't have a problem with it operating, however, I do think a late license will cause tensions to rise in what is a very residential area.

I would really appreciate if this late license was declined.

Please let me know if you require any further details from me in order to register this as an objection.

Many thanks,

[REDACTED]

Party 5

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

From: [REDACTED]
Sent: Wednesday, November 15, 2017 10:58 AM
To: Regen, Licensing
[REDACTED]
Subject: Opposing MC&Sons late license no. 860745

To whom it may concern,
15/11/2017

[REDACTED]

This letter acts as a formal opposition to the application for a late license at MC&Sons - license no. 860745. I own and live in [REDACTED]. The pub is located in a very residential area: this should act as the main premise for the late license being declined. If the late license is accepted, all the people living in the area will be kept awake until 1am which is very unjust as most need to rise around 7am the next day to participate in London society.

[REDACTED] are already having issues with noise and customers smoking in our door way. We are both [REDACTED] under the age [REDACTED], and it's disconcerting when we open our door to a large group gathered around the door way / often sat in my door way. I can also frequently hear the loud pub music from my bedroom and I'm consequently putting down carpet to try and muffle the noise.

The pub and its owners are lovely and I don't have a problem with it operating, however, I do think a late license will cause tensions to rise in what is a very residential area. I thus suggest that this late license should be declined.

Please let me know if you require any further details from me.

Many thanks,

[REDACTED]

Party 6

Licensing Team
Regulatory Services
3rd Floor Hub 1
P.O.Box 64529
London SE1P 5LX

13 November 2017

Objection to Application for extension to current licensing hours – License No 860745

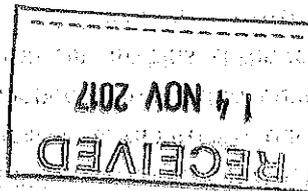
I wish to object on the following grounds-

1. Customers with drinks are currently able to block the pavement outside. As the pavement is very narrow at this point pedestrians are forced to step out into the road which is very busy at any time day or night and could result in a terrible accident.
2. Those leaving the pub currently at closing time seem to be unaware that they are in a residential area and make no concession to this. It is bad enough at present but would be much worse later if a 1am. Closing is in place There are currently no signs alerting drinkers that they are in a residential area and likely to cause a disturbance to nearby neighbours.
3. At closing time staff put rubbish outside our flats at 156-158 Union Street. They make a lot of noise doing this and we are disturbed yet again as bedrooms are to the front of our properties. This rubbish is not always collected which means that other people just add to it and it soon becomes very unsightly. Empty bottles from the pub are thrown into bins at the rear after closing so we are also disturbed by breaking glass again if this is later adds to existing worries.
4. The smoking area to the rear attracts a very noisy crowd and even when the rear doors are closed drinkers loiter for longer. Again would not be good for neighbours if closing later.
5. There are currently 6 new flats above the pub which are not occupied. Any future tenants would be badly affected by noise and smoke and would surely object to such disturbance .

I am of the opinion that any extension to opening hours would make life intolerable for residents . I think the current owners and staff seem to be oblivious to the fact that they are in a residential area and need to make appropriate concessions .

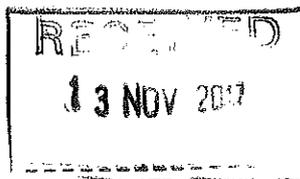
[REDACTED]

[REDACTED]



Party 7

Licensing Team
 Regulatory Services
 3rd Floor Hub 1
 PO Box 64529
 London SE1P 5LX
 9.11.2017



Objection to Application for extension to current licensing hours – Licence No. 860745

I wish to object to this application on the following grounds: -

1 The licensed premises include a smoking area accessed by an open door from the main building. This in turn leads on to Ewer Street at the rear of the pub. Both areas are available to customers during licensing hours. There is no formal restriction to this arrangement though the staff claim the doors are closed by 10.00pm 'except for smokers'. Unfortunately the noise from these areas disturb neighbouring residents until 11.00pm and would become intolerable on Thursdays, Fridays and Saturdays if extended to 1.00am.

2 I have been assured that the pub will not be open on Sundays. If so any licence must not include any reference to Sunday opening hours as it currently does on line.

3 Customers with drinks are allowed to block the pavement outside the front entrance so that pedestrians have to use the road (Union Street) to pass by. This practice is noisy and unsafe at any time of day or night

4 Customers leaving the pub at closing time seem unaware that there are residential properties either side of the pub and there are no notices to advise them of the need for quiet. Already a problem this would become a serious grievance at 1.00am.

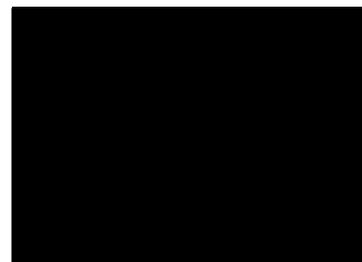
5 After closing time every night staff take rubbish bags and leave them on the street in front of residents' flats in 156-158 Union Street. Unfortunately some neighbours assume the bags in this position are for Council collection (as they resemble our recycling bags) and therefore add their own bags to the pile creating a permanent mess.
 Empty bottles are thrown into a container at the rear of the pub. Inevitably the noise of tumbling glass is so loud and unexpected that it alarms neighbouring residents and could not be countenanced at 1.00am.

I am strongly of the opinion that the owners and staff of the pub have not regulated/resolved the current issues they have that cause problems of noise and nuisance to neighbouring residents. There are 6 new unoccupied flats above the pub and future tenants will be considerably affected by these issues. If the application for the extension of opening hours to 1.00am for 3 nights is granted this would gravely worsen the current situation and imply an acceptance of present practice which surely should not be contemplated.

[Redacted signature and name]

[Redacted address]

Party 8

14th November 2017

Dear Sir/Madam

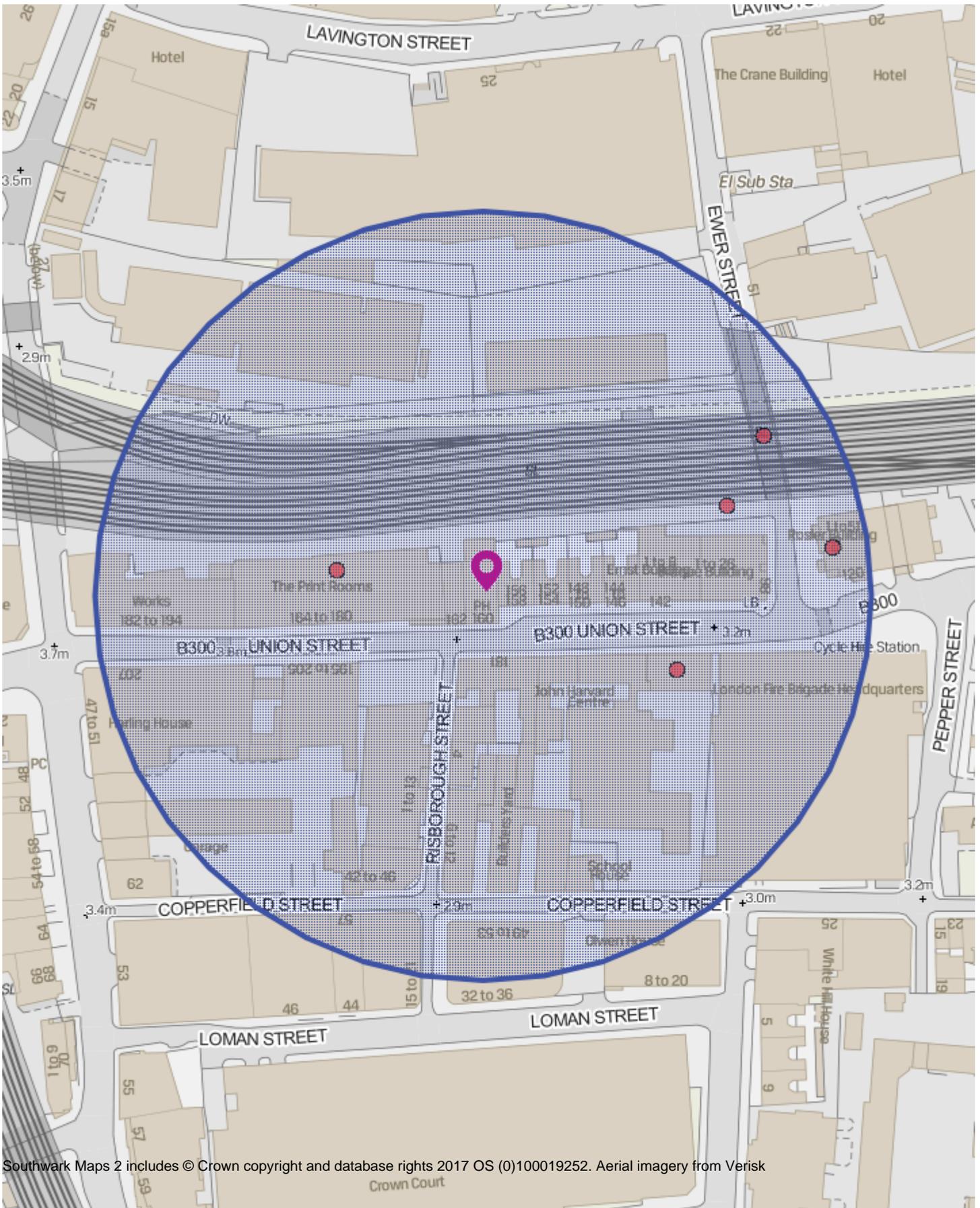
Re: License Number 860745 by MC & Sons, 160 Union Street, London, SE1 0LH

I am writing to you on 14th November 2017 to register my objection to the above Licensing Application. My reasons are:

1. The extension of this license will create additional unacceptable noise in a residential area. To one side of the pub is a 3 storey building with 3 flats and to the other side there are residential houses. Imposing this level of disruption on any residents who may have young children would be unacceptable.
2. At the rear of the premises the customers already spill out on to the road creating a safety hazard plus additional noise and extra littering but they are supposed to stay within the boundaries of the pub.
3. The pathway to the front of the pub is very narrow where the customers stand outside to smoke and this restricts the movement of people trying to pass. This creates additional noise and litter i.e. the gutter is used as an ashtray which is unsightly and smelly, so to have this occurring for an extra 2 hours on these evenings would increase this level of littering.
4. The granting of this license to 1am would interfere with the resident's sleep patterns because the noise from the beer garden and the overspill would carry. This would be especially noticeable in the summer months when people need to have their windows open. The beer garden and the rear of the pub are almost directly beneath some of the windows.
5. As the evening progresses the level of noise from this pub already increases and again with the extra licensing hours this would only get worse.

Yours sincerely





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Item No. 6.	Classification: Open	Date: 18 December 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Club 701, 516 Old Kent Road, London SE1 5BA	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Erico Entertainment Limited to fully vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Club 701, 516 Old Kent Road, London SE1 5BA.
2. Notes:
 - a) The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Club 701 – 516 Old Kent Road, London, SE1 5BA, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting and the plans are not being updated. The variation application is subject to outstanding representations submitted by Responsible Authorities and is therefore referred to the sub-committee for determination.
 - b) 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.
 - c) Paragraphs 10 to 13 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 D.
 - d) Paragraphs 16 to 22 of this report deal with the representations submitted in respect of the application, all of which come from Responsible Authorities. Copies of the representations are attached in Appendix C.

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 current premises licence issued in respect of the premises known as Club 701 – 516 Old Kent Road, London, SE1 5BA was issued on 8 June 2016 and allows the following licensable activities:
 - The sale by retail of alcohol (on sales):
 - Wednesday from 23:00 to 02:00
 - Thursday to Saturday from 23:00 to 04:00
 - Sunday from 23:00 to 01:00.

 - The provision of late night refreshment (indoors):
 - Wednesday from 23:00 to 02:00
 - Thursday to Saturday from 23:00 to 04:00
 - Sunday from 23:00 to 01:00.

 - The provision of regulated entertainment (indoors) in the form of plays, films, live and recorded music, performances of dance and anything similar:
 - Wednesday from 22:00 to 02:00
 - Thursday to Saturday from 22:00 to 04:00
 - Sunday from 22:00 to 01:00.

- Opening hours:
 - Wednesday from 22:00 to 03:00
 - Thursday to Saturday from 22:00 to 05:00
 - Sunday from 22:00 to 02:00.

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

The variation application

10. On 16 October 2017, the premises licence holder Erico Entertainment 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 Club 701, 516 Old Kent Road, London SE1 5BA.

11. The application for variation is described as follows:

- “1. To amend condition 341 which states that a minimum of 6 SIA registered door staffs at the stated opening time of 22:00, which is not financially sustainable as it is well documented that patrons actually do start coming out after 00:30 - 01:00, hence we would suggest having at least 3 SIA door staffs at the stated opening time of 22:00 and having the rest joining in after 00:30 when patrons start arriving at the venue.”
2. To remove conditions 344, 793, 4AI. To amend conditions 345 & 360 (That no beverages will be consumed in the smoking area), as we are looking to introduce the sale of Shisha to expand and increase revenues; to read: That patrons will be encouraged to leave the smoking area as soon as is practicable. At least one member of SIA staff will be situated in the smoking area at all times the premises are in operation. To amend condition 360 which ends saying: No more than 7 customers will be permitted to remain in the designated smoking area at any one time, as we anticipate launching Shisha.
3. To amend condition 426 as the legal age limit for the consumption of alcohol in the UK is 18 years, even though we are not looking to encourage teenagers as we are running a responsible venue.
4. To remove conditions 344, 4AI, 426, 361, 385, 387 and 793 as they are duplicated by other conditions in the license and duplicated by other existing legislation...”

12. For the committee's convenience, the conditions the applicant seek to remove are:

- Condition 344: That all staff concerned in the sale or supply of intoxicating liquor shall undertake a recognised training scheme for such duties. Records of such training should be kept at the premises and made available for inspection to police, council or other authorised officers on request.
- Condition 4AI: That a register of refused sales of alcohol shall be maintained at the premises and shall include the time and date of any refused sale of alcohol, the reason the sale was refused and the name of the member of staff who refused the sale. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be made

immediately available for inspection at the premises to council or police officers on request.

- Condition 426: That customers must be at least 21 years old to gain entry to the premises.
 - Condition 361: That all security staff employed at the premises will hold a current valid SIA license.
 - Condition 385: That towards the end of trade on each day announcements will be made via the premises' PA system requesting that customers leave the premises in a quiet and orderly manner and reminding customer that they cannot take drinks outside of the premises.
 - Condition 387: That patrons will be requested to leave the premises in a quiet and orderly manner.
 - Condition 793: That all staff involved in the sale of alcohol or the operation of the premises under this licence shall be trained in their responsibilities under the Licensing Act 2003 and trained in respect of the full terms and conditions of this licence. Records pertaining to such training shall be kept and be accessible at the premises at all times and will be updated every six months. The training records shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training, a basic summary of what the training included and a declaration that the training has been received. The training records shall be made immediately available to officers of the police and / or the council upon request.
13. The application also seeks to extend the existing hours of all licensable activities and opening hours on Fridays, Saturdays and Sundays as follows:
- The sale by retail of alcohol (on sales):
 - Thursday to Saturday from 23:00 to 06:00
 - Sunday from 23:00 to 03:00.
 - The provision of late night refreshment (indoors):
 - Thursday to Saturday from 22:00 to 06:00
 - Sunday from 22:00 to 03:00.
 - **Note:** Members should note that late night refreshment hours run only from the hours of 23:00 to 05:00 the following day, therefore the applicant has made a mistake on the application asking for hot food and drinks until 06:00).
 - The provision of regulated entertainment (indoors) in the form of plays, films, live and recorded music, performances of dance and anything similar:
 - Thursday to Saturday from 22:00 to 06:00
 - Sunday from 22:00 to 03:00.

- Opening hours:
 - Thursday to Saturday from 22:00 to 07:00
 - Sunday from 22:00 to 04:00.

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

Designated premises supervisor

15. The current designated premises supervisor (DPS) under the existing premises licence is Alfred Mansaray.

Representations from responsible authorities

16. The Metropolitan Police Service have made a representation, objecting in full to any extension of operational hours. There is a general acceptance of the amendments of the conditions on the licence, but they have asked for the conditions to be replaced with alternative wording.
17. The licensing authority made a representation, also rejecting any advancement in hours. The representation raises concerns that the application fails to provide reasons for removing conditions or offer replacements. The representation is concerned with a complaint of noise and the effect of the Southwark licensing policy on granted hours. They advise that the premises has also been subject to multiple visits by the Southwark night time economy team, including licensing officers and the Metropolitan Police Service. Licence breaches have been found on some visits, despite warning letters having been issued. The licensing authority recommend that the appropriate and proportionate decision to promote the licensing objectives is to refuse this variation application in its entirety.
18. The representation from the environmental protection team (EPT) representation raises concerns in relation to the removal of conditions and any extension of hours. The venue is relatively close to residential premises and as a result, the EPT believes that the premises needs to adhere to those conditions specifically aimed at preventing public nuisance.
19. Health and safety have made a representation stating that any extension of hours is objected to. They also ask for clarification on points in relation to risk assessments and the proposals for the premises to now also operate as a shisha bar as part of the club activities.
20. Public health have made a representation, objecting to any increase in hours and raises concerns in relation to the removal of conditions.
21. Trading standards have made representation in relation to removal of some of the nominated conditions. The central concern is in relation to the proposal for the premises to additionally operate as a shisha bar.
22. 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

23. No representations have been received from other persons.

Conciliation

24. Copies of representations were provided to the Applicant. At the point that this report was written, no attempts had been made by the applicant to conciliate with the objecting responsible authorities.
25. The Applicant had contacted the administrator of the application to request that the date of the Hearing be postponed so that he could have more time to seek independent legal advice on the matter. This was agreed with Constitutional Services and the matter was put back by two weeks.

Operating history

26. The current premises licence was granted 8 June 2016 and remains as unchanged since that grant.
27. Since that grant, only one temporary events notice was applied for from 28 to 29 August 2016 (Bank Holiday Monday to the Tuesday) from 23:00 to 04:00 for on sales of alcohol, late night refreshment and regulated entertainment.
28. Having searched the council's complaints database, nine complaints have been received, all from local residents and all raising concerns of noise created by the music from the club. The complaints received are as follows:

Date Received	Complainant	Complaint
30 July 2017	Local resident	Loud music emanating from the club
22 August 2017	Local resident	Loud bass music keeping residents Awake. Queues at the club at 02:00. Disturbance at dispersal at 05:00. Issues with car parking and the proximity to residential addresses.
28 August 2017	Local resident	Loud music starting at 22:00.
10 September 2017	Local resident	Loud music emanating from the club
25 September 2017	Local resident	Loud music emanating from the club
01 October 2017	Local resident	Loud music emanating from the club
21 October 2017	Local resident	Loud music emanating from the club
28 October 2017	Local resident	Loud music emanating from the club
28 October 2017	Local resident	Loud music emanating from the club

Map

29. A map of the area is attached to this report as Appendix D. There are not many licensed premises in the immediate vicinity:

K-CHE VIP Latin Lounge, 512-516 First Floor, Old Kent Road, London SE1 5BA

- The sale by retail of alcohol (on sales):
 - Sunday to Tuesday from 11:00 to 01:30
 - Wednesday and Thursday from 11:00 to 02:30
 - Friday and Saturday from 11:00 until 04:30.

- The provision of late night refreshment (both indoors and outdoors):
 - Sunday to Tuesday from 23:00 to 01:30
 - Wednesday and Thursday from 23:00 to 02:30
 - Friday and Saturday from 23:00 until 04:30.
- The provision of regulated entertainment in the form recorded and live music (indoors):
 - Sunday to Tuesday from 11:00 to 01:30
 - Wednesday and Thursday from 11:00 to 02:30
 - Friday and Saturday from 11:00 until 04:30.

McDonalds Restaurant, 518 Old Kent Road, London SE1 5BA

- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 05:00.

Asda, 464-500 Old Kent Road, SE1 5AS

- The sale by retail of alcohol (off sales):
 - Monday to Sunday 00:00 – 00:00 (24 hours per day).
- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 05:00.

Southwark council statement of licensing policy

30. 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.
31. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Cumulative impact zone (CIZ)

32. The premises sits outside of a Cumulative Impact Policy Area but within a residential area.
33. 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:
- Public houses, wine bars or other drinking establishments:
 - Monday to Sunday: 23:00.
 - Night clubs (with sui generis planning classification) are not considered appropriate for this area. Therefore the premises already has hours granted well beyond the policy.

Resource implications

34. 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

35. 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

36. 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

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

Principles for making the determination

39. 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.
40. 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.
41. 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.
42. 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

43. 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.
44. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
45. 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.
46. 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.

47. 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.
48. 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

49. 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

50. 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.

51. 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

52. 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.
53. 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.
54. 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.
55. 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.
56. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
57. 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.
58. 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.

59. 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

60. 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

61. 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 Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations from responsible authorities
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	4 December 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	4 December 2017	

Licensing Act 2003 Premises Licence



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

Premises licence number

851424

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Club 701 Basement And Ground Floors 516 Old Kent Road Ordnance survey map reference (if applicable): 177968534180	
Post town London	Post code SE1 5BA
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Plays - Indoors
Films - Indoors
Live Music - Indoors
Recorded Music - Indoors
Performance of Dance - Indoors
Entertainment Similar to live/recorded music / dance - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

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

Wednesday 22:00 - 03:00
Thursday 22:00 - 05:00
Friday 22:00 - 05:00
Saturday 22:00 - 05:00
Sunday 22:00 - 02:00

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Plays - Indoors

Wednesday 22:00 - 02:00
 Thursday 22:00 - 04:00
 Friday 22:00 - 04:00
 Saturday 22:00 - 04:00
 Sunday 22:00 - 01:00

Films - Indoors

Wednesday 22:00 - 02:00
 Thursday 22:00 - 04:00
 Friday 22:00 - 04:00
 Saturday 22:00 - 04:00
 Sunday 22:00 - 01:00

Live Music - Indoors

Wednesday 22:00 - 02:00
 Thursday 22:00 - 04:00
 Friday 22:00 - 04:00
 Saturday 22:00 - 04:00
 Sunday 22:00 - 01:00

Recorded Music - Indoors

Wednesday 22:00 - 02:00
 Thursday 22:00 - 04:00
 Friday 22:00 - 04:00
 Saturday 22:00 - 04:00
 Sunday 22:00 - 01:00

Performance of Dance - Indoors

Wednesday 22:00 - 02:00
 Thursday 22:00 - 04:00
 Friday 22:00 - 04:00
 Saturday 22:00 - 04:00
 Sunday 22:00 - 01:00

Entertainment Similar to live/recorded music / dance - Indoors

Wednesday 22:00 - 02:00
 Thursday 22:00 - 04:00
 Friday 22:00 - 04:00
 Saturday 22:00 - 04:00
 Sunday 22:00 - 01:00

Late Night Refreshment - Indoors

Wednesday 23:00 - 02:00
 Thursday 23:00 - 04:00
 Friday 23:00 - 04:00
 Saturday 23:00 - 04:00
 Sunday 23:00 - 01:00

Sale by retail of alcohol to be consumed on premises

Wednesday 23:00 - 02:00
 Thursday 23:00 - 04:00
 Friday 23:00 - 04:00
 Saturday 23:00 - 04:00
 Sunday 23:00 - 01:00

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

Erico Entertainment Limited
801 Caliifornia Building
Deals Gateway
London
SE13 7SF
[REDACTED]

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

09977040

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

Alfred Mansaray
[REDACTED]

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

[REDACTED]

Licence Issue date 08/06/2016

[REDACTED]

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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of

alcohol at the premises is carried on in accordance with the age verification policy.

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

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

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

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

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

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

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

given by that sub-paragraph rounded up to the nearest penny.

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

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

Annex 2 - Conditions consistent with the operating Schedule

276 That the premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.

288 That a CCTV system shall be installed and maintained in full working order. The CCTV system will record footage of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered by the CCTV system including the bar and smoking areas.

289 All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.

297 That a drugs / weapons amnesty box, approved by the police, shall be installed and maintained in use at the premises at all times that the premises are in operation.

302 The manager shall notify the police of all drugs or weapons seized and deposited in the amnesty box as soon as possible and arrange for the police to collect the contents of the amnesty box as soon as is practicable to do so.

303 That the licensee shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing Unit and, once completed, you shall ensure that a copy of the agreement is provided to the central licensing unit as detailed on the form 696 and to Southwark Police Licensing Unit a minimum of fourteen days prior to the date of hire.

305 That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.

307 That an accommodation limit shall be set in respect of the premises. All staff at the premises shall be made aware of the accommodation limit. The SIA security staff employed at the premises shall be responsible for ensuring that the accommodation limit is not exceeded and shall use counting devices to ensure that the accommodation limit is not exceeded. Once the accommodation limit of the premises has been reached the premises shall operate a 'one in, one out' policy.

309 That a sound limiting device shall be installed, set and maintained, to ensure the maximum levels of volume and bass of music, song or speech from licensed entertainment permitted by the amplification system, does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.

320 That the sound level of the music being played at the premises will be gradually reduced until no music is audible during the hour before the premises shuts. During this period lighting levels at the premises will be gradually increased until the premises are fully lit.

336 That a personal licence holder is on the premises and on duty at all times after 22:00 when intoxicating liquor is supplied.

340 That there shall be at least one member of staff on duty at all times the premises are in operation who is trained and proficient in the operation of the CCTV system and who is capable of operating and retrieving footage at the request of police, council or other authorised officers.

341 That a minimum of 6 SIA registered door supervisors shall be employed at the premises, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00. At least two will be provided with, and will use, electronic search wands in respect of the search of all persons who wish to enter the premises. This includes all DJ's and associated staff and their equipment.

342 That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the person's details are already stored on the system and they are identified using a biometric identification system.

343 That at all times the premises are in operation under the premises licence there will be at least one member of staff trained to a satisfactory standard able to operate the ID scan system and able to retrieve data from the system on request of police, council or other authorised officers.

344 That all staff concerned in the sale or supply of intoxicating liquor shall undertake a recognised training scheme for such duties. Records of such training should be kept at the premises and made available for inspection to police, council or other authorised officers on request.

345 That no beverages will be consumed in the smoking area. Patrons will be encouraged to leave this area as soon as practicable. At least one member of SIA staff will be situated in the smoking area at all times the premises are in operation.

346 That the internal security door leading to the Old Kent Road will be fitted with an automatic security light and sound cut-out device which will automatically shut down all music systems when opened.

347 That all beverages will be served in plastic / polycarbonate receptacles, no glasses or bottles will be permitted in the public areas of the venue.

348 That all incidents of violence and / or disorder that result in an injury will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection by police, council or other authorised officers on request.

349 That acoustic seals, brushes and self-closers (in accordance with BS 6459 Pt. 1 1984) shall be installed to all doors and fire doors leading out into external areas so as to minimise sound escape from the premises.

350 That sound insulation shall be installed to baffle any vents or air extraction systems to prevent sound escape from the premises.

351 That all external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc.) shall be designed, installed and maintained to ensure that noise output from the external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.

352 That amplified music, song or speech shall not be broadcast in external areas at any time.

353 That no drinks shall be permitted outside at any time.

354 That clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside.

355 That any queue to enter the premises must be contained within suitable barriers and supervised at all times by door supervisors

356 That external waste handling and cleaning of external areas, collections and deliveries shall only occur between the hours of 08.00hrs and 23.00hrs.

357 That a comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and such training records shall be made available to the council or police on request.

358 That licensable activities shall cease at a minimum 30 minutes before the premises' closing hours.

359 That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises.

360 That customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area. No more than 7 customers will be permitted to remain in the designated smoking area at any one time.

361 That all security staff employed at the premises will hold a current valid SIA license.

362 That all security staff shall be in radio communication with each other and the duty manager whilst working at the premises.

363 That clearly legible notices will be prominently displayed where they can easily be seen and read by customers warning of potential criminal activity that may target patrons such as theft.

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

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

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

365 That clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that all customers will be searched prior to entering the premises.

366 That security staff should always attempt to search in front of a witness or, if possible, carry out the search within sight of the CCTV camera at the entrance to the Club.

367 That any person who appears under the influence of drugs and will be refused entry.

368 That where there is a suspicion that an individual is in possession of drugs that individual will be requested to submit to a search. If the individual refuses the search they will be ejected from the premises.

Any person found in possession of drugs will be instructed to place the drugs in the drugs amnesty box at the premises.

369 That the police will be called immediately if a person is found with a large quantity of drugs that suggests intent to supply, or in cases where a particularly dangerous weapon is found such as a firearm. No attempt will be made to force the person to remain at the premises however a good description of the person must be taken and be provided to the police. In all cases where drugs or weapons are found on a person a detailed note shall be made in the incident log.

370 That any person who appears to any staff member to be intoxicated and will be refused entry to the premises.

371 That re-entry to the premises will not be permitted to any customer who has been ejected earlier on during a particular night, who has been banned or who has in any way aggressively supported a person being ejected.

372 That customers shall not be permitted to wear sunglasses, save for prescription glasses, inside the venue.

373 That customers shall not be permitted to wear hats or hoods whilst inside the venue.

374 That SIA staff shall periodically monitor who enters and exits parking lot.

375 That the premises management reserve the right to ban anybody from the premises at any time or refuse entry to the premises by anybody at any time. The premises reserve the right to refused entry without explanation.

376 That prior to entry or re-entry all customers must be subject to a search by the SIA security staff employed at the premises. Any person refusing such a search will not be permitted entry or re-entry to the premises.

377 That customers shall be instructed that bulky items such as bulky bags and coats must be left in the cloakroom before entering the main area of the club. Anyone who refuses to place these types of belongings in the cloakroom will not be able to enter the main area of the club

378 That all promoters hiring and using the premises must have attained a BIIAB Level 2 Award for Music Promoters prior to hiring and using the premises.

379 That prior to the premises opening, security checks of the premises and the immediate vicinity that the premises are located in shall be undertaken. Details of such checks shall be recorded in the incident log.

380 That security staff employed at the premises will be trained to be aware of what is happening inside the premises as well as on the door, and shall be instructed that patrols around the premises may be necessary. Consideration must be given to any hot spots within the premises and especially in the smoking area and regular monitoring of such areas must undertake by the security staff.

381 That security staff shall be trained to be alert to and respond to alarms given by the DJ, toilet attendants or any other staff employed at the premises.

382 That any customer who engages in anti-social behaviour in the smoking area shall not be permitted re-entry to the premises.

383 That customers using the smoking area will be subject to a search upon re-entry to the premises. Clearly legible notices will be prominently displayed where they can easily be seen and read by customers stating that customers using the smoking area will be subject to a search upon re-entry to the premises.

384 That staff who arrive early morning or depart late at night will be instructed to conduct themselves in such a manner to avoid causing disturbance or nuisance to nearby residents.

385 That towards the end of trade on each day announcements will be made via the premises' PA system requesting that customers leave the premises in a quiet and orderly manner and reminding customer that they cannot take drinks outside of the premises.

386 That staff shall remove drinks receptacles from patrons who are attempting to leave the premises.

387 That patrons will be requested to leave the premises in a quiet and orderly manner.

388 That staff will advise customers not to congregate outside the premises or in the locale and shall be encouraged to disperse from the area. Any customers who are acting in a noisome or anti social manner when leaving the premises or when immediately outside of the premises will be requested to cease such

behaviour.

389 That two licensed taxi firms in the local area will be available to customers, so they can arrange suitable transportation home. If staff at the premises order a taxi for a customer they shall request that the taxi controller instructs the taxi-driver not to sound the vehicle's horn on arrival, but to approach a staff member and let the staff member know that the driver has arrived. Staff will inform the patron upon the arrival of their taxi.

390 That a member of management will be visible with the door team until all customers have dispersed and shall ensure that the door team are acting effectively and in line with their responsibilities.

391 That easily identified staff in high visibility vests will be assisting in customer dispersal, the clearing of any waste arising from the operation of the premises (including 'fliers') and the monitoring of customers whilst they move away from the premises.

392 That the location of car parks in the area and other travel facilities shall be identified on all promotional materials, including the premises' website.

393 That there will be enough staff in the cloakroom to ensure orderly and timely return of coats / possessions to customers.

394 That details of transport links in the area (e.g. public transport options, taxi ranks etc.) shall be made available to customers on request.

395 That the document titled 'Operational Policies for Club 701' as submitted on application for this licence shall be amended to reflect the conditions stated in this licence.

396 That on Sundays prior to Bank Holiday Mondays, Christmas Eve and New Years Eve the permitted opening hours of the premises are between 22:00 to 05:00 and licensable activities must cease at 04:00 on these days.

431 That during any licensed entertainment on the premises all doors and windows leading out to external areas shall remain closed.

426 That customers must be at least 21 years old to gain entry to the premises.

430 That there shall be no movement of musical or amplification equipment to and from the premises between the hours of 23.00hrs and 08.00hrs.

4AA That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

4AI That a register of refused sales of alcohol shall be maintained at the premises and shall include the time and date of any refused sale of alcohol, the reason the sale was refused and the name of the member of staff who refused the sale. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be made immediately available for inspection at the premises to council or police officers on request.

4AK That the licensee, premises' management or premises' DPS shall attend local 'Pub Watch' meetings if a 'Pub Watch' scheme exists in the local area.

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

793 That all staff involved in the sale of alcohol or the operation of the premises under this licence shall be trained in their responsibilities under the Licensing Act 2003 and trained in respect of the full terms and conditions of this licence. Records pertaining to such training shall be kept and be accessible at the premises at all times and will be updated every six months. The training records shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training, a basic summary of what the training included and a declaration that the training has been received. The training records shall be made immediately available to officers of the police and / or the council upon request.

840 That all directors and management of MYTRIBE Limited shall not be allowed any involvement in the running of the premises at any time that licensable activities are taking place.

Annex 4 - Plans - Attached

Licence No. 851424
Plan No. 01
Plan Date 11.12.13

14/10/2017

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

Ref No. 905620

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

	ERICO ENTERTAINMENT LIMITED
Premises licence number	851424

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

£	£17,000
---	---------

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

Address Line 1	516 OLD KENT ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 5BA
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

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

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

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

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

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

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

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

	<p>1. To amend condition 341 which states that a minimum of 6 SIA registered door staffs at the stated opening time of 22:00, which is not financially sustainable as it is well documented that patrons actually do start coming out after 00:30 - 01:00am, hence we would suggest having at least 3 SIA door staffs at the stated opening time of 22:00 and having the rest joining in after 00:30am when patrons start arriving at the venue.</p> <p>2. To remove conditions 344, 793, 4AI, To amend conditions 345 & 360 (That no beverages will be consumed in the smoking area), As we are looking to introduce the sale of Shisha to expand and increase revenues; to read: That patrons will be encouraged to leave the smoking area as soon as is practicable. At least one member of SIA staff will be situated in the smoking area at all times the premises are in operation. To amend condition 360 which ends saying: No more then 7 customers will be permitted to remain in the designated smoking area at any one time, as we anticipating launching Shisha.</p> <p>3. To amend condition 426 as the legal age limit for the consumption of alcohol in the UK is 18 years, even though we are not looking to encourage teenagers as we are running a responsible venue.</p> <p>4. To remove conditions 344, 4AI, 426, 361, 385, 387 and 793 as they are duplicated by other conditions in the license and duplicated by other existing legislation.</p>
--	--

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

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

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

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

Provision of regulated entertainment

	a) plays
	b) films
	e) live music
	f) recorded music
	g) performance of dance
	h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

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

Supply of alcohol

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

Will the performance of a play take place indoors or outdoors or both? (Please read guidance note 3)

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

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

	Provision of stage play and a stand out comedies night as we encourage local comedians to do a stand out comedy as a form to provide and give youths a positive message of hope and an alternatives to violence and crime. Stand out comedy
--	---

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	04:00	06:00
	04:00	06:30
Sat	04:00	06:00
	04:00	06:00
Sun	01:00	03:00
		03:00

State any seasonal variations for performing plays (Please read guidance note 5)

--	--

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

--	--

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

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

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

	Not for profit films and Exhibitions and cooperative training as a hire venue as well.
--	--

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	04:00	06:00
	04:00	06:00
Sat	04:00	06:00
Sun	01:00	03:00
	01:00	03:00

State any seasonal variations for the exhibition of films (Please read guidance note 5)

--	--

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

--	--

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

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

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

	Provision of a stage for artists and local bands whom we encouraged and support to play and perform on some nights. Amplified music.
--	--

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

Day	Start	Finish
Mon		
Tues		

Wed		
Thur		
Fri	04:00	06:00
		06:00
Sat	04:00	06:00
	04:00	06:00
Sun	01:00	03:00
	01:00	03:00

State any seasonal variations for the performance of live music (Please read guidance note 5)

--	--

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

--	--

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

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

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

	PROVISION OF AMPLIFIED MUSIC AND ENTERTAINMENT FOR PATRONS.
--	---

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	04:00	06:00
	04:00	06:00
Sat	04:00	06:00
	04:00	06:00
Sun	01:00	03:00
	01:00	03:00

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

--	--

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

--	--

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

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

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

	PROVISION OF LIVE DANCE BY ARTISTS, DANCERS, BANDS AND PERFORMERS WE ENCOURAGED AND SUPPORT.
--	--

Standard days and timings for Performance of dance (Please read guidance note 7)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	04:00	06:00
		06:00
Sat	04:00	06:00
	04:00	06:00
Sun	01:00	03:00
	01:00	03:00

State any seasonal variations for the performance of dance (Please read guidance note 5)

--	--

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

--	--

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

	LIVE AND RECORDED MUSICS, DANCES AND LIVE BANDS, COMEDIES, PLAYS AND FILMS.
--	---

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

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

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

	COOPERATE FUNCTIONS, PROVISIONS OF LIVE BANDS, PLAYING OF RECORDED AND AMPLIFIED MUSIC, PERFORMERS OF ARTISTS, DANCERS AND BANDS.
--	---

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	04:00	06:00
	04:00	06:00
Sat	04:00	06:00
	04:00	06:00
Sun	01:00	03:00
	01:00	03:00

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

--	--

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

--	--

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

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

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

	PROVISIONS OF OLIVES TO REDUCE THE EFFECTS OF ALCOHOL CONSUMPTION, PROVISION OF SNACKS, NUTS FRUITS AND READY MADE CHIPS.
--	---

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	04:00	06:00
	04:00	06:00
Sat	04:00	06:00
	04:00	06:00
Sun	01:00	03:00
	01:00	03:00

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

--	--

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

--	--

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

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

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	04:00	06:00
	04:00	06:00
Sat	04:00	06:00
	04:00	06:00
Sun	01:00	03:00
	01:00	03:00

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

--	--

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)

--	--

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

	NONE
--	------

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	05:00	07:00
	05:00	07:00
Sat	05:00	07:00
	05:00	07:00
Sun	02:00	04:00
	02:00	04:00

State any seasonal variations (Please read guidance note 5)

--	--

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)

--	--

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.

	341,344,345,360,361385,387,4A1,426 & 793.
--	---

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

	NO ADDITIONAL STEPS ARE REQUIRED TO PROMOTE THE LICENSING
--	---

	OBJECTIVES
--	------------

b) the prevention of crime and disorder

	SEE ABOVE
--	-----------

c) public safety

	---U---
--	---------

d) the prevention of public nuisance

	-----U-----
--	-------------

e) the protection of children from harm

	----- U-----
--	--------------

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

Upload proposed plans	
Upload existing plans	

Checklist

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

	be rejected.
--	--------------

I agree to the above statement

	I agree
PaymentDescription	, ,
AuthCode	016300
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	ERICO ENTERTAINMENT LIMITED
Date (DD/MM/YYYY)	14/10/2017
Capacity	DIRECTOR

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

Full name	
Date (DD/MM/YYYY)	
Capacity	

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

Contact name and address for correspondence	ERIC N. DOE [Redacted Address]
Telephone No.	[Redacted Telephone Number]
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

	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.



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: MD21/3044/17

Date: 9th November 2017

Dear Sir/Madam

Re:- Club 701, 516 Old Kent Road, London SE1 5BA

Police are in possession of an application from the above for a variation to the current premises licence. The application is for a number of conditions to be amended, others to be removed and an extension of the hours. The current operation is that of a night club and is located in a designated residential area under the statement of licensing policy.

The premises was granted the current licence after the previous licence was revoked due to violent incidents associated with the premises under a different licence holder but was granted under the current Statement of licensing policy which states that nightclubs are not suited to a residential area however the licence was granted due to the location and previous operation being a night club. The hours granted were later than any recommended within the Statement of Licensing policy for a night club in any part of the borough. The hours applied for fall way outside any recommended within the Southwark statement of licensing policy.

We object in full to any extension in hours either to the terminal hours or any licensable activity.

The conditions applied to be amended we have the following comments to make.

1. We do not object in principle to the staggering of the SIA and the changing to condition 341 however we would like to see the following. 3 SIA from 22.00hrs and 6 in total from midnight this would allow 30 minutes before the applicant states customers start arriving.
2. Police do not object to the removal of condition 344 as it is duplicated by 793 however we do object to the removal of condition 793 and 4AI as both relate to the training of staff and refusal of service and the completion of records.

Staff should be trained by either a personal licence holder or other trained person. I would expect this training for any staff working in a licensed premises and records kept by management. Anything less would be poor management and not promoting the licensing objectives. Amending condition 345 & 360 I do not have an objection to an increase in the numbers within the smoking area but no evidence has been offered in regard to safe capacity in this area and would like this prior to a number being agreed but drinks outside encourage customers to remain in that area and this would increase the likelihood of possible disturbance to nearby residential premises that have recently been completed and believe know being occupied.

We would have an objection to this area being used for Shisha as the storage of the coals used in the pipe give off toxic fumes when stored or extinguished and would be a risk to customers and staff depending on storage and handling. We would need to see detailed reports regarding the impact on this and to the upstairs premises which is under different management and if allowed how the levels of toxic fumes would be monitored on a continuous basis to stop customers and staff being poisoned. I would like to see the details of where the shisha would be purchased and relevant documentation regarding importation and sales.

3. We have no objection to this condition being removed, but would like to see it replaced with condition for signage saying over 21 only and a policy of no under 21's unless exceptional circumstances.
4. We are happy that conditions 344, 426, 361, 385, 387 are removed but 4AI and 793 as previously stated should remain.

Any extension in hours will have an impact on local residents and the removal of conditions as specified will take away control measures put in place to promote the licensing objectives

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate on the points raised but some will need to have the full consideration of the licensing subcommittee.

Yours Sincerely

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

MEMO: Licensing Unit

To	Licensing	Date	13 November 2017
Copies	Jayne Tear		
From	David Franklin	Telephone	020 7525 5800
Email	david.franklin@southwark.gov.uk		

Subject Club 701, 516 Old Kent Road SE1 5BA

I make this representation with regards to the application to vary a premises licence by Enrico Entertainment Limited the premises Club 701, 516 Old Kent Road SE1 5BA under the licensing objectives of the prevention of public nuisance, public safety, the protection of children from harm and the prevention of crime and disorder.

The premises is situated on the edge of a commercial area, however there are residential accommodation across the Old Kent Road in relatively close proximity, including a newly constructed residential block.

There is another, separately licensed and owned, licensed nightclub on the first floor of this building.

The application states in the nature of the variation to the premises licence is as follows:

"1. To amend condition 341 which states that a minimum of 6 SIA registered door staffs at the stated opening time of 22:00, which is not financially sustainable as it is well documented that patrons actually do start coming out after 00:30 - 01:00am, hence we would suggest having at least 3 SIA door staffs at the stated opening time of 22:00 and having the rest joining in after 00:30am when patrons start arriving at the venue.

2. To remove conditions 344, 793, 4AI,

To amend conditions 345 & 360 (That no beverages will be consumed in the smoking area), as we are looking to introduce the sale of Shisha to expand and increase revenues; to read: That patrons will be encouraged to leave the smoking area as soon as is practicable. At least one member of SIA staff will be situated in the smoking area at all times the premises are in operation.

To amend condition 360 which ends saying: No more than 7 customers will be permitted to remain in the designated smoking area at any one time, as we are anticipating launching Shisha.

3. To amend condition 426 as the legal age limit for the consumption of alcohol in the UK is 18 years, even though we are not looking to encourage teenagers as we are running a responsible venue.

4. To remove conditions 344, 4AI, 426, 361, 385, 387 and 793 as they are duplicated by other conditions in the license and duplicated by other existing legislation."

The application also seeks to extend the hours for licensable activities including Plays, films, live music, recorded music, performances of dance and anything similar, late night refreshment and the sale of alcohol on the premise as follows:

Friday from 04:00 to 06:00
 Saturday from 04:00 to 06:00
 Sunday from 01:00 to 03:00

Opening hours varied:

Friday from 05:00 to 07:00
 Saturday from 05:00 to 07:00
 Sunday from 02:00 to 04:00

The premises is situated in a residential area and Southwark Statement of Licensing Policy 2016-2020 states that night clubs are not recommended for the area, however the recommended closing times if the premises were situated in a major town centre for a night club are :

Fri – Sat 0300
 Mon – Thurs 0100
 Sun 0000

The Licensing Unit has received a complaint in August 2017 fro a local resident regarding:
 Music noise from this premises,
 Noise from patrons queuing up to 2am
 Disorder and noise from patrons outside the premises.

Therefore we object to the grant of any hours that would further exceed the policy recommendations.

I object to the removal of the following conditions:

341, 344, 345, 360, 361, 385, 387, 4AI, 426 & 793.

Condition 341 states *“That a minimum of 6 SIA registered door supervisors shall be employed at the premises, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00. At least two will be provided with, and will use, electronic search wands in respect of the search of all persons who wish to enter the premises. This includes all DJ's and associated staff and their equipment.”*

The description under the nature of the proposed variation states that this condition is to be varied, however no alternative wording for this condition is given in Part M which asks the applicant to describe any additional steps they intend to take to promote the four licensing objectives as a result of the proposed variation. The applicant has stated that *“no additional steps are required to promote the licensing objectivities”*

Condition 344 states *“that all staff concerned in the sale or supply of intoxicating liquor shall undertake a recognised training scheme for such duties. Records of such training should be kept at the premises and made available for inspection to police, council or other authorised officers on request.”*

Condition 793 was imposed by the Licensing Sub-Committee at a hearing on 17 May 2016 and states *“that all staff involved in the sale of alcohol or the operation of the premises under this licence shall be trained in their responsibilities under the Licensing Act 2003 and trained in respect of the full terms and conditions of this licence. Records pertaining to such training shall be kept and be accessible at the premises at all times and will be updated every six months. The training records shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training, a basic summary of what the training included and a declaration that the training has been received. The training records shall be made immediately available to officers of the police and / or the council upon request.”*

Condition 4AI states *“that a register of refused sales of alcohol shall be maintained at the premises and shall include the time and date of any refused sale of alcohol, the reason the sale was refused and the name of the member of staff who refused the sale. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be made immediately available for inspection at the premises to council or police officers on request.”*

There is no reason given why the removal of these conditions is requested or any alternative condition put forward, except that there is some duplication between 344 and 793, therefore 344 could be removed. The conditions are to ensure that staff selling alcohol and involved in dealing with patrons at a late night alcohol venue are adequately trained and deal with issues that may arise such as patrons becoming drunk and trying to purchase alcohol to be familiar with the terms and conditions of the premises licence to promote all four of the licensing objectives.

Condition 345 states *“that no beverages will be consumed in the smoking area. Patrons will be encouraged to leave this area as soon as practicable. At least one member of SIA staff will be situated in the smoking area at all times the premises are in operation.”*

This condition is proposed to be amended, again no additional conditions are in Part M, however the description asks for the removal of *“that no beverages will be consumed in the smoking area.”* This would allow the intensified use of outside area for patrons up to the proposed 7am and gives a potential for increased noise and nuisance to residents.

Condition 360 states *“that customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area. No more than 7 customers will be permitted to remain in the designated smoking area at any one time.”*

There is no amended condition in Part M and It is not clear from the application description what the intended amendment is, I ask for clarification on this.

Condition 361 states *“that all security staff employed at the premises will hold a current valid SIA license.”*

This is not a rerepeat of the mandatory condition 107, 107 only relates to door staff, this condition is to ensure that security staff employed within the premises away from the door are also qualified SIA personal. Suitably qualified security staff promotes the licensing objectives for prevention of crime and disorder and promoting public safety.

Condition 385 states *“that towards the end of trade on each day announcements will be made via the premises' PA system requesting that customers leave the premises in a quiet and orderly manner and reminding customer that they cannot take drinks outside of the premises.”*

This condition promotes the prevention of public nuisance and I cannot find where this condition is duplicated.

Condition 387 states *“that patrons will be requested to leave the premises in a quiet and orderly manner.”*

This condition is less specific than condition 385 and could be combined with 385.

Condition 426 states *“that customers must be at least 21 years old to gain entry to the premises.”*

The applicant states that they are not looking to encourage teenagers into their premises, but wishes to remove this condition with no alternative conditions offered, I do not understand why the condition is proposed for removal and ask for clarification.

Licensing Officers working on the night time economy team have visited the premises on nine occasions since the issue of the premises licence, a number of issues have been identified on several of these visits. I submit a log of these visits along with copies of two induction visit records and warning letters dated 28 September 2017.

Additionally the Police have made a number of visits to the premises on the NTE and have copy the Licensing Unit into s19 closure notices served for licensing breaches on the 10/09/2016 and 23/10/2016, I submit copies of the S19s and witness statements.

I submit information from the Council's database that there have been eight complaints of noise nuisance made to the Council's Noise and Nuisance Service since July 2017 resulting in a statutory nuisance being witnessed and the service of a noise abatement notice on the DPS. I attach a copy of the abatement notice.

I therefore recommend that the appropriate and proportionate decision to promote the licensing objectives is to refuse this variation application in its entirety.

David Franklin
Licensing Authority as a Responsible Authority

Licensing NTE log

adate	desc	aofficer	name	adtext
08/07/2016	22:56 NTE Visit	WMA	Club 701	I undertook an induction with the premises' DPS Alfred Mansaray. Induction sheet signed by Mr. Mansaray.
16/09/2016	23:15 NTE Visit	AL	Club 701	Venue visited at 23.15pm, Friday, 16th September, 2016, with AB and NTE Police. The owner, Mr [REDACTED], and the DPS were present. Doe stated that the venue wasn't open yet. However, although there weren't any customers present, the front door was open and manned by SIA staff. The search arch by the front door was switched on and the was lighting on in the public area of the bar. Following breaches of the licence were found: Only 4 SIA staff, instead of the 6 required by the licence, were present. Two of the SIA staff are meant to have search wands. None of them had a search wand. There were 2 search wands at the venue in a cupboard away from the front door. Each day, all the SIA staff working at the venue are meant to be recorded on the ID scanning system. At the time of my visit they weren't logged on. The venue is meant to have a drugs & weapons amnesty box of a design approved by the Police. The one they had was not approved by the Police. [REDACTED] stated that he had informed Police of 3 possible designs he was prepared to buy, but was awaiting the approval of the Police.23/9/2016 18:02 MQ3
26/11/2016	01:30 NTE Visit	RK	Club 701	Visit to premises with FC. Licensing induction completed with management DPS of the premises [REDACTED]. When we arrived there was X2 male SIA members of staff and X1 female member of staff on the door. Club scan was operational and we witnessed club scan being used. The entry of scanned patrons was checked and found to be compliant ATOV. We entered the premises and identified ourselves to the DPS [REDACTED] who was on site and completed the licensing induction. Words of advice given in relation to the incident record book and advised that this needed to be updated every time there was the refusal of sale of alcohol. I have also advised the DPS that the premises licence required additional SIA staff to be present on site when the premises was operational The DPS advised me that a visit had been carried out by the Police last weekend and that no issues in relation to the licence had be enraised. Club scan was operational and CCTV was operational and he did not understand why we were at the premises to check the same thing again. The DPS raised concern that the premises was receiving a higher than average amount of visits. I advised him that the Night Time Economy worked over the weekends so it was likely as a major venue in the borough that he would receive visits from various responsible authorities to check compliance as this was done jointly and independently as we were all checking various aspects to ensure compliance with the licensing Act 2003. Management welcomed the visits and advised us that his door was open and that he did not mind the visits however it caused tension with patrons when there was a visible police presence. I advised management that he should use this as assurances to patrons that they were safe and that the premises was being monitored. The DPS enquired about some of the conditions on the premises licence and enquired about how he could get some of the numbers of conditions placed on the licence which essentially meant the same thing. CCTV checked and found to be compliant. There was a comprehensive CCTV system in place at the premises and all entry points covered by cameras. The DPS was fully conversant in the licensing hours of trade and conditions on licence.X6 patrons were in the premises when we left the premises and I will be scheduling a repeat visit to the premises when they fully operational.

03/12/2016	02:15 NTE Visit	RK	Club 701	Visit to premises with KA. Arrived at the premises and parked up just at the front of the premises. Noted X2 SIA members of staff just at the entrance of the premises and X1 female SIA member of staff. Noted X8 patrons leave the premises within a 10 min period however we did not witness and new entry into the premises. I note that there was large group of patrons waiting to gain entry into K-CHE.
04/12/2016	02:00 NTE Visit	NOD	Club 701	Attended premises with KA to ascertain if allowing entry after the permitted time of 02.00hrs, observed a queue of approx 10people to get into the premises, SIA staff seen 1xfemale and 3x male. to DPS [REDACTED] ID scanner in operation. Advised of reason for visit and to ensure that after 02:00 shall be no new entry to premises, he did say that they shut the barrier / gate at 02:00 to make sure no one else can enter. Smoking area is at the back of the premises and he said they close the club at 04:00 hrs, capacity is400 was about 150 people in at time of visit.
10/12/2016	02:20 NTE Visit	RK	Club 701	Visit to premises with AB. X3 SIA staff stood at the front of the premises. X1 SIA member of staff stood at the front of the premises with a metal detector. X1 of the SIA members of staff stood at the front of the premises was a female SIA member of staff. Front doors were closed by SIA staff then they went into the premises. No patrons located at the front of the premises.
07/01/2017	02:30 NTE Visit	RK	Club 701	Visit to premises with SH. Premises closed ATOV.
26/08/2017	03:05 NTE Visit	RK	Club 701	Visit to premises with Farhad Chowdhury. Full licensing inspection carried out with [REDACTED]. Arrived at premises and no audible amplified music could be heard outside the premises. X4 SIA staff at the front of the premises carrying out ID checks before being ushered to a whole in the wall where club scan was being operated from. X 2 patrons waiting to gain entry into the premises who were checked by SIA staff then allowed entry. Requested to speak to management of the premises and SIA staff called out a Mr [REDACTED] to the front of the premises. Mr Mansaray invited us into the premises which was operational with X15 patrons within the premises. X6 patrons were beside the bar some drinking and some ordering alcohol. The rest of the patrons were dancing and talking. The premises had a very low occupancy and Mr [REDACTED] asked if we would like to come down to his office. I said that would be fine however I would like to have a quick walk around the premises. Amplified music was being played and I checked the doors leading to the main street at the side of the premises which was closed. X1 SIA security member of staff was located in the smoking area however no patrons were located in this area at the time of inspection. We then proceeded to go to the basement of the premises to the office room. Within the office were two very large monitoring screens which were connected to the CCTV system of the premises. The CCTV system had a multi point camera system with HD quality footage being relayed to the viewing screens. CCTV recordings for 31 days were in place. No doors of the premises left open or ASB activity witnessed ATOV.A white party was taking place in the premises (all patrons dressed in white) and it was commented that they did not think the night was going to be very busy and they would probably finish early. I was advised that that it was envisaged that there would be possibly be 100people attending the premises but it was highly unlikely that this would happen. Complaint discussed with Mr [REDACTED] about sound escape from the premises and ASB. Mr [REDACTED] advised me that his premises was under control and that management were acting responsibly to ensure dispersal from the premises was done quickly and efficiently. Mr [REDACTED] advised me that there had been numerous incidents in regards to Club located above the 701 club. Mr [REDACTED] advised me that the sound escape that was being complained about was

				actually coming from the club upstairs as they frequently left their doors open and that the club had bad acoustic soundproofing which meant sound travelled. Operator has raised concern about some of the conditions which have been placed on the licence. Operator would like to discuss the licence and conditions with the responsible authorities to tidy up the licence. I have provided my contact details and asked operator to contact me next week to discuss.
02/09/2017	00:20 NTE Visit	WMA	Club 701	<p>Visit to the premises with Roy Fielding (RF). I met with the DPS, [REDACTED] and the business owner, [REDACTED]. I conducted a full inspection. Breaches of the following conditions were noted:</p> <p>288 – The clock on the CCTV was three minutes slow</p> <p>307 – No accommodation limit has been set in respect of the premises. There was only an ‘in’ clicker being used so there wasn’t an accurate tally of how many persons were at the premises, however the premises was very under occupied as only about 20 customers (max’) were present</p> <p>ATOV.344 - Staff hadn’t undertaken a ‘recognised’ training scheme (I advised [REDACTED] that I would inform him of a suitable training scheme).</p> <p>345 – Beverages were being consumed in the smoking area. N.B. it is unlikely that the smoking area is compliant with Smokefree – information to be sent in regards to the Smokefree legislation</p> <p>349 – Acoustic seals, brushes or self closers were not installed on relevant doors</p> <p>353 – Drinks were being permitted outside (in the smoking area)</p> <p>357 – There was no dispersal policy</p> <p>379 – No pre-opening security checks had been undertaken</p> <p>392 – The location of car parks and travel facilities was not identified on all promotional materials (see attached flyer)</p> <p>4AI – No refusal register was available</p> <p>793 – No staff training records were available re’ the LA2003 or the premises licence T&C’s</p> <p>On conducting a walk-round of the premises no H&S concerns were noted. The premises appeared to be sound and in good repair. The toilets were in good order and no emergency routes / exits were obstructed /locked. [REDACTED] stated that he wanted to vary the licence to remove conflicting /superfluous conditions. I briefly advised him of the procedure and told him to contact me for more detailed information.</p>
11/11/2017	00:55	MO	Club 701	<p>With MB & NTE Police</p> <p>Summary of inspection of club 701, 516 Old Kent Road SE1.</p> <ol style="list-style-type: none"> 1. Inadequate SIA provision, only three on duty atov, 2 males and 1 female. Upon checking records for previous nights, it was apparent that the provision of SIA has fallen short of requirements. DPS stated that as it was quiet on Fridays they only had 3 SIA. 2. Checked ID scan system, showed 4 males as being allowed entry, this didn’t tally with patrons (males and females) inside the premises atov. This could not be explained by licensee or DPS. 3. No record keeping of numbers of patrons in the premises atov was provided. 4. Upon first entering premises, there was nobody available to check the CCTV as it was in a locked management office that DPS didn’t have access to. Licensee turned up to premises approx. 45 minutes after we arrived and was able to show footage from 13 October 2017 at 03:00hrs. 5. Training records were very poor, certainly did not cover all members of staff present. No written authorisations for bar staff. In general, record keeping was ad-hoc to say the least. 6. When questioned re search provisions and “large bags” cloakrooms etc, answers were vague as to what constituted a large bag and when bags were allowed into the venue. <p>Incident book was very poorly filled in and didn’t tally with security log with details of incidents</p>

NOTICE REF. NO: 863708

ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80**Abatement Notice in Respect
of Statutory Nuisance****To: Mr Alfred Mansaray****Of: Club 701, Basement And Ground Floors, 516 Old Kent Road, London, SE1 5BA**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the **London Borough of Southwark** being satisfied of the **Occurrence** of a statutory nuisance under section 79(1)(g) of that Act caused by noise emanating from the premises known as: Club 701, Basement And Ground Floors, 516 Old Kent Road, London, SE1 5BA within the district of the said Council arising from : **The playing of amplified music at an excessive level**

HEREBY PROHIBIT the Reoccurrence of the same and for that purpose, require you as the person responsible for the said nuisance to take all reasonable steps to ensure that:-

At any time of the day or night any live music or amplified sound is only played at the above premises at such a level that it is not likely to give rise to a nuisance in adjoining premises or in the neighbourhood.

THIS is NOT a notice under regulation 3 (Suspension of Notices), para 2(a)(ii) of the Statutory Nuisances (Appeals) Regulations 1995, to which regulation 3 applies. In consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court. "This is due to the nuisance witnessed, being of a limited duration, as such that a suspension of the notice would render it of no practical effect."

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale*, together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale, that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to comply with the conditions in accordance with this notice, the Council may seize all the sound equipment from your premises and recover from you the necessary expenditure incurred.

Signed: 
Alex Quaye
Noise & Nuisance Officer

Dated: 2nd October 2017**Time: 08.00 hours****Please address any correspondence to:**

*Noise & Nuisance Team
Southwark Council
132 Queens Road
London SE15 2Hp
Tel: 020 7525 2450
Fax: 020 7525 2378*

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days (21), beginning with the date of service of the notice, under section 80(3) of The Environmental Protection Act 1990. See the Statutory Nuisances (Appeals) Regulations 1995 on the reverse of this notice.

* Currently £5000, subject to alteration by Order

The Statutory Nuisance (Appeals) Regulations 1995
 Appeals under Section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

- 2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga)(a) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) of the 1990 Act, the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act, or
 - (iii) any determination made under section 67 of the 1974 Act;
 - (g) that in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the schedule relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in the streets or roads),
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance,
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises,
 and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in connection with any copy of the abatement notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may-
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit-
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court-
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

3. (1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance,
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



Noise & Nuisance Team
Phone - 020 7525 3171
Our reference: 863708

[REDACTED]
Club 701
Basement And Ground Floors
516 Old Kent Road
London
SE1 5BA

2 October 2017

Dear Mr [REDACTED]

RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80

NOISE NUISANCE FROM - Club 701, Basement And Ground Floors, 516 Old Kent Road, London, SE1 5BA

On 1 October 2017 at 01.48 hours the Council received a complaint alleging that music coming from your premises was causing a noise nuisance.

I visited in response to the complaint on 1 October 2017 at 02.25 hours and was satisfied that the music was at a level that was causing a statutory nuisance to residents of neighbouring properties.

As the premises licence holder & designated premises supervisor of this premises, you are the person responsible for any noise nuisance being caused. Please find attached, a Notice issued under the provisions of Section 80 of the Environmental Protection Act 1990. If the Notice is contravened, legal action may be initiated and for every proven contravention, an unlimited fine may be imposed. The Environmental Protection Act also empowers the Council to obtain a warrant to seize all sound equipment from a premises that is the source of recurring noise nuisance.

I ask you to ensure that music from your premises is at all times kept below a level that could be a nuisance to your neighbours/local residents. As a guide to you, music from your premises should not be audible at any time outside your entrance door(s).

Yours sincerely,

[REDACTED]
Alex Quaye
Noise Officer

Licensing Unit induction checklist for new licensees / management.

Premises Name & address: **Club 701, Basement and Ground Floors, 516 Old Kent Road, SE1 5BA**
Licensee: **Erico Entertainment Limited**
DPS: **Alfred Mansaray**

1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee / DPS is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the special & standard licence conditions
- How long the licence lasts & what happens when it is time for renewal
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Risk assessment
- Will conduct additional inspections where problems found and complaints made
- Explain inspections aim to help but that persistent and serious safety failures will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation

4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending:

(Sign)

[Redacted Signature]

(Print) **Wesley McArthur**

Person(s) Present:

(Sign)

[Redacted Signature]

(Print)

[Redacted Name]

(Sign)

(Print)

Date of Meeting: **8 July 2016**



Erico Entertainment Limited



Licensing Unit

Direct Line: 020 7525 5779

Direct Fax: 020 7525 5705

Our ref: INU 077789

28 September 2017

Dear Sirs,

RE: THE LICENSING ACT 2003 – WARNING LETTER

(Club 701, Basement and Ground Floors, 516 Old Kent Road, London, SE1 5BA)

On 2 September 2017 at 00:20 hours council officers undertook an inspection to determine whether the licensable activities at the above premises were carried out in accordance with premises licence issued in respect of the premises.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. Breach of licence condition 288: The clock on the CCTV was three minutes slow. For evidential purposes please ensure that the time shown is accurate.
2. Breach of condition 307: No accommodation limit had been set or was in use at the premises. Only one counting device (to count customers 'in') was being used at the premises. Unless an 'out' clicker is used in conjunction with the 'in' clicker, there is no way to ascertain an accurate tally of customers at the premises, however it is noted that during the inspection the premises was very under occupied.
3. Breach of condition 344: Staff at the premises hadn't undertaken a recognised training scheme in regards to the sale of alcohol. You may wish to consider making relevant staff undertake the BIIAB Level 1 Award in Responsible Alcohol Retailing (QCF) qualification. More information is available via: <https://www.biiab.org/qualifications/licensed-hospitality/biiab-level-1-award-in-responsible-alcohol-retailing-qcf/>
4. Breach of condition 345: Beverages were being consumed in the smoking area.
5. Breach of condition 349: Acoustic seals, brushes & self closers were not installed on all relevant doors.

Licensing Unit - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Deborah Collins

6. Breach of condition 353: Drinks were being permitted outside (in the smoking area).

7. Beach of condition 357: There was no dispersal policy in place at the premises. A written dispersal policy should be devised and be kept at the premises. All relevant staff should be trained in respect of the policy. The policy should include (but not necessarily be limited to) the following:

- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- Details of public transport in the vicinity and how customers will be advised in respect of it.
- Details of the management of taxis to and from the premises.
- Details of the management of any 'winding down' period at the premises.
- Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- Details of any cloakroom facility at the premises and how it is managed.
- Details of road safety in respect of customers leaving the premises.
- Details of the management of ejections from the premises.
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up).

8. Beach of condition 379: No pre-opening security checks had been undertaken or logged.

9. Beach of condition 392: Not all promotional material identified the location of car parks in the area or other travel facilities (see flyer attached).

10. Beach of condition 4A1: There was no refusal register available (however it is noted that an ID scanning system was in use at the premises).

11. Beach of condition 793: No staff training records were available in respect of the Licensing Act 2003 or the terms and conditions of the premises licence issued in respect of the premises.

In addition to the above please be mindful of the following conditions: 303 (requiring the submission of '696' forms for external promoters) and 383 (requiring that all promoters hiring the premises are suitably qualified). These conditions were not an issue during the inspection as an internal promotion was being undertaken, but please bare them in mind should any external promoter be used at the premises. Please also ensure that the premises licence **summary** is displayed in the bar area and not kept in your files.

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

Licensing Unit - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Deborah Collins

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,



Wesley McArthur
Licensing Enforcement Officer
wesley.mcarthur@southwark.gov.uk

cc Eric Doe, Manager

**ERICO ENTERTAINMENT LTD
PRESENTS**

DJ SOKINDER

**UB
Collabo**

**ALL
WHITE
PARTY**



516 OLD KENT ROAD
LONDON SE1 5BA
10.00PM - 4.00AM
(LAST ENTRY 2AM)

SATURDAY
28TH
OCT'2017

£10 IN ADVANCE, MORE AT THE DOOR

DJS: DJ SOKINDER, DJ SHY SHY & DJ RAZAK

FOR MORE INFO, BIRTHDAY & VIP BIRTHDAY BOOKING, PLEASE CALL:

07930813167 | 02034896420 | 07961073350

21+

ID
REQUIRED
NO ID NO ENTRY

EVERY LAST SATURDAY OF THE MONTH



██████████
Club 701
Ground Floor
516 Old Kent
Road London
SE1 5BA

Licensing Unit

Direct Line: 020 7525 5779
Direct Fax: 020 7525 5705
Our ref: INU 077789

28 September 2017

Dear ██████████

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Licensing Unit - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins

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Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

Licensing Unit - Environment & Housing, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Deborah Collins

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,



Wesley McArthur
Licensing Enforcement Officer
wesley.mcarthur@southwark.gov.uk

cc Erico Entertainment Limited, licensee

**ERICO ENTERTAINMENT LTD
PRESENTS**

DJ SOKINDER

**UB
Collabo**

**ALL
WHITE
PARTY**



516 OLD KENT ROAD
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28TH
OCT '2017

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FOR MORE INFO, BIRTHDAY & VIP BIRTHDAY BOOKING, PLEASE CALL:

07930813167 | 02034896420 | 07961073350

21+

ID
REQUIRED
NO ID NO ENTRY

EVERY LAST SATURDAY OF THE MONTH

Licensing Unit induction checklist for new licensees / management.

Premises Name & address: *701 Club, 516 Old Kent Road SE1 5BA*
Licensee: *Erigo Entertainment Limited*
DPS: *Ahtal Mansaray*

1. INTRODUCTION

- Who Licensing Unit are
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

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4. ASSISTANCE

- Emphasise that if the licensee has any problems he should contact the office and discuss
- Leave calling cards

Officer(s) Attending:

(Sign)

[Redacted Signature]

(Print)

[Redacted Name]

Person(s) Present:

(Sign)

[Redacted Signature]

(Print)

[Redacted Name]

(Sign)

(Print)

Date of Meeting:

26 November 2016

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Mark Lynch Pc 246MD..... URN:

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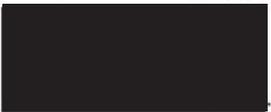
Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of: 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: Sunday 23rd October 2016

Tick if witness evidence is visually recorded (supply witness details on rear)

On Sunday 23rd October 2016 I was on duty in full uniform, I was attached to Southwark Night time Economy Team to which I was the driver of a marked police vehicle. I was in the company of Msc5321MD. My duties include visiting various licensed premises on the borough to carry out licence inspections and respond to disorder, . At 0220hours we parked our vehicle outside Club 701 516 Old Kent Road SE1 where we observed a number of people queuing for entry to the club , I am aware that the venue has a condition on its licence which states no new entry to the venue after 0200hrs, I also saw two males approach the payment booth and then they were searched before entering the club. I along with msc5321MD then left the vehicle and approached the security where I requested to see the Dps  I stood in the cage area and then entered the foyer and awaited Mr  Whilst waiting there another male came into the club foyer area whom spoke to a female staff member who produced a pink wrist band and applied it to his wrist and then allowed entry I was then joined by Mr  Y and we went outside the club and I explained to him what I had seen in regards to late entry. He stated that the reason for the late entry was that there had been a big queue and he didn't want to turn people away as they had queued. Whilst waiting there were still people attempting to gain entry to the venue and security were now telling them they could not enter which contradicted what Mr  had said about people waiting in the long queue. He then offered to have staff show me the last entry on ID scan. We were led into the id scan room which was situated within the main entrance to the club K-Chee however upon entering the outside area I could smell the strong aroma of cannabis, I am aware of this aroma due to my experience as a police officer, we then entered the ID Scan room where I was shown the screen which showed last entry at 0205hrs which did not tally up with the fact we had seen people enter at 0220hrs and later and can only mean those that entered after 0205hrs had not been ID scanned . On leaving the room I said to my colleague Pc5321MD "can you smell cannabis?" to which he replied " yes", I said "where is it coming from?", we then looked around the courtyard area as this area is for clients of K-Chee but confirmed the smell was not coming from this venue, however in the corner is a fenced off smoking area with a roof covering it which is for clients of Club701. There is a metal staircase which runs up the side of the smoking area to

Signature:  Signature witnessed by:

Continuation of Statement of MAN UNCA

which we walked up, as we did so there were plumes of smoke and strong smell of cannabis coming from within the smoking area. I saw at least 2 males rolling what in my opinion appeared to be large roll ups containing cannabis, I also saw people smoking cigarettes but did not see any vaps, there were no SIA security in the smoking area. We observed the area for a few minutes to see if the smell disappeared however this was not the case. We left the stairwell and went to the main entrance of Club 701 and requested to see the DPS who came outside. I then took him to the stairwell and told him what we had seen, to which he stated that there should be a member of security in that area monitoring clients, this was not the case. However on walking up the stairs with the DPS there was a member of security in the area and the smell of cannabis was not as strong. Whilst stood on the stairwell we observed a member of security and 2males leave the smoking area via the emergency exit which entered into the courtyard of K-Chee and then leave the main entrance to K-Chee. A few minutes later we left the stairwell and on doing so saw the member of security and 2 clients re-enter though the K-Chee entrance and then re-enter club 701 smoking area via the emergency exit , I did not observe any of the males being re searched as per condtion 359. We then walked out of the court yard area where I informed the dps that I would be issuing a section 19 closure notice for the breach of his licence condition 359- That on Sunday after 00:30, on Wednesday and Thursday after 01:30 and on Friday and Saturday after 02:00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette, those persons shall be subject to a further search on the re-entry to the premises, we were then joined by a member of security who stated along with the dps that they were unaware of the condition that prevented clients who had been queueing from entering the club after 0200hrs and that they thought that if clients had been queueing before 0200hrs they could enter this was despite a notice in their foyer that stated no admission after 0200hrs which was pointed out to both security and dps. I also informed the dps that I would be making a statement in regards to the smoking of cannabis on the premises. I then issued the section 19 and returned to my vehicle where I sat until 0310hrs, during this time I saw a number of people arrive at club 701 and attempt admission and when declined they loitered in the area , I also noted that a number of people attempted entry to club K-Chee to which they appeared to be refused though again they loitered in the area



Signature Signature witnessed by:

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 23/10/16 Time Served: 0254

Authority issuing Notice: Metropolitan Police Service

Name and address of the person to whom the notice is served: PC LYNCH 246MD

Signature: [Redacted] 246MD

Name (if applicable) and address of the affected premises:
Club 701 - 516 Old Kent Road
SE1 5BA

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

359-11A ON SATURDAY AFTER 0200AM THERE
SHOULD BE NO NEW ENTRY TO PREMISES.

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

OBSERVED A NUMBER OF MALES ENTER PREMISES
ON NEW ENTRY - SEEM TO PAY AND BE SERVED
THIN BEER

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

NO ENTRY AFTER 0200 ON SATURDAY/SUNDAY
MORNING

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) ALIC DOG

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name ALIC DOG

Signature [Redacted]

Date 23/10/2016

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Stuart Wythe PC 393MD** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer**

This statement (consisting of..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, and do not believe to be true.

Signature: 

Date: **13 September 2016**.....

015 9747567 01 67497
16:14 TU 13SEP16 STD

Tick if witness evidence is visually recorded (supply witness details on rear)

I am assigned to the Night-Time Economy Team based at Southwark Police Station, my primary role being the Policing of licensed premises in the Borough of Southwark. I have been a Police Officer for over 20 years and was authorised as a licensing Officer on 25 January 2016.

On Saturday 10 September 2016 at about 0330 hrs I was on duty in full uniform accompanied by PC 246MD Lynch. We were undertaking a licensing visit at Club 701, 516, Old Kent Road, London, SE1 5BA.

I carried out an inspection of the venue's Identification Scan system. Condition 342 of the premises license states; **'That an ID scanning system of a specification to the reasonable satisfaction of the Police shall be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram on ID, read both passports and ID cards and be able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and / or if the persons details are already stored on the system and they are identified using a biometric identification system.'** My inspection of the system yielded that a significant number of customers had not scanned suitable identification into the system, they had simply had their photograph taken with no means of further identifying who they are. I explained that this was not correct use of the system and a breach of the premises' license.

Condition 341 of the premises license states, **'That a minimum of 6 SIA registered door**

Signature:  Signature witnessed by:

015 9747567 01 67497
16:14 TU 13SEP16 STD

Continuation of Statement of **Stuart wythe PC 393MD**

supervisors shall be employed at the premises, one of whom shall be female, at all times that the premises are in use. They will be employed each night that the premises are in operation and will be on duty to receive patrons at the stated opening time of 22:00. At least two will be provided with, and will use, electronic search wands in respect of the search of all persons who wish to enter the premises. This includes all DJs and associated staff and their equipment.'

As part of this licensing visit I determined that there were four door staff on duty and undertook to ascertain their details. At the main entrance to the venue I spoke to a female whom I know now as [REDACTED] Upon request by me she took her Security Industry Agency (SIA) badge out of its sleeve allowing me to examine it & determine her SIA number.

I then spoke to a male whom I know now as [REDACTED] and asked him to produce his SIA badge. He said that he had seen us undergoing our inspection at the venue & that we should undertake the same inspection at the venue next door (Khe Che) & once that was done, he'd do as I ask. I explained that we were inspecting Club 701 & that I required to see his SIA accreditation. He said he would not produce it until we had undertaken an inspection next door. I said we had already conducted an inspection there (this was done some weeks previously). At this Mr [REDACTED] started shouting at the door staff next door asking if we had checked their licenses.

Again I asked for his SIA accreditation, Mr [REDACTED] refused, saying he would tell me and started to say some numbers. I explained that this was not what I'd asked for, that I needed to see his license. Mr [REDACTED] again refused, saying that we hadn't done next door, that he would not produce his license, that he'd tell me the number. This conversation went on for several moments; Mr [REDACTED] was obstructing me in my licensing inspection.

I said to Mr [REDACTED] to 'wait there' & headed towards my marked Police transport to collect an SIA warning notification pad; PC Lynch provided me with his pad.

I started to fill out the form, number 445981. As I completed the form, I again asked for Mr [REDACTED] s SIA badge, to which he replied, 'Now you ask,' & he produced his license from its sleeve. I made a note of his licence number, 0130110026072554. As I completed the form, Mr [REDACTED] carried on talking in a similar vein. A second male whom I know now as [REDACTED] asked why the inspection is taking place, I explained that it's a licensing visit & that the venue is a prominent location, at which both Mr [REDACTED] and Mr [REDACTED] started to laugh in animated fashion, saying that nothing happens at the venue.

At about 0335hrs I issued Mr [REDACTED] with a copy of serial number 445981 SIA warning notification, saying I'd be reporting him to the SIA, to which he replied, 'Go on then.'

I was present when PC Lynch spoke to the manager, [REDACTED] regarding the venue not possessing a drugs and weapons amnesty box as per condition 297 of the premises license which states, **That a drugs /**

13/14/11

Signature:

[REDACTED SIGNATURE]

Signature witnessed by:

Continuation of Statement of **Stuart wythe PC 393MD**

weapons amnesty box, approved by the police, shall be installed and maintained in use at the premises at all times that the premises are in operation.

Mr [redacted] was not able to access the venues CCTV system from 29 days previously. Condition 289 of the premises license states **All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available for inspection to officers of the Police and the Council on request.**

I was present when PC Lynch issued Mr [redacted] with a closure notice under section 19 of the criminal justice and Police act 2001 for the alleged unauthorised use of the premises as detailed [redacted]



015 97.03581 01 27.07

Signature: Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Mark Lynch Pc 246MD..... URN:

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Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of: 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: Tuesday 13th September 2016

Tick if witness evidence is visually recorded (supply witness details on rear)

On Saturday 10th September 2016 I was on duty in full uniform, I was attached to Southwark Night Time Economy Team, I was in the company of Pc 393MD, as part of my duties we attend licensed premises to ensure they are operating within their licence conditions. At 0300hours we attended the venue by the name of 701 club 516 Old Kent Road SE17 5BA , in order to obtain cctv which had been requested on the 6th September , the footage requested was from the 13tyh August 2016. On entering the premises I spoke to the manager Mr  who escorted us to the basement area where the cctv screens/hardrive were kept. I explained to Mr  that I was there to collect the cctv to which he informed me that the cctv was not available as there was a technical problem and that the cctv could not be accessed despite it being within the 31 days storage time depicted in licence condition 289, he then said that he had called an engineer out and that if I wish to I can speak to the engineer regarding the cctv not being available. This was in clear breach of condition 289. I then carried out further checks of the licence conditions to which I found that there were only four SIA door staff on duty, three of which were stood at the entrance of the premises none of whom were wearing hi visibility vests a breach of conditions 341 and 391. The ID scan system was checked and it was found that not all persons had been scanned into the system and those that had been scanned had not produced or not had scanned their identification, thus rendering the identification system of no use, a breach of condition 342. There was also no weapons drugs amnesty safe box at the premises, this was a breach of condition 297. The conditions breached 341,391,342,297 were all breached on a previous visit made on the 13th August 2016 in which a section 19 was issued. At 0310hours I issued Mr  with a section 19 Closure Notice-Criminal Justice Act 2001. I then returned to outside the venue where my colleague Pc 393MD was stood speaking with a male SIA security staff I now know to be Mr Atu  I approached Pc 393MD and was present to their conversation to which I heard Pc 393MD request to see Mr  SIA identification to which Mr  refused insisting that Pc 393MD carried out an inspection at the adjacent club called Khe-Che and once this had been done he would show Pc 393MD his SIA identification , Pc 393MD again asked for Mr  SIA identification to which he said he

Signature:  Signature witnessed by:

RESTRICTED (when completed)

Continuation of Statement of

would give police his SIA number and he started to give a number to Pc 393MD , the SIA identification was again requested and again Mr [REDACTED] refused to present his identification upon request , during this time he was laughing and behaved in such a manner I would only describe as unprofessional and detrimental to the security industry , my colleague Pc 393MD issued Mr [REDACTED] with an SIA offence notification form and the management of the venue were informed of the behaviour of their security.

Signature: [REDACTED] Signature witnessed by:

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 10/09/16 Time Served: 03:10h

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PLYNCH 246MB

Signature: [Redacted]

Name (if applicable) and address of the affected premises:

701 CLUB Sib Old Kent Road S17
S17 8BA

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

289 - ALL CCTV FOOTAGE SHALL BE KEPT FOR 31 DAYS / 341 - MINIMUM 6 SIA
CCTV SCANNING SYSTEM / 347 - ID SCANNING SYSTEM TO BE USED
FOR ALL PERSONS ENTERING

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

289 - UNABLE TO PRODUCE CCTV FOOTAGE 29 DAYS AFTER INCIDENT TO BE FORWARDED
241 - ONLY 1/4 DOOR SIA ON DUTY / 342 - NO ID NO ENTRY NOT BEING
ADVANCED TO - SOME PHOTO NO ID

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

MAINTAIN CCTV TO MEET CONDITIONS 31 DAYS RECORDING / SIA
SIA DOOR STAFF TO BE ON DUTY FROM 22:00 / 10 SCANNING
TO BE USED AS PER LICENCE

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details): [Redacted]

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name: [Redacted]

Signature: [Redacted]

Date: 10/09/16

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Mark Lynch 246MD URN:

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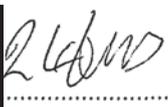
Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer.....

This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:   Date: Tuesday 16th August

Tick if witness evidence is visually recorded (supply witness details on rear)

On Saturday 13th August 2016 I was on duty in full uniform in the company of Pc Wythe 393MD. I am part of the Night Time Economy Team and part of my duties is to attend various licensed premises and carryout checks to ensure they are operating within their license conditions. At 2210, hours I had cause to visit 701 club 516 Old Kent Road SE1 5BA. On entering the premises we were met by  it was explained that we were at the premises to carryout license conditions checks , I asked to see the SIA signing in book for security staff to which Mr  produced a SIA UFP signing in book . I looked through the book and noted that two SIA staff had signed in that evening, I further noted that only two SIA staff had signed in on the 12/08/2016, I said to Mr  "did you only have two SIA door staff on duty for Friday night?" he replied "no we had six", I said "why then have only two members of SIA signed in for duty?", he replied " we sign it up after the weekend", I said" how do you know who was on duty?", he replied "we don't". I then requested to see the full premises license to which he produced to me and I carried out a licence check during which I found the following condition breaches, 297-there was no drugs/weapons amnesty box in use within the venue,341-There were only two SIA security staff on duty, 342-Staff, DJs, promoters had not been scanned onto the id scan system, these were all breaches of license conditions. I was then joined by Mr  who identified himself as being the premises owner, I explained the breaches to him to which he replied that he was unaware of specific conditions 341 and 342 and that in regards to condition 297 he had spoken to Police licensing Officer Ian clements who stated that he was going to arrange a drugs box for the venue. At 2305hours I issued  with a Closure Notice-Section 19 Criminal Justice and Police Act 2001 to which he failed to sign.

Signature:   Signature witnessed by:

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 13/08/16 Time Served: 2305 hours

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PCLY NCH 24500

Signature: [Redacted]

Name (if applicable) and address of the affected premises: 701, 516 OLD KENT ROAD SE15BA

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

- 297- DRUGS WEAPONS AMMUNITION BOX SHOULD BE IN USE.
- 341- 6 SIX SIA STAFF SHOULD BE ON DUTY FROM 2200hrs
- 342- ID SCANNER TO BE USED STAFF, PUBLIC PROMOTERS DJS.

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

- 297- NO DRUGS WEAPONS BOX / 342- ONLY TWO 2
- SIA SECURITY STAFF ON DUTY AT 2200 HOURS / 342- STAFF
- MEMBERS DJS NOT BEING SCANNED PRIOR TO ENTRY

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

- 297- OBTAIN DRUGS BOX / 341 ENSURE 6 SIX SIA STAFF
- ARE ON DUTY AS OF 2200 HOURS / 342- ID SCAN ALL PERSONS
- ENTERING PREMISES STAFF AND OTHERWISE.

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) ALFRED MANSARA

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name [Redacted]

Signature

Date 130816

Heron, Andrew

From: Regen, Licensing
Sent: 14 November 2017 08:32
To: Heron, Andrew
Subject: RE: EPRA Representation-Premises licence no 851424-516 Old Kent Road-Variation application

Follow Up Flag: Follow up
Flag Status: Completed

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

From: Andrews, Ken
Sent: Monday, November 13, 2017 10:45 PM
To: Regen, Licensing
Cc: [REDACTED]
Subject: EPRA Representation-Premises licence no 851424-516 Old Kent Road-Variation application

EPRA have considered an application to vary a premises licence for the above address and would like to make representation, under the prevention of public nuisance licensing objectives.

The venue is relatively close to residential premises and as a result, need to adhere to conditions aimed at preventing public nuisance.

Condition 341 suggests the reduction of the number of SIA staff 6 to 3 from opening time of 22:00 to 00:30. The applicant did not provide evidence to justify the reduction other than stating commercial viability. EPRA will be able to make a more informed recommendation if the applicant has supported the amendments with the numbers of patrons at the venue before 00:30 and how the reduced number of SIA will be deployed to avoid the congregating of patrons around the venue, control at the doors and inside of the premises.

EPRA recognises the importance of the SIA in preventing Public Nuisance and does not have sufficient information to support the amendment.

EPRA is also concern that the removal of condition 344 "That all staff concerned in the sale or supply of intoxicating liquor shall undertake a recognised training scheme for such duties. Records of such training should be kept at the premises and made available for inspection to police, council or other authorised officers on request" can reduce the effectiveness of staff in preventing patrons from over-consumption of alcohol and has a knock-on effect on the control of public nuisance. Similarly, 793, 4AK conditions are all intrinsically linked in fulfilling the licensing objectives and should not be removed.

EPRA also objects to the proposal to remove Conditions 345 & 360. These conditions are directly crucial in the control of public nuisance. Permitting patrons to drink outside in the smoking designated area will encourage more people within an open space where there is no control of noise with the consequence of causing a public nuisance. The variation application proposed later closing times from 4:00-06:00 Fri & Sat with a 03:00 and 07:00. EPRA believes that these very late times will encourage longer drinking hours, more anti-social behaviour and noise nuisance.

Taking the above into consideration, EPRA recommends that the committee rejects this application.

Ken

I therefore object to this application on grounds of Public Safety until the matters above have been addressed.

Farhad Chowdhury
Principal Enforcement Officer

Heron, Andrew

From: Jerrom, Charlie
Sent: 10 November 2017 15:19
To: Heron, Andrew
Subject: FW: Consultation- Variation 516 Old Kent Road

From: Jerrom, Charlie **On Behalf Of** Regen, Licensing
Sent: Friday, November 10, 2017 3:13 PM
To: Jerrom, Charlie
Subject: FW: Consultation- Variation 516 Old Kent Road

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Friday, November 10, 2017 2:29 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Consultation- Variation 516 Old Kent Road

To whom it may concern:

Re: Club 701, 516 Old Kent Road, London SE1 5BA

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

The applicant requests to vary their current licence so that a number of conditions are amended or removed and to extend the hours for licensable activities. I have listed below the points that I wish to address with this representation:

1. To amend conditions 345 & 360 (That no beverages will be consumed in the smoking area), as we are looking to introduce the sale of Shisha to expand and increase revenues; to read: That patrons will be encouraged to leave the smoking area as soon as is practicable. At least one member of SIA staff will be situated in the smoking area at all times the premises are in operation.
2. To amend condition 360 which ends saying: No more than 7 customers will be permitted to remain in the designated smoking area at any one time, as we anticipating launching Shisha
3. Extend the hours they are permitted to sell alcohol from 04:00 Friday and Saturday and 01:00 on Sunday to 06:00 Friday and Saturday and 03:00 on Sunday

Firstly, the hours for alcohol sales requested are far beyond what is recommended anywhere in Southwark's Statement of Licensing Policy for any type of premises in any location across the borough and therefore I deem them inappropriate as they are not in line with local licensing recommendations. Additionally, this premises is located in close proximity to local residents and therefore I have concerns that these extension in hours will have negative impacts on the local community in terms of public nuisance and potential anti-social disorder due to dispersal from the premises.

With regards to conditions 345 & 360. These conditions will have been imposed by responsible authorities in order to ensure local residents are not disturbed by patrons in the outdoor smoking area. Additionally, I do not believe the suggested re-wording for condition 345 to “that patrons will be encouraged to leave the smoking area as soon as is practicable” is an enforceable condition as shisha is generally smoked over a long period of time.

Finally, evidence shows that shisha smoking is at least as harmful as cigarette smoking and the smoke emitted contains a significant number of carcinogenic toxins. Additionally the smoke emitted contains far more carbon monoxide than cigarettes and therefore CO poisoning is a key concern with shisha smoking. This places users and individuals who are nearby at elevated health risks. The health and safety risks to staff working in the bar are a key concern. Further, the hot burning coals from shisha emit a very strong smell and have to be stored overnight to cool following burning. This can lead to public nuisance and public safety issues.

Based on the above, public health objects in full to the extension of licensable activities and the amendment of conditions 345 and 360.

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)

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025 | 07927563567

Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

From: Jerrom, Charlie

Sent: 16 October 2017 16:00

To: Alcohol@homeoffice.gsi.gov.uk ; Sharpe, Carolyn; Chowdhury, Farhad; Chudasama, Sailesh; DIP Team; Farrington, Ian; FireSafetyRegulationSE@london-fire.gov.uk ; Graham White; Ifepa; Masini, Bill; Planning.Enquiries; Public Health Licensing; Reg Env Protection; Richards-Vassell, Thomas; Qau Safeguarding; safer; Shannon, Rochelle; southwark.repro@pbms.co.uk; Tear, Jayne; West Team diary

Subject: Consultation- Variation 516 Old Kent Road

Heron, Andrew

From: Jerrom, Charlie
Sent: 10 November 2017 15:18
To: Heron, Andrew
Subject: FW: Application to vary Premises Licence - Club 701 516 Old Kent Road London SE1 5BA

From: Jerrom, Charlie **On Behalf Of** Regen, Licensing
Sent: Friday, November 10, 2017 3:13 PM
To: Jerrom, Charlie
Subject: FW: Application to vary Premises Licence - Club 701 516 Old Kent Road London SE1 5BA

From: Masini, Bill
Sent: Friday, November 10, 2017 1:51 PM
To: Regen, Licensing
Subject: Application to vary Premises Licence - Club 701 516 Old Kent Road London SE1 5BA

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of the application by Erico Entertainment Ltd to vary a Premises Licence for a premise known as Club 701 at Basement and Ground Floors 516 Old Kent Road London SE1 5BA and respond accordingly under the Licensing objectives.

In that application it seeks to remove or amend a number of conditions, extend hours and explains it is looking to introduce the sale of shisha to expand and increase revenues. To that end, there appears to be a number of contradictory statements made.

For tobacco to be legally smoked, in addition to specific legislation relating to the products themselves such as advertising and the supplying of statutory health warnings, it needs to comply with The Health Act and thus a compliant smoking area is required. It is understood there is already such a place and this is limited to "no more than 7". (condition 360) The applicant seeks this maximum number to be removed but gives no indication of how many could be in this area at any one time. The applicant seeks condition 345 to be amended to allow drinks to be consumed in the smoking area. Trading Standards say this will simply encourage customers to remain in that area and also result in non smokers being coerced into that area in order to be with their smoker friends. Their health may be put at risk through passive smoking. Extra noise will be generated.

Additionally, it should be noted smoking shisha on a premise is not a quick activity like smoking a cigarette; it can last all evening and by allowing drinks to be consumed there means this is more likely to happen. Since the application also seeks to extend its licensable hours way beyond Southwark's Licensing Policy this nuisance would be exasperate the situation. The applicant has had no regard to the concentration of tobacco intoxicants and no monitoring, for example, of CO levels has been indicated. Nor has there been any regard to the impact on others in the vicinity. As well as the toxic fumes from smoking the tobacco, there are also the hot burning coals which are toxic, and with shisha the strong smells and the extra noise generated this can lead to it being a Public Nuisance and cause a Public Safety issue. It is noted there is another Licensed Premise immediately above this, K-CHE-VIP Latin Club, meaning that such customers may have to come into contact with shisha tobacco/coals generated smoke and often considered unpleasant smells.

The application also seeks to remove conditions 344, 793 and 4AI. Trading Standards do not have an issue with the removal of condition 344 as condition 793 duplicates this. However Trading Standards is of the view that poor management is likely to arise where if conditions 793 and 4AI are also removed.

Trading Standards object to the variation as submitted.

Bill Masini - Trading Standards Officer

Southwark Council Trading Standards | Environment & Social Regeneration

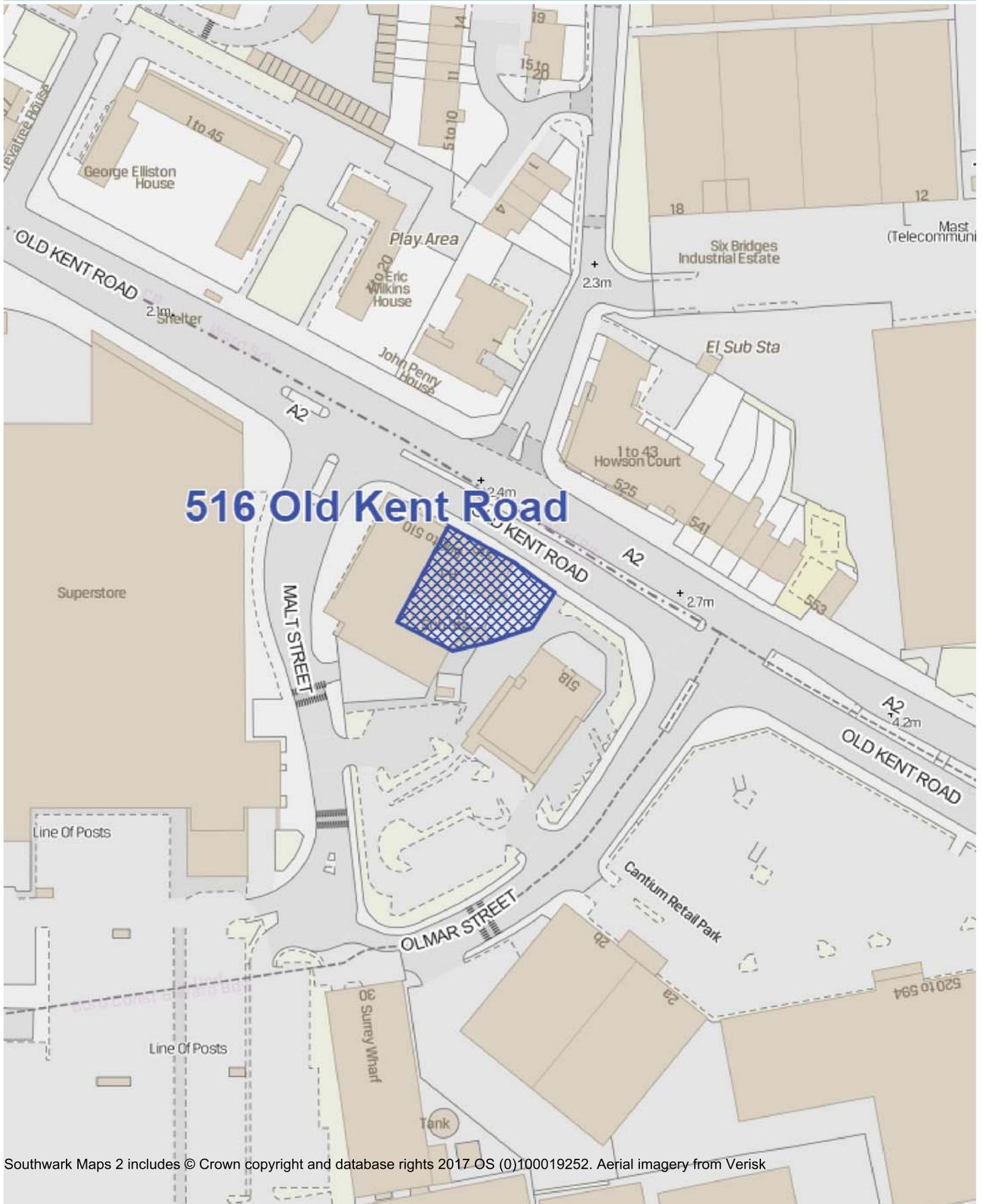
3rd Floor Hub 1, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 2629 | Fax 020 7525 5735 | Call Centre 020 7525 2000

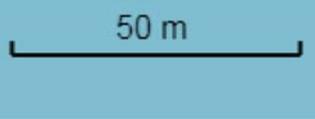
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