

Licensing Sub-Committee

Friday 23 March 2018

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Radha Burgess
Councillor Jon Hartley

Reserves

Councillor Maria Linforth-Hall

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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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: 13 March 2018



Licensing Sub-Committee

Friday 23 March 2018
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: THEATRE DELICATESSEN, THE OLD LIBRARY, 39 WELLS WAY, LONDON SE5 0PX | 1 - 44 |
| | 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: 13 March 2018

| | | | |
|------------------------------------|--------------------------------|---|---|
| Item No. 5. | Classification: Open | Date: 23 March 2018 | Meeting Name: Licensing Sub-Committee |
| Report title: | | Licensing Act 2003: Theatre Delicatessen, The Old Library, 39 Wells Way, London SE5 0PX | |
| Ward(s) or groups affected: | | Faraday Ward | |
| From: | | Strategic Director of Environment and Social Regeneration | |

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Curvingroad Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Theatre Delicatessen, The Old Library, 39 Wells Way, London SE5 0PX
2. Notes:
 - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Theatre Delicatessen, The Old Library, 39 Wells Way, London SE5 0PX, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to outstanding representations submitted by responsible authorities and is therefore referred to the sub-committee for determination.
 - Paragraph 8 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
 - Paragraphs 9 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix D.
 - Paragraphs 14 to 18 of this report deal with the representations submitted in respect of the application. Copies of the representations for responsible authorities are attached in Appendix C.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

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

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The original premises licence for the premises known as Theatre Delicatessen, The Old Library, 39 Wells Way, London SE5 0PX 6SP, was issued following a hearing of the Southwark licensing sub-committee on 20 March 2017 at which point the licence was granted. The current premises licence was issued on 23 January 2018 following a DPS variation (all other activities remain unchanged) and allows the following licensable activities:
 - The sale of alcohol to be consumed on the premises:
 - Monday to Thursday from 12:00 to 22:30
 - Friday and Saturday from 12:00 to 23:30
 - Sunday from 12:00 to 22:00.

 - The provision of regulated entertainment in the form of films, live and recorded music (both indoors and outdoors):
 - Monday to Thursday from 09:30 to 23:00
 - Friday and Saturday from 09:30 to 00:00 (midnight)
 - Sunday from 09:30 to 22:30.

 - The provision of regulated entertainment in the form of plays and performances of dance (indoors):
 - Monday to Thursday from 09:30 to 23:00
 - Friday and Saturday from 09:30 to 00:00 (midnight)
 - Sunday from 09:30 to 22:30.

- Opening hours:
 - Monday to Thursday from 09:30 to 23:00
 - Friday and Saturday from 09:30 to 00:00 (midnight)
 - Sunday from 09:30 to 22:30.
- A copy of the existing premises licence is attached as Appendix A.

The variation application

9. On 29 January 2018 Curvingroad 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 Theatre Delicatessen, The Old Library, 39 Wells Way, London SE5 0PX 6SP
10. The application for variation is described as follows:
 - The proposed variation would extend the opening hours of the premises on weekends, as well as initiate non-standard timings for weeknights that fall on bank and public holidays.
 - The variation would also increase the accommodation limit set out in the conditions of the license from 75 to 120 people, not including staff.’
11. It should be noted that all hours are being sought to be extended, not just the weekend hours as suggested by the application introduction. The following hours are being requested:
 - The sale of alcohol to be consumed on the premises:
 - Sunday to Wednesday from 12:00 to 23:30
 - Thursday to Saturday from 12:00 to 02:30 (the following day).
 - The provision of regulated entertainment in the form of films, live and recorded music and performances of dance (both indoors and outdoors):
 - Sunday to Wednesday from 09:30 to 00:00 (midnight)
 - Thursday to Saturday from 09:30 to 03:00 (the following day).
 - The provision of regulated entertainment in the form of plays (indoors):
 - Sunday to Wednesday from 09:30 to 00:00 (midnight)
 - Thursday to Saturday from 09:30 to 03:00 (the following day).
 - Opening hours:
 - Sunday to Wednesday from 09:30 to 00:00 (midnight)
 - Thursday to Saturday from 09:30 to 03:00 (the following day).
 - Additional non-standard timings:
 - On the occasion of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Year's Day (when it falls on a weekday) and on bank holidays, when we would

normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday.

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

Designated premises supervisor

13. The designated premises supervisor (DPS) under the existing premises licence is Peter Weidmann, holding a personal licence with the London Borough of Brent.

Representations from responsible authorities

14. The Metropolitan Police Service have made a representation with concerns of the location of the premises and that the hours applied for are significantly outside of the Southwark licensing policy. The police believe that the hours applied for are excessive and could potentially increase antisocial behaviour in the area.
15. The Southwark environmental protection team (EPT) have made a representation under the licensing objective of the prevention of public nuisance. The concerns are raised in relation to the proximity to residential addresses and the egress of noise and the likelihood of potential complaints. They also make reference to the effect of the increase of accommodation limits. Finally, the hours are considered to be excessive.
16. Southwark public health (PH) have also made a representation. The concerns are raised in relation to the extension of hours outside of the Southwark licensing policy and the potential for alcohol-related harm from a late-night premises.
17. The licensing authority (LA) have made representation under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The application is inconsistent with the hours in relation to the Southwark licensing policy and if granted, would be inappropriate for this area.
18. The planning authority have not made a formal representation against the application, however, comments have been made and therefore the correspondence is attached for Member's information only. They state simply that planning permissions would be required for later hours and that the hours are not suitable for a premises in this location.
19. Copies of all the representations made by responsible authorities are available in Appendix C.

Representations from other persons

20. No representations have been received from other persons.

Conciliation

21. Copies of representations were provided to the Applicant's agent on 27 February 2018. At the point of publication of this report, the Applicant had not responded to the concerns of the responsible authorities.

Operating history

22. Multiple temporary event notices (TENs) have been issued to the premises since the original licence was granted.

| Applicant | Dates | Activities | Counter Notice |
|------------------|---|---|-----------------------|
| Roland Smith | From 18/02/2017 to 19/02/2017 18:00 - 23:30 18/02/2017 18:00 - 22:30 19/02/2017 | Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment | No |
| | From 18/03/2017 to 19/03/2017 18:30 - 23:00 18/03/2017 18:30 - 22:30 19/03/2017 | Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment | No |
| | From 04/04/2017 to 08/04/2017 19.00-23.00 each day | Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment | No |
| | From 24/06/2017 to 25/06/2017 12:00-02:00 | Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment | No |
| | From 31/12/2017 to 01/01/2018 19:00 - 05:00 | Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment | No |
| | From 16/12/2017 to 17/12/2017 19:00 - 03:00 | Sale by retail of alcohol to be consumed on the premises | No |
| | From 25/11/2017 to 26/11/2017 19:30 - 02:00 | Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment | No |

| Applicant | Dates | Activities | Counter Notice |
|-----------|---|---|----------------|
| | From 27/01/2018 to 28/01/2018 19:30 - 02:00 | Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment | No |

23. No complaints have been received by the council's licensing department in relation to this premises.

24. Visits conducted to the premises:

| Date | Time | Outcome |
|------------------|-------|---|
| 24 February 2018 | 20:24 | No licensable activities taking place. No on-site manager available. No inspection carried out. |
| 25 February 2018 | 21:12 | Premises closed |

Map

25. A map of the area is attached to this report as Appendix D. There are some licensed premises in the immediate vicinity:

Emukay Restaurant, 91 Camberwell Road, London SE5 0EZ, licenced for:

- The sale of alcohol (on and off sales):
 - Monday to Sunday from 10:00 to 02:00 (the following day).
- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 03:00 (the following day).
- The provision of regulated entertainment in the form of live music, recorded music and performances of dance (indoors):
 - Monday Sunday from 20:00 to 02:30.

Burgess Park and Adventure Playground, Albany Road and Camberwell Road, London SE5 0AH, licensed for:

- The provision of regulated entertainment in the form of live music, recorded music, films and plays (indoors):
 - Monday to Thursday from 10:00 to 21:00
 - Friday to Sunday from 10:00 to 22:00.

Canaan Restaurant, 163 Camberwell Road, London SE5 0HB, licensed for:

- The sale by retail of alcohol (on sales only)
 - Monday to Saturday from 11:00 to 00:00 (midnight)
 - Sunday from 12:00 to 23:30.

- The provision of late night refreshment (indoors):
 - Monday to Saturday from 23:00 to 00:30 (the following day)
 - Sunday from 23:00 to 00:00 (midnight).

Legacy Restaurant, 53 Camberwell Road, SE5 0EZ, licenced for:

- The sale by retail of alcohol (on sales):
 - Monday to Thursday from 10:00 to 00:30 (the following day)
 - Thursday to Sunday from 10:00 to 02:30 (the following day).
- The provision of late night refreshment (indoors):
 - Monday to Thursday from 23:00 to 00:30 (the following day)
 - Thursday to Sunday from 23:00 to 02:30 (the following day).
- The provision of regulated entertainment in the form of live music, recorded music and performances of dance (indoors):
 - Monday to Thursday from 18:00 to 00:30 (the following day)
 - Thursday to Sunday from 18:00 to 02:30 (the following day)

Abokobi Ghanaian Restaurant, 33 Camberwell Road, SE5 0EZ, licenced for:

- The sale by retail of alcohol (on sales only):
 - Monday to Sunday from 12:00 to 23:30.
- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 23:30.

Red Sea, 85 Camberwell Road, SE5 0EZ, licenced for:

- The sale by retail of alcohol (on sales only):
 - Sunday to Thursday from 12:00 to 23:00
 - Friday from 12:00 to 00:00 (midnight)
 - Saturday from 12:00 to 02:00 (the following day).
- The provision of late night refreshment (indoors)
 - Friday from 23:00 to 00:00 (midnight)
 - Saturday from 23:00 to 02:00 (the following day).

Southwark council statement of licensing policy

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

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
27. 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.
28. The premises fall within a residential area. The statement of licensing policy recommends the following closing times in respect of the types of premises stated:
- Restaurants, pubs, cafes, wine bars, theatres and cinemas:
 - Monday to Sunday 23:00
 - Night clubs (with Sui Generis planning classification) are not considered appropriate for residential areas.

Resource implications

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

Consultation

30. Consultation has been carried out in respect of this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper twice (there was an error on the initial advert; however, this was republished within the specified time period to the satisfaction of the Licensing Authority). A similar notice exhibited at the premises for a period of 28 consecutive days. This was inspected by a Licensing Officer during the consultation period and found to be compliant.

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

34. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
35. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
36. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
37. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- Add to, omit, and/or alter the conditions of the licence, or
 - Reject the whole or part of the application for variation.

Conditions

38. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the 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.

39. The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm.

40. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

41. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to 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.

42. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced 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.

43. 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

44. 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

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

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

- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
46. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

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

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

52. 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.
53. 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.
54. 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

55. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

| No. | 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 | 9 March 2018 | |
| 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 | | 12 March 2018 |

APPENDIX A

Licensing Act 2003 Premises Licence



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

Premises licence number

862037

Part 1 - Premises details

| Postal address of premises, or if none, ordnance survey map reference or description | |
|--|-----------------------------|
| Theatre Delicatessen Old Library 39 Wells Way London SE5 0PX Ordnance survey map reference (if applicable), 177699533030 | |
| Post town London | Post code SE5 0PX |
| Telephone number [REDACTED] | |

Where the licence is time limited the dates

Licensable activities authorised by the licence

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

The opening hours of the premises

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

| | |
|-----------|---------------|
| Monday | 09:30 - 23:00 |
| Tuesday | 09:30 - 23:00 |
| Wednesday | 09:30 - 23:00 |
| Thursday | 09:30 - 23:00 |
| Friday | 09:30 - 00:00 |
| Saturday | 09:30 - 00:00 |
| Sunday | 09:30 - 22:30 |

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Plays - Indoors

| | |
|-----------|---------------|
| Monday | 09:30 - 23:00 |
| Tuesday | 09:30 - 23:00 |
| Wednesday | 09:30 - 23:00 |
| Thursday | 09:30 - 23:00 |
| Friday | 09:30 - 00:00 |
| Saturday | 09:30 - 00:00 |
| Sunday | 09:30 - 22:30 |

Films - Indoors and Outdoors

| | |
|-----------|---------------|
| Monday | 09:30 - 23:00 |
| Tuesday | 09:30 - 23:00 |
| Wednesday | 09:30 - 23:00 |
| Thursday | 09:30 - 23:00 |
| Friday | 09:30 - 00:00 |
| Saturday | 09:30 - 00:00 |
| Sunday | 09:30 - 22:30 |

Live Music - Indoors and Outdoors

| | |
|-----------|---------------|
| Monday | 09:30 - 23:00 |
| Tuesday | 09:30 - 23:00 |
| Wednesday | 09:30 - 23:00 |
| Thursday | 09:30 - 23:00 |
| Friday | 09:30 - 00:00 |
| Saturday | 09:30 - 00:00 |
| Sunday | 09:30 - 22:30 |

Recorded Music - Indoors and Outdoors

| | |
|-----------|---------------|
| Monday | 09:30 - 23:00 |
| Tuesday | 09:30 - 23:00 |
| Wednesday | 09:30 - 23:00 |
| Thursday | 09:30 - 23:00 |
| Friday | 09:30 - 00:00 |
| Saturday | 09:30 - 00:00 |
| Sunday | 09:30 - 22:30 |

Performance of Dance - Indoors

| | |
|-----------|---------------|
| Monday | 09:30 - 23:00 |
| Tuesday | 09:30 - 23:00 |
| Wednesday | 09:30 - 23:00 |
| Thursday | 09:30 - 23:00 |
| Friday | 09:30 - 00:00 |
| Saturday | 09:30 - 00:00 |
| Sunday | 09:30 - 22:30 |

Entertainment Similar to live/recorded music / dance - Indoors

| | |
|-----------|---------------|
| Monday | 09:30 - 23:00 |
| Tuesday | 09:30 - 23:00 |
| Wednesday | 09:30 - 23:00 |
| Thursday | 09:30 - 23:00 |
| Friday | 09:30 - 00:00 |
| Saturday | 09:30 - 00:00 |
| Sunday | 09:30 - 22:30 |

Sale by retail of alcohol to be consumed on premises

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

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

Curvingroad
 Old Library, 3
 9 Wells Way,
 London,
 SE5 0PX

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

06114448

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

Peter Wiedmann

[REDACTED]

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

Licence No. [REDACTED]
 Authority L.B of Brent

Licence Issue date 23/01/2018

[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

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

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

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

305 That signage on entrance/exit requesting customers to respect neighbours and leave quietly shall be prominently displayed;

340 That customers shall not use the outside area after 22:00 other than those who go to the designated smoking area to smoke and limited to no more than 10 persons. No beverages will be permitted outside of the premises;

341 That the premises shall have cigarette receptacles made available in the designated smoking area;

342 That on any night that the venue is in operation after 23:00 the venue will employ at least one SIA registered door supervisor from 20:00 until the terminal hour or until all the patrons have left the premises. They will be briefed by the DPS or duty manager at the start of each tour of duty, their start time, details and badge numbers will be recorded in a register which will be available for inspection on request by the police or authorised officers;

343 That there shall be a maximum accommodation limit of 75 people, excluding staff, at any one time on the premises;

344 That the premises shall comply with a written dispersal policy, a copy of which shall be kept at the premises with the premises licence and will be made available to officers of the police or licensing authority immediately on request;

345 That there shall be no deliveries other than between the hours of 09:00 and 19:00;

346 That waste that has not been collected before 22:00 shall be stored in the premises until the following day;

347 That there shall be no more than 10 smokers in the designated smoking area at any one time and cigarette receptacles shall be made available.

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. Sundays immediately prior to Bank Holidays shall replicate the hours of a regular Friday - from 09:30 to 00:00 (midnight).

113 This licence allows for the premises to remain open for the sale or supply of alcohol on the premises for non standard timings as stated below on the following days: Sundays immediately prior to Bank Holidays shall replicate the hours of a regular Friday - from 12:00 to 23:30.

114 This licence allows for the premises to extend the following licensable activities; for non standard timings as stated below on the following days: Plays indoors, Sundays immediately prior to Bank Holidays shall replicate the hours of a regular Friday - from 09:30 to 00:00 (midnight). Films indoors, On Halloween (31 October) late night/midnight showings of films until 02:00 (the following day) shall be permitted Sundays immediately prior to Bank Holidays shall replicate the hours of a regular Friday - from 09:30 to 00:00 (midnight). Live Music Indoors/outdoors, Sundays immediately prior to Bank Holidays shall replicate the hours of a regular Friday – from 09:30 to 00:00 (midnight). During the summer, it is permitted to stage live music in the 'patio' space immediately in front of the Old Library building in conjunction with wider Burgess Park activities (e.g. the Camberwell Fair) limited to May to September from 12:00 to 20:00. Recorded Music and anything similar description indoors, On Sundays immediately prior to Bank Holidays, the applicant would like to requires timings to replicate that of a regular Friday - from 09:30 to 00:00 (midnight). Performance of dance indoors, Sundays immediately prior to Bank Holidays shall replicate the hours of a regular Friday - from 09:30 to 00:00 (midnight).

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

Annex 4 - Plans - Attached

Licence No. 862037

Plan No. N/A

Plan Date N/A

APPENDIX B

26/01/2018

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

Ref No. 962869

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

| | |
|-------------------------|-------------|
| | CurvingRoad |
| Premises licence number | 857507 |

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

| | |
|---|---------|
| £ | £23,500 |
|---|---------|

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

| | |
|-------------------------------|---|
| Address Line 1 | OLD LIBRARY |
| Address Line 2 | 39 WELLS WAY |
| Town | LONDON |
| County | |
| Post code | SE5 0PX |
| Ordnance survey map reference | |
| Description of the location | Edwardian Library now a community arts centre |
| 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>The proposed variation would extend the opening hours of the premises on weekends, as well as initiate non-standard timings for weeknights that fall on bank and public holidays.</p> <p>The variation would also increase the accommodation limit set out in the conditions of the license from 75 to 120 people, not including staff.</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

| | |
|--|--|
| | |
|--|--|

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)

| | |
|--|-----|
| | N/A |
|--|-----|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 09:30 | 00:00 |
| Tues | 09:30 | 00:00 |
| Wed | 09:30 | 00:00 |
| Thur | 09:30 | 03:00 |
| Fri | 09:30 | 03:00 |
| Sat | 09:30 | 03:00 |
| Sun | 09:30 | 00:00 |

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)

| | |
|--|---|
| | On the occasion of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Year's Day (when it falls on a weekday) and on bank holidays, when we would normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday. |
|--|---|

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

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|-----|
| | N/A |
|--|-----|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 09:30 | 00:00 |
| Tues | 09:30 | 00:00 |
| Wed | 09:30 | 00:00 |
| Thur | 09:30 | 03:00 |
| Fri | 09:30 | 03:00 |
| Sat | 09:30 | 03:00 |
| Sun | 09:30 | 00:00 |

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)

| | |
|--|---|
| | On the occasion of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Year's Day (when it falls on a weekday) and on bank holidays, when we would normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday. |
|--|---|

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

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|-----|
| | N/A |
|--|-----|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 09:30 | 00:00 |
| Tues | 09:30 | 00:00 |
| Wed | 09:30 | 00:00 |
| Thur | 09:30 | 03:00 |
| Fri | 09:30 | 03:00 |
| | 09:30 | 03:00 |
| Sat | 09:30 | 03:00 |
| Sun | 09:30 | 00:00 |

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)

| | |
|--|---|
| | On the occasion of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Year's Day (when it falls on a weekday) and on bank holidays, when we would normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday. |
|--|---|

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

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|-----|
| | N/A |
|--|-----|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 09:30 | 00:00 |
| Tues | 09:30 | 00:00 |
| Wed | 09:30 | 00:00 |
| Thur | 09:30 | 03:00 |
| Fri | 09:30 | 03:00 |
| Sat | 09:30 | 03:00 |
| Sun | 09:30 | 00:00 |

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)

| | |
|--|---|
| | On the occasion of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Year's Day (when it falls on a weekday) and on bank holidays, when we would normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday. |
|--|---|

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

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|-----|
| | N/A |
|--|-----|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 09:30 | 00:00 |
| Tues | 09:30 | 00:00 |
| Wed | 09:30 | 00:00 |
| Thur | 09:30 | 03:00 |
| Fri | 09:30 | 03:00 |
| Sat | 09:30 | 03:00 |
| Sun | 09:30 | 00:00 |

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)

| | |
|--|---|
| | On the occasion of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Year's Day (when it falls on a weekday) and on bank holidays, when we would normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday. |
|--|---|

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

| | |
|--|--|
| | We are a charity arts organisation and support a wide variety of artists. Sometimes their work defies easy categorisation. We help create immersive theatrical experiences that combine elements of performance art, theatre, dance, music, poetry, film, and VR. These forms may be on the vanguard of artistic creation, but would be of a similar description to other licensable activities. |
|--|--|

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

| | |
|--|------|
| | Both |
|--|------|

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

| | |
|--|-----|
| | N/A |
|--|-----|

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 | 09:30 | 00:00 |
| Tues | 09:30 | 00:00 |
| Wed | 09:30 | 00:00 |
| Thur | 09:30 | 03:00 |
| Fri | 09:30 | 03:00 |
| Sat | 09:30 | 03:00 |
| Sun | 09:30 | 00:00 |

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)

| | |
|--|---|
| | On the occasion of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Year's Day (when it falls on a weekday) and on bank holidays, when we would normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday. |
|--|---|

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 | 12:00 | 23:30 |
| Tues | 12:00 | 23:30 |
| Wed | 12:00 | 23:30 |
| Thur | 12:00 | 02:30 |
| Fri | 12:00 | 02:30 |
| Sat | 12:00 | 02:30 |
| Sun | 12:00 | 23:30 |

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)

| | |
|--|---|
| | On the occasion of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Year's Day (when it falls on a weekday) and on bank holidays, when we would normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday. |
|--|---|

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)

| | |
|--|---|
| | <p>The proposed extension of hours should give no further rise to concern in respect of children, as we would normally expect them to be at home and/or supervised at the hours in question. In any case, children are not allowed on the premises beyond 22:00 and never unattended by a responsible adult.</p> <p>There may, from time to time, be entertainment, including plays or films, with adult themes or nudity. In these cases, access by children would be restricted.</p> <p>With respect to the sale of alcohol, Theatre Deli operates a "Challenge 25" policy. - a scheme that encourages anyone who is over 18 but looks under 25 to carry acceptable ID when they want to buy alcohol.</p> |
|--|---|

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

| Day | Start | Finish |
|------|-------|--------|
| Mon | 09:30 | 00:00 |
| Tues | 09:30 | 00:00 |
| Wed | 09:30 | 00:00 |
| Thur | 09:30 | 03:00 |
| Fri | 09:30 | 03:00 |
| Sat | 09:30 | 03:00 |
| Sun | 09:30 | 00:00 |

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)

| | |
|--|---|
| | <p>The premises do not operate these opening hours every day. Rather, we host regular events, primarily on weekends and public holidays, and would like to be able to operate at these hours on those occasions.</p> <p>On the occasion of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Year's Day (when it falls on a weekday) and on bank holidays, when we would normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday.</p> |
|--|---|

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.

| | |
|--|-----|
| | N/A |
|--|-----|

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

| | |
|--|---|
| | <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>4.</p> <p>4.1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>4.2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—</p> <p>4.2.1. games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>4.2.1.1. 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</p> <p>4.2.1.2. drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>4.2.2. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);</p> <p>4.2.3. 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;</p> <p>4.2.4. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—</p> <p>4.2.4.1. the outcome of a race, competition or other event or process, or</p> <p>4.2.4.2. (ii) the likelihood of anything occurring or not occurring;</p> <p>4.2.5. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.</p> <p>5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).</p> <p>6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.</p> <p>7.</p> <p>7.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.</p> <p>7.2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.</p> <p>8. The responsible person shall ensure that—</p> <p>8.1. 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—beer or cider: ·1/2 pint; gin, rum, vodka or whisky: ·25 ml or 35 ml; ·and still wine in a glass: 125 ml; and</p> <p>8.2. customers are made aware of the availability of these measures.</p> |
|--|---|

| | |
|--|---|
| | <p>8.3. A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.</p> |
|--|---|

b) the prevention of crime and disorder

| | |
|--|--|
| | <p>Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.</p> <p>No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.</p> <p>A CCTV system will be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and cover the main public areas;</p> <p>All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request immediately;</p> <p>All staff are trained in their responsibilities under the licensing act 2003 and training records should be kept and signed, these records shall be updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council;</p> <p>Signage on entrance/exit requesting customers to respect neighbours and leave quietly shall be prominently displayed;</p> <p>Customers shall not use the outside area after 22:00 other than those who go to the designated smoking area to smoke and limited to no more than 10 persons. No beverages will be permitted outside of the premises</p> |
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c) public safety

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| | <p>Audience numbers shall be strictly limited.</p> <p>Public access areas will be clearly signed, and no members of the public will be admitted to "private areas". This will be managed by a team of Front of House staff.</p> <p>The operators of the business and/or the licensees shall ensure that any capacity limits set for the premises is properly monitored at all times. Information regarding the capacity shall be given to an authorised officer or Police Officer on request</p> <p>The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.</p> <p>No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.</p> <p>NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.</p> |
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| | <p>The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.</p> <p>The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.</p> <p>All exit doors shall be available at all material times without the use of a key, code, card or similar means.</p> <p>All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.</p> |
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d) the prevention of public nuisance

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| | <p>There shall be no sales of alcohol for consumption off the premises.</p> <p>No one who appears to be drunk shall be sold alcohol by the bar staff.</p> <p>Music shall not be played at a level that will cause unreasonable disturbance to the occupants of any property in the vicinity.</p> <p>All windows and external doors shall be kept closed when regulated entertainment and/or rehearsals are taking place and in any event after 21:00 hours, except for immediate access and egress of persons.</p> <p>Loudspeakers shall not be located in the entrance lobby or outside the premises building.</p> <p>No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p> <p>Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.</p> <p>Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.</p> <p>No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.</p> <p>A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.</p> <p>Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime)</p> |
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e) the protection of children from harm

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| | <p>Staff shall challenge anyone who looks under 25 years to prove their age by presentation of recognised identification</p> <p>Ticket sales to performances dealing with issues of an adult nature shall be restricted to over 16 year olds</p> |
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If the plan of the premises are varying please upload a plan of the premises,

| | |
|-----------------------|--|
| Upload proposed plans | |
| Upload existing plans | |

Checklist

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| | 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 | 200003453340, , |
| AuthCode | 000651 |
| 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 | Peter Wiedmann |
| Date (DD/MM/YYYY) | 26/01/2018 |
| Capacity | Venue Manager |

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 | Peter Wiedmann Theatre Deli 39 Wells Way SE5 0PX |
| Telephone No. | ██████████ |

| | |
|--|------------|
| If you prefer us to correspond with you by e-mail, your email address (optional) | [REDACTED] |
|--|------------|

Please tick to indicate agreement

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

I agree to the above statement

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

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



APPENDIX C

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: MD21/3100/18

Date: 26th February 2018

Dear Sir/Madam

Re:- Theatre Delicatessen, 39 Wells way, London SE5 0PX

Police are in possession of an application from the above for a variation to their current licence that was granted in 2017. The original application applied for was for a 01.00 terminal hour and was granted at 00.00hrs with a number of conditions.

The application seeks to increase the hours for licensable activities and opening hours to 03.00hrs Thursday to Saturday and 00.00hrs Sunday to Wednesday.

I note that the premise sits within a residential area as defined by Southwark's statement of licensing Policy. The closing time for what is described by the applicant would be 23.00hrs 7 nights a week as per policy and as such that granted already is outside the policy.

The application has asked for a terminal hour of 03:00 on both Thursday, Friday & Saturday Nights and had offered no conditions to negate any impact the later hours would have on anti-social behaviour, crime and disorder in the area.

I also note the application is for the provision of regulated entertainment both indoors and outside. This also could be a potential issue with noise complaints.

The major concern from the Police is the potential ASB issues caused by patrons leaving, and any related crime and disorder associated with the extended permitted hours for the supply of alcohol. No conditions have been offered by the applicant to even attempt to negate these issues.

It is for these reasons that I recommend that the application to vary the premises licence is refused.

Yours Sincerely

PC Graham WHITE 288MD
 Southwark Police Licensing Unit

MEMO: Environmental Protection Team

| | | | | | |
|---------------|---------------------------------|------------------|---------------|------------|---------------|
| To | Regen.licensing; | Date | 23 2 18 | | |
| Copies | peter@theatredelicatessen.co.uk | | | | |
| From | Ken Andrews | Telephone | 020 7525 4258 | Fax | 020 7525 5728 |
| Email | Ken.andrews@southwark.gov.uk | | | | |

Subject **Theatre Delicatessen -39 Wells Way SE 5 APP 871066 (EPRA)**
representation

EPRA have considered an application to vary premises licence for 39 Wells Way SE5 and would like to make representation under the prevention of public nuisance licensing objectives.

The proposed variation is to extend the opening hours of the premises on weekends, as well as initiate non-standard timings for weeknights that fall on a bank and public holidays.

Also to increase the accommodation limit from 75 to 120 people, not including staff.

The proposed changes will extend opening hours to 00:00 Sun-Wed and 03:00 Fri – Sat.

EPRA is concern that the use of live and recorded music in particular outdoors and the increase in the number of the patrons can cause a public nuisance especially if they are carried out during the early hours of the morning as proposed where the background noise level will be much lower.

The premises is located about 100 meters from residential properties. Also, the applicant has not submitted any noise assessment to show the likely noise impact of the events on the nearby premises.

Taking the above into consideration EPRA would ask the applicant to demonstrate how the events, in particular, the outdoor live entertainment will not cause a nuisance to nearby residents.

If the committee decides on any time extensions, EPRA will recommend that no live or recorded music is played outdoors beyond 2300. EPRA also suggest that the applicant undertake an acoustic assessment to determine the levels of sound escape and how, if ever, it can be controlled.

Ken Andrews - Principal Environmental Health Officer

Heron, Andrew

From: Regen, Licensing
Sent: 26 February 2018 12:21
To: Jerrom, Charlie
Cc: Heron, Andrew
Subject: FW: Consultation - Old Library 39 Wells Way

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Monday, February 26, 2018 11:47 AM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Consultation - Old Library 39 Wells Way

To whom it may concern:

Re: Theatre Delicatessen, 39 Wells Way, London SE5 0PX

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 venue.

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

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

The applicant requests to vary their current license to extend the hours for alcohol sales to 12:00-23:30 on Sundays to Wednesdays and 12:00 – 02:30 on Thursdays to Saturdays.

The applicant describes the premises as a charity and arts venue but I would like to request more detail as to the intended activities for this venue to the early hours of the morning. The hours requested align more with those typically associated with a nightclub. Nightclubs are not considered suitable for this area of the borough and Southwark's Statement of Licensing Policy recommends a closing time for all licensed premises in this part of the borough of 23:00.

I would request the applicant provides more details as to the intended activities for this venue to justify the hours requested. As it stands I recommend this application is rejected.

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

Yours sincerely,

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

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

MEMO: Licensing Unit

| | | | | |
|--------|-----------------------------|-----------|------------------|-----|
| To | Licensing Unit | Date | 26 February 2018 | |
| Copies | | | | |
| From | Jayne Tear | Telephone | 020 7525 0396 | Fax |
| Email | jayne.tear@southwark.gov.uk | | | |

Subject Re: Theatre Delicatessen, Old Library, 39 Wells Way, London, SE5 0PX
 – Application to vary a premises licence

I write with regards to the above application for a premises licence submitted by Curvingroad Limited (t/a Theatre Delicatessen) under the Licensing Act 2003, seeks to extend the hours for the following licensable activities:

- Plays (indoors) on Monday to Wednesday from 23:00 to 00:00, Thursday from 23:00 to 03:00 the following day, Friday and Saturday from 00:00 to 03:00 the following day and on Sunday from 22:00 to 00:00
- Films, (indoors and outdoors) on Monday to Wednesday from 23:00 to 00:00, Thursday from 23:00 to 03:00 the following day, Friday and Saturday from 00:00 to 03:00 the following day and on Sunday from 22:00 to 00:00
- Live Music (indoors and outdoors) on Monday to Wednesday from 23:00 to 00:00, Thursday from 23:00 to 03:00 the following day, Friday and Saturday from 00:00 to 03:00 the following day and on Sunday from 22:00 to 00:00
- Recorded Music (indoors and outdoors) on Monday to Wednesday from 23:00 to 00:00, Thursday from 23:00 to 03:00 the following day, Friday and Saturday from 00:00 to 03:00 the following day and on Sunday from 22:00 to 00:00
- Performance of Dance (indoors) on Monday to Wednesday from 23:00 to 00:00, Thursday from 23:00 to 03:00 the following day, Friday and Saturday from 00:00 to 03:00 the following day and on Sunday from 22:00 to 00:00
- Anything of a similar description to live music, recorded music and performance of dance (indoors) on Monday to Wednesday from 23:00 to 00:00, Thursday from 23:00 to 03:00 the following day, Friday and Saturday from 00:00 to 03:00 the following day and on Sunday from 22:00 to 00:00
- Supply of alcohol (on the premises) on Monday to Wednesday from 23:00 to 00:00, Thursday from 23:00 to 03:00 the following day, Friday and Saturday from 00:00 to 03:00 the following day and on Sunday from 22:00 to 00:00
- Overall opening times shall be on Monday to Wednesday from 09:30 to 00:00, Thursday from 09:30 to 03:00 the following day, Friday and Saturday from 09:30 to 03:00 the following day and on Sunday from 09:30 to 00:00

Non Standard timings requested as follows:

- For all licensable activities and opening hours – on the occasions of public holidays that do not fall on weekends, we would like to extend hours to 03:00. For example, on New Years Day (when it falls on a weekday) and on bank holidays, when we would normally have stopped licensable activities the previous evening, we would like to extend activities to 03:00 on the day of the holiday

The existing premises licence which was issued on 23/1/2018 was described in that application as:

'The Old Library (39 Wells Way, SE5 OPX) Is a community space within a Grade II listed building located in the centre of Burgess Park. The building consists of an open plan ground floor space with high ceilings, originally conceived as a public library, but latterly used as a 'pop up' community arts space. The building is owned by Southwark Property Team, and has been leased to Theatre Delicatessen for 3 years with the aim of creating a multi-use community and public performance space. This will comprise: a small performance studio, a theatre cafe, serving building users, audiences and members of public using the wider park, a rehearsal events space open to use by local organisations and London theatre companies. The space will be sub-divided using theatre curtains, with the intention of enabling a number of flexible configurations'.

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2016 - 2020.

The premises is situated in a residential area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for Restaurants, Cafes, Public Houses, Wine bars, other drinking establishments or for **Cinemas and Theatres is 23:00 hours daily**

The premises licence was granted by the licensing sub- committee on 30 March 2017 and was given generous hours.

The premises is close to local resident's who could be disturbed by patrons leaving the premises late at night. I object to the granting of the extended hours asked for within this application under the prevention of crime and disorder and public nuisance licensing objectives as the operation of the premises and of people leaving the premises even later at night could impact upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises and the possible impact of any rowdy and anti-social behaviour or crime and disorder.

Furthermore the hours applied for are in excess of what it deemed appropriate for this area within the statement of licensing policy and the applicant has offered no further control measures within the operating schedule to address the licensing objectives should the licence be granted.

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

I may submit further information at a later stage in support of this representation.

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

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

**Chief executive's department**

Planning division

5th floor, hub 2

PO Box 64529

LONDON SE1P 5LX

EH & TS Licensing Unit
160 Tooley Street
Hub 2 3rd Floor
SE1 2H

Your Ref: tp/2194-b**Our Ref:** 18-CE-00093**Contact:** Alison Brittain**Telephone:** 020 7525 5427**Fax:** 020 3357 3101**E-Mail:** planning.enquiries@southwark.gov.uk**Web Site:** <http://www.southwark.gov.uk>**Date:** 07/02/2018

Dear Sir/Madam

Premises Licensing re:

OLD LIBRARY, 39 WELLS WAY, LONDON, SE5 0PX

Summary description: Variation**Date Received:** 22/01/2018

Thank you for the consultation on the above.

I understand that the licence relates to a variety of arts and entertainment uses, with latest hours being 3am on Friday and Saturday nights.

Having checked the planning history, I have not found a planning permission specifically relating to these uses. The applicant should ensure that they are operating within the planning uses permitted within the building, and from what I have seen, it is my view that planning permission may be necessary.

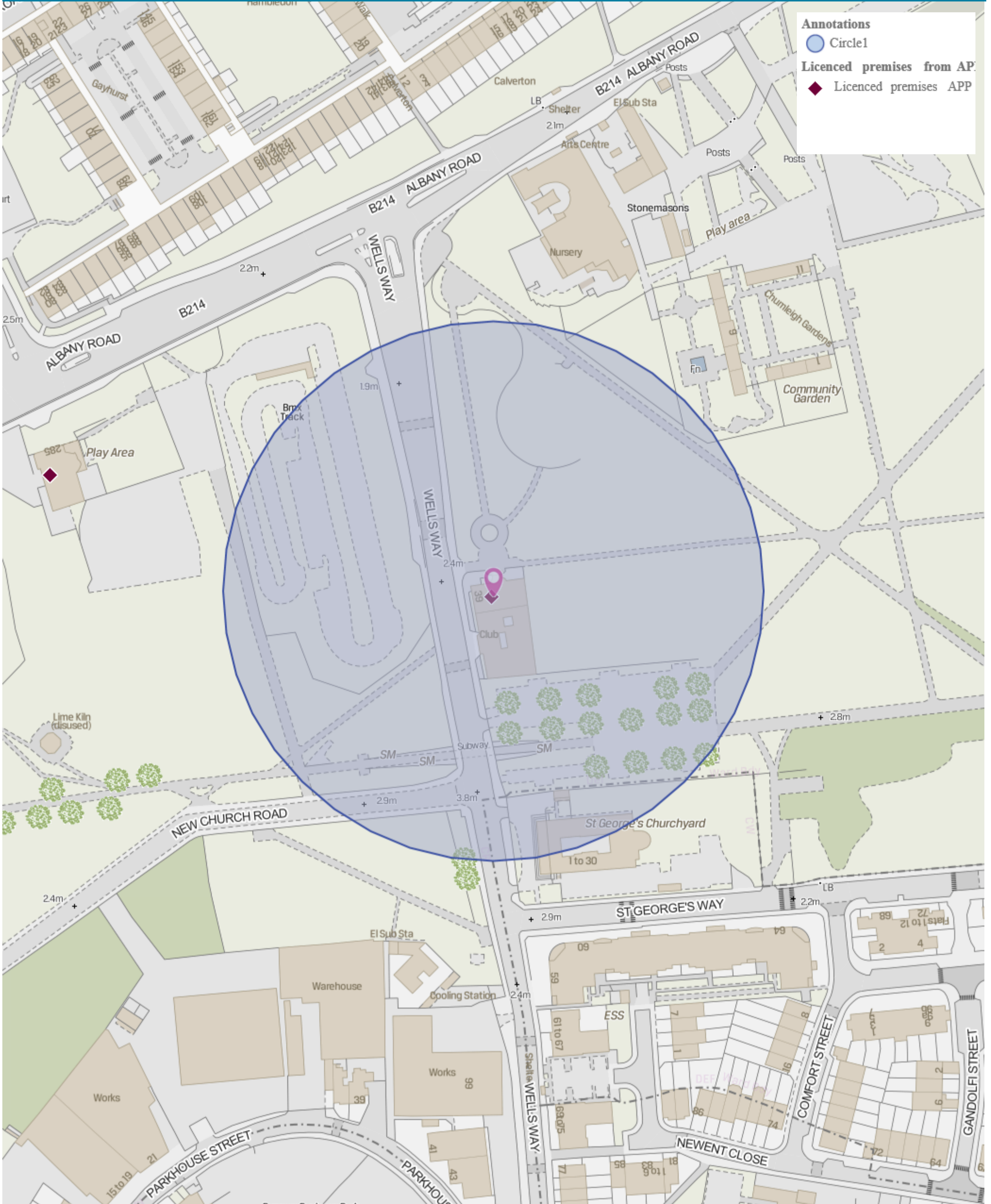
The latest closing times are very late and there is residential accommodation fairly close by. This area is not well served by public transport and should crowds leave late at night, it is probable that some noise disturbance may arise.

Whilst I do not wish to make formal objections raising licensing objectives, I consider that the late opening hours are excessive in this location.

Yours faithfully

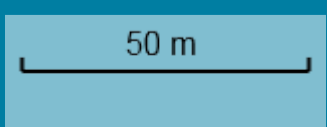
Alison Brittain

DC Group Manager - East -Team 1



Annotations

- Circle 1
- Licenced premises from AP
- Licenced premises APP



Scale = 1 : 1323.000
13-Mar-2017

LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2017-18

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Andrew Weir - Tel: 020 7525 7222

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| Councillor Jon Hartley | 1 | Jayne Tear, licensing team | 1 |
| | | Carolyn Sharpe, public health team | 1 |
| Reserve | | Ken Andrews, environmental protection team | 1 |
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