

Licensing Sub-Committee

Friday 6 April 2018

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Sandra Rhule

Reserves

Councillor Lorraine Lauder MBE

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: 27 March 2018



Licensing Sub-Committee

Friday 6 April 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: BRICK BREWERY, RAILWAY ARCH 209, BLENHEIM GROVE, LONDON SE15 4QL	1 - 60
6.	LICENSING ACT 2003: FLAT IRON, 112-116 TOOLEY STREET, LONDON SE1 2TH	61 - 99
7.	LICENSING ACT 2003: THEO'S, 2-4 GROVE LANE, LONDON SE5 8SY	100 - 133

Item No.	Title	Page No.
8.	LICENSING ACT 2003: THEO'S, (GROUND FLOOR DRAPER HOUSE) 17-19 ELEPHANT AND CASTLE, LONDON, SE1 6TH	134 - 165

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: 27 March 2018

Item No. 5.	Classification: Open	Date: 6 April 2018	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Brick Brewery, Railway Arch 209, Blenheim Grove, London SE15 4QL	
Ward(s) or groups affected:		The Lane	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Ian Stewart to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Brick Brewery, Railway Arch 209, Blenheim Grove, London SE15 4QL.
2. Notes:
 - The application seeks to vary the premises licence held under the Licensing Act 2003 in respect of the premises known as: Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL under section 34 of the Act. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and / or other persons and is therefore referred to the sub-committee for determination.
 - Paragraphs 10 to 15 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as appendix B. A map showing the location of the premises is attached as Appendix E.
 - Paragraphs 17 to 22 of this report summarise the representations submitted in respect of the application. Copies of the representations and related correspondence are attached in Appendix C.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, this council wholly administers the licensing responsibility.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence in respect of the premises known as Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL was issued on 22 October 2013 and allows the following licensable activities:
- The sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday between 11:00 and 22:30
 - Opening hours:
 - Monday to Sunday between 11:00 and 23:00
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 11 January 2018 Ian Stewart 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 Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL.
11. The application is summarised as follows:
- To amend the hours permitted for the sale of alcohol on the following days as stated:
 - Monday no change
 - Tuesday and Wednesday 17:00 to 23:00
 - Thursday 12:00 to 23:00
 - Friday & Saturday 12:00 to 00:00

- Sunday 12:00 to 23:00.
 - To allow for the provision of live music as follows:
 - Tuesday to Sunday 17:00 to 22:30.
 - To allow for the provision of recorded music as follows:
 - Tuesday and Wednesday 17:00 to 23:00
 - Thursday 12:00 to 23:00
 - Friday & Saturday 12:00 to 00:00
 - Sunday 12:00 to 23:00.
 - To amend the opening hours of the premises to:
 - Monday no change
 - Tuesday and Wednesday 17:00 to 23:00
 - Thursday 12:00 to 23:00
 - Friday and Saturday 12:00 to 00:00
 - Sunday 12:00 to 23:00.
12. The application form provides the applicant's operating schedule. Parts E, F, J, K, L and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should an amended premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be included in the licence.
13. On 25 January 2018 the applicant modified the application as follows:
- To amend the hours permitted for the sale of alcohol to:
 - Sunday to Thursday 11:00 to 23:00
 - Friday and Saturday 11:00 to 00:00 (midnight)
 - To amend the opening hours of the premises to:
 - Sunday to Thursday 11:00 to 23:30
 - Friday and Saturday 11:00 to 00:30 the following day
 - To allow for the provision of recorded music as follows:
 - Friday and Saturday 23:00 to 00:00.
 - To remove live music from the application.
14. Copies of the variation application and correspondence relating to the modification of the application are attached to this report as Appendix B.
15. The responsible authorities were informed of the above modification of the application.

Designated premises supervisor

16. The designated premises supervisor (DPS) under the existing premises licence is Ian Stewart.

Representations submitted by responsible authorities

17. Representations were submitted by this council's environmental protection team, this council's trading standards service, this council's licensing responsible authority and the Metropolitan Police Service.
18. The environmental protection team's representation was concerned with the likely effect of the proposed variation on the promotion of the prevention of public nuisance licensing objective. Subsequent to the modification of the application the environmental protection team withdrew their application.
19. The trading standards representation proposed that various conditions in regards to the implementation of a challenge 25 policy be included in the application and that clarification as to the possible removal or modification of condition 343 of the premises licence be provided. The applicant agreed to the conditions proposed by the trading standards service and also requested that condition 343 be removed from the licence and be replaced by two alternative conditions. Trading standards subsequently withdrew their representation.
20. The licensing responsible authority refers to the application as originally submitted and does not take into account the modification of the application. The representation was submitted in regards to the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The representation notes that the premises are situated in Peckham major town centre area and that the closing time recommended, in this council's statement of licensing policy, for public houses, wine bars or other drinking establishments in Peckham major town centre area is 23:00 Sunday to Thursday and 00:00 Friday and Saturday. The representation notes that the premises are subject to the Peckham cumulative impact policy. The representation requests that an accommodation limit and dispersal policy be provided and that two conditions relating to 'off sales' at the premises are included in the application.
21. The Metropolitan Police Service's representation proposed that a condition relating to the provision of SIA registered door supervisors at the premises be included in the application. The applicant agreed to the inclusion of the condition in the application and the Metropolitan Police Service withdrew their representation.

Representations submitted by 'other persons'

22. One representation was submitted by one other person, the other person being a local resident. The representation implies that the proposed extension of operating hours would be likely to lead to an increase in noise, drunkenness and anti-social behaviour in the locale and objects strongly to the premises opening later than 23:00 on any night.

Conciliation

23. The applicant was sent copies of the representations and was advised to directly contact the responsible authorities and, if they so wished, to contact the other person via the licensing unit to facilitate conciliation of the responsible authorities and other person. Subsequent to the modification of the application the environmental protection team withdrew their representation. Further to conditions proposed by trading standards being accepted by the applicant trading standards withdrew their representation. Further to conditions proposed by the Metropolitan Police Service being accepted by the applicant the Metropolitan Police Service withdrew their representation.
24. The applicant has provided a response to the licensing responsible authority; however at the time of the writing of this report the licensing responsible authority's representation remains outstanding and must be considered by the licensing sub-committee. The licensing sub-committee will be informed at the hearing should the licensing responsible authority's representation be conciliated.
25. The applicant has provided responses to the other person, however the other person has maintained their representation which must therefore be considered by licensing sub-committee
26. Copies of the representations submitted and related correspondence are attached as Appendix C

Operating history

27. The current premises licence in respect of the premises was issued on 22 October 2013.
28. A list of all temporary event notices submitted in respect of the premises is attached in Appendix D.

Map

29. A map of the area is attached to this report as Appendix E. The premises are identified at the centre of the map. The following premises are in the area shown by the map:

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

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

Il Giardino Restaurant, 7 Blenheim Grove, London SE15 4QS licensed for:

- The sale of alcohol to be consumed on the premises
 - Monday to Saturday 11:00 to 00:00
 - Sunday 12:00 to 23:30.

- The provision of late night refreshment:
 - Monday to Saturday 23:00 to 00:00
 - Sunday 23:00 to 23:30.

Peckham Refreshment Rooms, 12-16 Unit 4 Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Friday 07:00 to 22:30
 - Saturday 09:00 to 23:30
 - Sunday 09:00 to 16:30.

Honest Burgers, 12-16 Unit 1 To 2 Blenheim Grove, London SE15 4QL licensed for:

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

Brick Brewery, Railway Arch 209, Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Friday 11:00 to 22:30.

Bar Story, Arch 213 Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday 10:00 to 00:00
 - Sunday 10:00 to 23:30.
- The provision of late night refreshment:
 - Monday to Saturday 23:00 to 00:30
 - Sunday 23:00 to 00:00.

Little Bird Gin Nights & Weekends, 22a Unit 1, Dovedale Business Centre Blenheim Grove, London SE15 4QN licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday 10:00 to 19:00.

- The sale of alcohol to be consumed off the premises:
 - Thursday to Sunday 10:00 to 22:00.

Serious Pig, Railway Arch 221 Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday 10:00 to 19:00.

McDonald's Restaurants Limited, 72-74 Rye Lane, London SE15 5DQ licensed for:

- The provision of late night refreshment
 - Sunday to Thursday 23:00 to 01:00
 - Friday and Saturday 23:00 to 02:00.

Coal Rooms, 11a Station Way, London SE15 4RX licensed for:

- Films, live music, recorded music and the sale of alcohol to be consumed on the premises:
 - Sunday to Thursday 10:00 to 00:00
 - Friday and Saturday 10:00 to 23:30.
- The provision of late night refreshment:
 - Sunday to Thursday 10:00 to 01:00
 - Friday and Saturday 10:00 to 00:00.

Bims African Store, 102 Rye Lane, London SE15 4RZ licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday 09:30 to 00:00.

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

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

Swaizie Food Store, 1A Choumert Road, London SE15 4SE licensed for:

- Sale of alcohol to be consumed off the premises:
 - Monday to Saturday: 08:00 to 22:00
 - Sunday: 10:00 to 22:30.

PeckhamPlex, 95A Rye Lane, London SE15 4ST licensed for:

- Films:
 - Sunday to Thursday 09:00 to 00:00
 - Friday and Saturday 09:00 - 02:00.
- The sale of alcohol to be consumed on the premises:
 - Monday to Thursday 14:00 to 22:00
 - Friday to Sunday 12:00 to 23:00.

Southwark council saturation policy for Peckham

30. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2016-2020 statement of licensing policy.
31. The decision to introduce saturation policy 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.
32. The effect of this special policy is that 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.
33. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

34. 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
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.
36. The premises fall within Peckham major town centre area. The statement of licensing policy recommends the following closing times in respect of the types of premises stated:
- **Public houses, wine bars or other drinking establishments:**
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00.

Resource implications

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

Consultation

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

Community impact statement

39. 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

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

Principles for making the determination

42. 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.
43. 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.
44. 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.
45. 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

46. 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.
47. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
48. 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.
49. 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.

50. 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.
51. 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

52. 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

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

54. 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

55. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
56. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
57. As a quasi-judicial body, the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
58. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
59. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
60. The sub-committee can only consider matters within the application that have been raised through representations from 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.
61. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.

62. 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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copies of the variation application and related correspondence
Appendix C	Copies of the representations submitted and related correspondence
Appendix D	List of temporary event notices submitted in respect of the premises
Appendix E	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration		
Report Author	Wesley McArthur, Principal Licensing Officer		
Version	Final		
Dated	22 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			23 March 2018

Licensing Act 2003 Premises Licence

APPENDIX A



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

Premises licence number

842576

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Brick Brewery Railway Arch 209 Blenheim Grove London SE15 4QL Ordnance survey map reference (if applicable), 176257534094	
Post town London	Post code SE15 4QL
Telephone number	

Where the licence is time limited the dates
--

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

The opening hours of the premises	
For any non standard timings see Annex 2	
Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 23:00
Sunday	11:00 - 23:00

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 Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities
For any non standard timings see Annex 2 of the full premises licence

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 22:30
Tuesday	11:00 - 22:30
Wednesday	11:00 - 22:30
Thursday	11:00 - 22:30
Friday	11:00 - 22:30
Saturday	11:00 - 22:30
Sunday	11:00 - 22:30

Sale by retail of alcohol to be consumed off premises

Monday	11:00 - 22:30
Tuesday	11:00 - 22:30
Wednesday	11:00 - 22:30
Thursday	11:00 - 22:30
Friday	11:00 - 22:30
Saturday	11:00 - 22:30
Sunday	11:00 - 22:30

Part 2

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

Ian Stewart

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

08194269

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

Ian Stewart

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

Licence No.

Authority

Licence Issue date 22/10/2013

Community Safety Enforcement
 Business Unit Manger
 Hub 2, 3rd Floor
 PO Box 64529
 London, SE1P 5LX
 020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

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

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

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

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

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

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

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

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

340 An incident log shall be kept at the premises with regards to, refusals, crime and nuisance and reviewed with police when needed.

341 No cash shall be kept on the premises overnight

342 Opening hours of the premises shall be clearly displayed.

343 Minors shall be refused entry to the premises

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

788 A CCTV system shall 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.

789 All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.

793 That all staff shall be trained in their responsibilities under the Licensing Act 2003 and training records shall be kept and updated every six months and shall, upon request be made immediately available to officers of the police and the council.

811 That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb residents.

812 That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette and no more than five people at any one time.

840 That no drinks be taken outside after 22:00.

Annex 4 - Plans - Attached

Licence No. 842576
Plan No. N/A
Plan Date August 2013

11/01/2018

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

Ref No. 954556

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

	Ian Stewart
Premises licence number	842576

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

£	7,200
---	-------

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

Address Line 1	RAILWAY ARCH 209 BLENHEIM GROVE
Address Line 2	
Town	LONDON
County	
Post code	SE15 4QL
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?

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

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

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

	<p>I would like to slightly change the hours of Sale by retail of alcohol to be consumed on and off premises and the opening hours.</p> <p>We are a local brewery and aim to expand and improve our tap room with sufficient indoor and outdoor space for consumption.</p> <p>We would like to have live music but only in the form of soft acoustic entertainment.</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

	e) live music
	f) recorded music

Provision of late night refreshment

--	--

Supply of alcohol

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

j) Supply of alcohol

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)

We do not have a structured plan for live music but would like to have the option of acoustic gigs. It could be that this happens outside in the summer. If the process is too difficult or is too costly we do not mind leaving it. We are focused on changing the hours

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

Day	Start	Finish
Mon		
Tues		
Wed		10:30
		10:30
Thur		10:30
		10:30
Fri		10:30
		10:30
Sat		10:30
		10:30
Sun		10:30
		10:30

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

Winter indoors, summer outdoors

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)

none

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)

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

	There has always been a sound system outside that plays music at a reasonable level, we have received no complaints.
--	--

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

Day	Start	Finish
Mon	17:00	23:00
Tues	17:00	23:00
Wed	17:00	23:00
Thur	12:00	00:00
Fri	12:00	00:00
Sat	12:00	00:00
Sun	12:00	00:00

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

	none
--	------

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)

	none
--	------

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

	Both
--	------

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

Day	Start	Finish
Mon		
Tues	17:00	23:00
Wed	17:00	23:00
Thur	12:00	00:00
Fri	12:00	00:00
Sat	12:00	00:00
Sun	12:00	23:00

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

--	--

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue	1700	2230			
Wed	1700	2230	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	1700	2230			
Fri	1700	2230			
Sat	1700	2230	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun	1700	2230			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue	1700	2300			
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	1700	2300			
Thur	1200	2300			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	1200	0000			
Sat	1200	0000			
Sun	1200	2300			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	X
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)			
Mon						
Tue	1700	2300				
Wed	1700	2300				
Thur	1200	2300				
Fri	1200	0000				
Sat	1200	0000				
Sun	1200	2300				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue	1700	2300	
Wed	1700	2300	
Thur	1200	2300	
Fri	1200	0000	
Sat	1200	0000	
Sun	1200	2300	
<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)			

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

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	17:00	23:00
Wed	17:00	23:00
Thur	12:00	00:00
Fri	12:00	00:00
Sat	12:00	00:00
Sun	12:00	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)

--	--

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.

	We have no restriction on our license other than the times stated on it for on and off sales - which we would like to extend
--	--

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

	We are prepared to close the front area outside earlier to prevent any unwanted noise and nuisance to the public, the bar will be indoors. We currently have security in place and ready for when our renovations are finished that also look after Bar Story and Peckham Springs beside us, this creates a safe and well monitored area for all. Customers will exit through the back area and past security, who make sure they do not carry drinks or bottles out with them. Staff are already trained in the Challenge 25 policy to check ID's of those who look underage and the Responsible Sale of Alcohol. We have been operating for 4 years already with only 1 minor issue from the council
--	--

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

	about glasses.
--	----------------

b) the prevention of crime and disorder

	<p>As stated above we will take all appropriate measures to ensure that the site is well monitored by CCTV and this is indicated by signage. On weekends we will have security on the doors to help us maintain a calm and friendly atmosphere. Staff are trained in the responsible sale of alcohol like when to refuse service when someone is drunk.</p> <p>We have a strict zero-tolerance policy on drugs.</p>
--	---

c) public safety

	<p>All health and safety risks will be documented in risk assessments after the renovation is finished and preventative measures will be taken. For example: Full fire safety plans will be posted and accessible as well as fire extinguishers. We are also a participant in the Southwark Women's Safety Charter which is in place to help Women who encounter sexual violence on their night out, all staff are aware of this and have read the literature.</p>
--	--

d) the prevention of public nuisance

	<p>As stated we are willing to close the outdoor space earlier to prevent any unwanted public nuisance. Customers will then have to pass by security twice in order to exit the arches which will be preventative. We aim to work as close as possible with the local community and attend any Pub Watch meetings.</p> <p>We have always played recorded music at a reasonable level and have had no complaints put to us in 4 years. We will continue to do this. Our sound system is not very powerful. On busy evenings security and staff will monitor capacity and noise level and assess situations on a case by case basis.</p> <p>Rubbish will be left out of the way in large bins collected once a week to the rear of the arch way. These are not in the way of the public or residents.</p>
--	---

e) the protection of children from harm

	We operate a strict Challenge 25 policy at the bar and no children are to be allowed on site after 9PM at the weekends. No minors are allowed to be on site unsupervised.
--	---

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.
--	--

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

	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	Ian Stewart
Date (DD/MM/YYYY)	11/01/2018
Capacity	Managing 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	Trudie Kee
Telephone No.	
If you prefer us to correspond with you by e-mail, your email address (optional)	

Please tick to indicate agreement

	I am a company or limited liability partnership
--	---

I agree to the above statement

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

	Yes
--	-----

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

From: McArthur, Wesley
Sent: Thursday, January 25, 2018 4:51 PM
To: 'Trudie Kee'
Subject: RE: Application to vary a premises licence - Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL (our ref: 861831)

Hi Trudie,

You can make the amendments to your application by confirming the following:

1. That you are removing live music from the application.
2. That you are now applying for recorded music between 23:00 and 00:00 in Friday and Saturday – indoors only.
3. That the hours sought in regards to the sale of alcohol are:

Sunday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 00:00

4. The opening hours sought are:

Sunday to Thursday	11:00 to 23:30
Friday and Saturday	11:00 to 00:30

Please ensure that the above details are correct and amend if required.

Regards,

Wesley McArthur

Principal Enforcement Officer
 London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

On 25-01-2018 16:58, McArthur, Wesley wrote:

Hi Trudie,

I have attached a public notice that reflects the hours stated in my previous email. Please amend if they are incorrect.

Regards,

Wesley McArthur

Principal Enforcement Officer
 London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From: Trudie Kee

Sent: Thursday, January 25, 2018 5:58 PM

To: McArthur, Wesley

Subject: RE: Application to vary a premises licence - Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL (our ref: 861831)

Importance: High

Can confirm this is all ok, thank you for that. I will get it printed and displayed ASAP.

Kind Regards,

Trudie

From: McArthur, Wesley

Sent: Friday, January 26, 2018 5:19 PM

To: SSCB; 'Ian.Clements@met.pnn.police.uk'; 'Graham.S.White@met.pnn.police.uk'; 'mark.A.Lynch@met.pnn.police.uk'; 'SouthwarkLicensing@met.pnn.police.uk'; 'firesafetyregulationSE@london-fire.gov.uk'; Planning.Enquiries; environmental protection; Regen, Trading Standards; Regen, OHS; Public Health Licensing; Pinder, Richard; Sharpe, Carolyn; 'Alcohol@homeoffice.gsi.gov.uk'; Newman, Paul; Tear, Jayne; 'alcohol@homeoffice.gsi.gov.uk'

Cc: Regen, Licensing

Subject: FW: Application to vary a premises licence - Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL (our ref: 861831)

Importance: High

Dear Responsible Authorities,

Please note that the applicant has amended the above application. The amendments to the application are as follows:

1. Live music is removed from the application
2. The timings in respect of recorded music are now 23:00 and 00:00 on Friday and Saturday only. Recorded music is to be indoors only.
3. That the hours sought in regards to the sale of alcohol are:

Sunday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 00:00

4. The opening hours sought are:

Sunday to Thursday	11:00 to 23:30
Friday and Saturday	11:00 to 00:30

Please note that the consultation period has been extended and now ends on 22 February 2018.

Admin' – please amend APP and the licensing register accordingly

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From: Newman, Paul
Sent: Thursday, January 25, 2018 10:53 AM
To:
Cc: Regen, Licensing
Subject: Brick Brewery Application to vary a premises licence EPT Ref 870001

Dear Trudie

**Brick Brewery Application to vary a premises licence
EPT Ref 870001**

Representation about the likely effect of the grant of the variation of the premises licence, on the promotion of the 'prevention of public nuisance' licensing objective (Licensing Act 2003 Sect 18(6))

I am considering your application to vary your premises licence on behalf of the Environmental Health Responsible Authority.

I notice that you have applied to have live and recorded music indoors and outdoors and extended opening hours and for supply of alcohol. I am concerned that amplified music outdoors at later hours may lead to complaints of noise nuisance. I am also concerned that unamplified music outdoors, especially after 11pm, could cause noise nuisance complaints.

Live music

I see that in your application you say that you would like to have live music, but only as soft acoustic entertainment. Later in the application you refer to 'acoustic gigs'.

The 'seasonal variations' summary panel of the application for live music has not been struck through, and refers to 'summer outdoors'. It is not clear from this at what seasonally varied hours you are expecting to have live music outdoors in the summer, and whether you are expecting to do this to your proposed opening hours of up to midnight on Fridays and Saturdays, please would you clarify?

Please would you also let me know any additional restrictions you would be prepared to accept, especially in relation to brass and percussion instruments used during outdoor acoustic gigs.

Recorded music

I see that you have asked for recorded music indoors and outdoors up to midnight. I am comfortable with indoors recorded music to these hours, however outdoors until midnight may cause complaints, and I would like to see recorded music outdoors finish earlier, and please would you kindly let me know what restrictions you would be prepared to accept?

Extended hours for supply of alcohol

As you will know, these premises are within Peckham Cumulative Impact Area, and therefore there is a presumption within the Statement of Licensing Policy against intensification of licensed activities. As approval of the variation would contravene the policy presumption against intensification, it is appropriate for a representation to be maintained on these grounds, so that this application may be considered by the Licensing Sub Committee. This gives the Sub Committee the

opportunity to consider whether you have given sufficient reasons why they should depart from their policy and allow this application.

I look forward to hearing from you

Kind regards

Paul Newman

Principal Environmental Health Officer

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

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

Tel: 020 7525 3551: | Fax: 020 7525 5705 | e mail: paul.newman@southwark.gov.uk

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

From: McArthur, Wesley

Sent: Friday, January 26, 2018 5:19 PM

To: SSCB; 'Ian.Clements@met.pnn.police.uk'; 'Graham.S.White@met.pnn.police.uk'; 'mark.A.Lynch@met.pnn.police.uk'; 'SouthwarkLicensing@met.pnn.police.uk'; 'firesafetyregulationSE@london-fire.gov.uk'; Planning.Enquiries; environmental protection; Regen, Trading Standards; Regen, OHS; Public Health Licensing; Pinder, Richard; Sharpe, Carolyn; 'Alcohol@homeoffice.gsi.gov.uk'; Newman, Paul; Tear, Jayne; 'alcohol@homeoffice.gsi.gov.uk'

Cc: Regen, Licensing

Subject: FW: Application to vary a premises licence - Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL (our ref: 861831)

Importance: High

Dear Responsible Authorities,

Please note that the applicant has amended the above application. The amendments to the application are as follows:

1. Live music is removed from the application
2. The timings in respect of recorded music are now 23:00 and 00:00 on Friday and Saturday only. Recorded music is to be indoors only.
3. That the hours sought in regards to the sale of alcohol are:

Sunday to Thursday 11:00 to 23:00

Friday and Saturday 11:00 to 00:00

4. The opening hours sought are:

Sunday to Thursday 11:00 to 23:30

Friday and Saturday 11:00 to 00:30

Please note that the consultation period has been extended and now ends on 22 February 2018.

Admin' – please amend APP and the licensing register accordingly

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From: Newman, Paul

Sent: Monday, January 29, 2018 9:16 AM

To:

Cc: Regen, Licensing; McArthur, Wesley

Subject: RE: Application to vary a premises licence - Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL (our ref: 861831)

Dear Trudi

Further to your correspondence below with Wesley, and my email making a representation about the likely effect of the grant of the variation of the premises licence, on the promotion of the 'prevention of public nuisance' licensing objective (Licensing Act 2003 Sect 18(6)) which was sent Thursday 25 January 2018 at 10:53 AM and copied to Regen, Licensing;

I confirm that in consideration of the amendments, EPT's representation is withdrawn.

Kind regards, and good luck with your future operations under the varied licence

Paul Newman

Principal Environmental Health Officer

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

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

Tel: 020 7525 3551: | Fax: 020 7525 5705 | e mail: paul.newman@southwark.gov.uk

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

From: Masini, Bill

Sent: Tuesday, February 06, 2018 3:30 PM

To: Regen, Licensing

Cc: Tear, Jayne

Subject: Application to vary premises licence - Brick Brewery Railway Arch 209 Blenheim Grove SE15 4QL

Sensitivity: Confidential

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of an application to vary the Premises Licence for a business called Brick Brewery at Railway Arch 209 Blenheim Grove London SE15 4QL and respond accordingly under the Licensing Objectives.

Trading Standards welcome the statements made in Paragraph M e) under the objective – The protection of children from harm. However, for the purposes of completeness and the avoidance of any ambiguity, Trading Standards would like to see the following conditions to go on the licence

- 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.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

However, at paragraph M e) some confusion arises because it states “no children are to be allowed on site after 9pm at the weekends. No minors are allowed to be on site unsupervised”. Having looked to the current licence, condition 343 states *Minors shall be refused entry to the premises*. There is no statement seeking the removal of that condition in the section of the application that

requires the applicant to describe briefly the nature of the proposed variation. Trading Standards would resist any such application to remove condition 343 and seeks clarification that the current premises licence holder is aware of this existing condition and implements it.

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
Visit our web pages www.southwark.gov.uk/TradingStandards

Need clear practical consumer advice? Visit Consumer Direct at www.direct.gov.uk/consumer

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

From: Trudie Kee
Sent: Wednesday, February 28, 2018 9:35 PM
To: Masini, Bill
Cc: McArthur, Wesley
Subject: Trading Standards Representation - Brick Brewery

Hi Bill,

Thank you for your email and representation regarding our premises licence amendment. Please see responses below.

I can accept and adhere to all Challenge 25 and Responsible Sale of Alcohol amendments, before our licence was certainly ambiguous so I have no objections.

"However, at paragraph M e) some confusion arises because it states "no children are to be allowed on site after 9pm at the weekends. No minors are allowed to be on site unsupervised". Having looked to the current licence, condition 343 states Minors shall be refused entry to the premises. There is no statement seeking the removal of that condition in the section of the application that requires the applicant to describe briefly the nature of the proposed variation. Trading Standards would resist any such application to remove condition 343 and seeks clarification that the current premises licence holder is aware of this existing condition and implements it."

I do not seek to remove condition 343. On condition 343 could I clarify with you what that means in conjunction with supervised minors on site during the day time?

Looking forward to hearing from you,

Kind Regards,

Trudie Kee
Taproom Manager

From: Masini, Bill
Sent: Monday, March 05, 2018 3:42 PM
To: 'Trudie Kee'
Cc: McArthur, Wesley
Subject: RE: Trading Standards Representation - Brick Brewery

Dear Trudie

Thank you for your email below. I appreciate that these things can get complicated so I will endeavour to explain things as I see it. Hopefully it will help with what you are seeking to achieve and answer your question.

On your current licence - condition 343 says, "Minors shall be refused entry to the premises". This means at the moment no children are allowed on the premises at **any time** during licensable hours. I don't know why that condition was put on the current licence that was issued in 2013 but I presuming it was either proposed in the original application for a Premises Licence or at the time a Responsible Authority requested it which was then agreed by Ian Stewart or any agent acting on his behalf. I'm guessing it was the first option as the wording on the licence is not how we would typically word such a condition.

That condition has been on the licence since 22 October 2013.

It is always open for any Premises Licence holder to submit a "Variation" to add/remove/ change any conditions - as has happened here.

In the current application to vary the licence it says at paragraph M "no children are to be allowed on site after 9pm at the weekends. No minors are allowed to be on site unsupervised".

I take that to mean the application seeks to change/remove condition 343 because the statement in the application to vary the licence "contradicts" the existing condition. However there is no statement in the application to say you want to remove condition 343 and replace it. Indeed you say below **you do not seek to remove condition 343**.

I take it that what you want to do is to allow children on the premise up to 9pm, and from when you open, up to 9pm, children would be accompanied and supervised by a responsible adult? If so, you would need to be requesting condition 343 be removed and replaced with two conditions to read something like:

- No children shall be permitted on the premises after 21.00 hours
- Up to 21.00 hours, children must be accompanied and supervised at all times by a responsible adult.

Let me know if I am on the right wavelength of what you are seeking here with regard to children on the premise and we can discuss it further. If you let me have your telephone number I can discuss it with you and hopefully resolve this particular issue with you.

With best regards

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
Visit our web pages www.southwark.gov.uk/TradingStandards

From: Trudie Kee
Sent: Tuesday, March 06, 2018 12:46 PM
To: Masini, Bill
Cc: McArthur, Wesley
Subject: RE: Trading Standards Representation - Brick Brewery

Hi Bill,

Perfect, thank you for being so helpful. I will also provide staff with the necessary training about their responsibilities to ensure children are well supervised and safe on site. I would even like to make it a bit earlier. Can I formally request that condition 343 be removed and replaced with the two following conditions:

- Up to **20.00** hours, children must be accompanied and supervised at all times by a responsible adult
- No children shall be permitted on the premises after **20.00** hours

Let me know if you need any more information,

Trudie

From: Masini, Bill
Sent: Tuesday, March 06, 2018 12:50 PM
To: 'Trudie Kee'
Cc: McArthur, Wesley
Subject: RE: Trading Standards Representation - Brick Brewery

Excellent Trudie. Happy to help.

Wesley, please note that Trading Standards are now happy to withdraw its rep in this matter with condition 343 removed and replaced with the two conditions below - with the relevant hour being 20.00 hours.

Best regards

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
 Visit our web pages www.southwark.gov.uk/TradingStandards

From: [Tear, Jayne](#)
To: [Regen, Licensing](#)
Cc: [McArthur, Wesley](#)
Subject: REPRESENTATION RE BRICK BREWERY
Date: 08 February 2018 23:53:31
Attachments: [image001.png](#)
[Brick Brewery.pdf](#)
Importance: High

Dear Licensing

Please find attached my representation regarding the above application,

With kind regards

Jayne

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

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

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

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



Womens Safety Charter

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

MEMO: Licensing Unit

To	Licensing Unit	Date	8 February 2018	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Brick Brewery, Rail way Arch 209, Blenheim Grove, London, SE15 4QL -
Application to vary the premises licence

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

- Live music (indoors and outdoors) on Tuesday to Sunday from 17:00 to 22:30
- Recorded music (indoors and outdoors) on Tuesday and Wednesday from 17:00 to 23:00, Thursday and Sunday from 12:00 to 23:00 and on Friday and Saturday from 12:00 to 00:00
- To increase the hours for Supply of alcohol (on and off the premises) on Tuesday, Wednesday Thursday and Sunday from 22:30 to 23:00 and on Friday and Saturday from 22:30 to 00:00
- Overall opening times shall be on Tuesday and Wednesday from 17:00 to 23:00, Thursday and Sunday from 12:00 to 23:00 and on Friday and Saturday from 12:00 to 00:00

The premises is situated in Peckham Major Town Centre and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for public houses wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.

This premises also falls within the Peckham CIP Area.

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.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham area as defined in paragraph 135 of the policy and as a bar this premises falls into the class of premises in 136 of the policy.

Therefore under 119 of the policy there is a rebuttable presumption that applications for new premises licences/ variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the

applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

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

Further to this the application has not left any time between the last sale of alcohol and the closing time when patrons should have left the premises, this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the end of the night which can lead to antisocial behaviour problems when patrons have left the premises.

The applicant has not offered any further control measures within the application to promote the licensing objectives and due to the limited information provided I ask the applicant to provide the following:

- An accomodation limit for the premises (to be conditioned)
- To provide a written dispersal policy for the premises. (to be conditioned)

And to consider adding further conditions as follows:

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

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

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

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

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

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

Subject: LRA Representation - Brick Brewery

Date: 28-02-2018 21:23

From: Trudie Kee

To: jayne.tear@southwark.gov.uk

Copy: "McArthur, Wesley" <Wesley.McArthur@southwark.gov.uk>

Hi Jayne,

Thank you very much for your representation regarding our Premises Licence. We have made some amendments to the licence throughout the process and agreed certain additions with the Met Police in regards to this, to which I thought there would be some communication over. Please see below for my comments:

The amendments to the application are as follows:

1. Live music is removed from the application
2. The timings in respect of recorded music are now 23:00 and 00:00 on Friday and Saturday only. Recorded music is to be indoors only.
3. That the hours sought in regards to the sale of alcohol are:

Sunday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 00:00

4. The opening hours sought are:

Sunday to Thursday	11:00 to 23:30
Friday and Saturday	11:00 to 00:30

"I would recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area."

I have already been in contact with Met Police about this and have stated that the outdoors area will be closed at 10PM and everyone moved inside - which is to the back and away from the residential area. They have also asked that I include a condition on the licence to control the employment of the SIA security on Friday and Saturday nights which is something we already have in place so not a problem for us. We have only asked to extend our current licence for 1 hour extra on Friday and Saturday so most of the processes we have for security and management of busy evenings are already in place for 3 years already. Before the bar was outside so moving it inside and closing outside early.

"Further to this the application has not left any time between the last sale of alcohol and the closing time when patrons should have left the premises, this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the end of the night which can lead to antisocial behaviour problems when patrons have left the premises."

We have amended the licence previously to accommodate this on Wesley's recommendation.

"An accommodation limit for the premises (to be conditioned)"
I can give you the capacity in the next few days.

"To provide a written dispersal policy for the premises (to be conditioned)"

At the end of the night, taking into account that the front will be closed, customers will exit out the rear of the premises and exit through the gates also used for exiting Peckham Springs - our both exits are security controlled.

"Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises"
I have no objection to this amendment.

"That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises"
Again no objection

Looking forward to hearing from you,

Kind Regards,

Trudie Kee

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

From: Trudie Kee

Sent: Tuesday, March 20, 2018 5:54 PM

To: McArthur, Wesley

Subject: Fwd: LRA Representation - Brick Brewery

Hi Wesley,

Please see my response sent to Jayne on 28.02.18, I am still waiting on the capacity from Ian, my director and I will get that too as soon as I can.

Kind Regards,

Trudie Kee

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

From: lan.Clements@met.pnn.police.uk [<mailto:lan.Clements@met.pnn.police.uk>]

Sent: Wednesday, February 21, 2018 1:24 PM

To: Regen, Licensing

Subject: Emailing: Brick Brewery variation

Please find the attached letter of representation regard to the above premises licence variation.

Kind Regards

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



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/3098 /18

Date: 21st February 2018

Dear Sir/Madam

Re:- Brick Brewery Railway Arch 209 Blenheim Grove SE15 4QL

Police are in possession of an application from the above for a variation to the premises licence 842576. The application is to extend the hours for licensable activities and the opening hours for the premises as detailed below.

Opening Hours

Sun–Thu 11:00 to 23:00 Fri to Sat 11:00 to 00:30

Recorded Music

Fri & Sat 23:00 to 00:00

Supply of alcohol

Sun–Thu 11:00 to 23:30 Fri- Sat 11:00 to 00:30

The premises is situated within the Peckham cumulative impact zone and in what has been defined as a major town centre, as detailed in Southwark's statement of licensing policy.

The Policy recommends a closing time for a premises such as the Brick Brewery as midnight. This application seeks to move outside of this policy by 30 minutes, although I note that the terminal hour for licensable activities will be midnight.

I also note that the applicant has suggested that they will employ SIA door supervisors during the busy periods over the weekend. Police will recommend that the premises has an additional condition on the licence to detail exactly when the SIA are employed.

With the addition of this condition to the current premises licence, Police would not have any further comment to make and would not be making any further representation in regard to this variation.

1. That at least two SIA registered door supervisors will be employed at the premises when the premises are in operation on Friday & Saturday nights and will be employed at all times after 21:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

The Following is submitted for your consideration,

Yours Sincerely

PC Ian Clements 362MD

Southwark Police Licensing Unit

Tel: 0207 232 6756

On 21-02-2018 13:27, lan.Clements@met.pnn.police.uk wrote:

Hi Trudie

I hope you got my last with regard to the cancelation of today's meeting. Please see attached letter of representation, you will see that I am asking for a condition on the licence to control the employment of the SIA security on Friday and Saturday nights. Other than this I would have no further comment to make.

If you are in agreement then please respond accordingly, of course if there is something you wish to discuss the please don't hesitate in making contact.

Kind Regards

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

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

From: Trudie Kee
Sent: 21 February 2018 14:01
To: Clements Ian J - MD <lan.Clements@met.pnn.police.uk>
Subject: RE: PL Variation

Hi Ian,

We already have this system in place so it is not a problem for us if it is stated on the license.

Kind Regards,

Trudie

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

Subject: RE: PL Variation
Date: 21-02-2018 15:57
From: <lan.Clements@met.pnn.police.uk>
To:

Hi Trudie

Well that was nice and straight forward, we look forward to popping sown to say hello in the near future.

Kind Regards

Ian

From: McArthur, Wesley [<mailto:Wesley.McArthur@southwark.gov.uk>]
Sent: 12 March 2018 18:07
To: Clements Ian J - MD <Ian.Clements@met.pnn.police.uk>
Cc: White Graham S - MD <Graham.S.White@met.pnn.police.uk>
Subject: FW: RE: PL Variation
Importance: High

Hi Ian,

Please confirm if your representation is withdrawn or not.

Regards,

Wesley McArthur
Principal Enforcement Officer
London Borough of Southwark
E-mail: wesley.mcarthur@southwark.gov.uk
General: licensing@southwark.gov.uk
Phone: 020 7525 5779
Fax: 020 7525 5705
Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From: Ian.Clements@met.pnn.police.uk [<mailto:Ian.Clements@met.pnn.police.uk>]
Sent: Thursday, March 15, 2018 11:54 AM
To: McArthur, Wesley
Subject: RE: RE: PL Variation

Hi Wesley

Sorry for delayed response I have had a few days off.

Please consider our representation as withdrawn.

Kind Regards

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



Re: Brick Brewery application to vary the licensing hours.

Dear Southwark Licensing,

I would like to strongly object to the application made to vary the opening hours of the Brick Brewery, Arch 209 Blenheim Grove, SE15 4QL.

The current opening hours mean that the bar and it's customers are not currently a nuisance to the street. The bar is currently well run and because it closes at 10pm the customers are much less likely than other bars to behave in an anti social manner on the street. The later opening will cause issues for neighbours as the customers will be far more drunk and leaving far later. At numbers [REDACTED], [REDACTED] and [REDACTED] there are children under 2 and having more late bars on the street is going to be a nightmare for us as they are already woken by drunk people in the street.

There has been conflict between residents and the owners of Bar Story/Peckham Springs for many years and to have another bar open late on this street would be awful for local residents. Especially as Brick Brewery are also increasing the capacity too, by refurbishing the inside which was previously used for brewing.

I support the following changes:

- The bar opening on Sundays
- The provision of regulated entertainment on the condition amplified music is indoors only and the arch is fully sound proofed.
- Opening hours to increase to 11 pm but only inside the bar, not the front garden. The garden should close no later than 10pm.

I strongly object to:

- The opening hours to be later than 11pm on any night.

Yours Sincerely,



From: Trudie Kee
Sent: Tuesday, March 13, 2018 11:49 AM
To: McArthur, Wesley
Subject: RE: Brick Brewery Update
Importance: High

Dear Sir / Madam,

Please note that the original application was amended as follows:

Live music is removed from the application

The timings in respect of recorded music are now 23:00 and 00:00 on Friday and Saturday only. Recorded music is to be indoors only.

That the hours sought in regards to the sale of alcohol are:

Sunday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 00:00

The opening hours sought are:

Sunday to Thursday	11:00 to 23:30
Friday and Saturday	11:00 to 00:30

In addition to the above we have agreed the following condition with the police:

"That two SIA registered door supervisors will be on duty from 21:00 hours on Friday and Saturday nights. They will be employed until the end of business and all patrons have vacated the premises. They will be engaged to monitor admissions and re-admissions to the premises, provide security and protection for staff and customers, screen entrants to the premises, manage conflict, ensure that any conditions related to the use of the outside area(s) are adhered to ensure that the dispersal policy for the premises is implemented."

We have also agreed the following conditions with the Licensing Responsible Authority (LRA):

"Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises."

"That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises."

We have also agreed with the LRA that an 'accommodation limit' shall be set in regards to the premises which will stipulate the maximum number of customers permitted on the premises at any one time and that a written dispersal policy will be devised, a copy of which will be kept at the premises and in regards to which all staff will be trained.

Please note that customers go through a security check both on the way in and the way out of the premises at night times on the weekend.

Please also note the following existing licence conditions, which (amongst others) will remain on any licence granted subsequent to the variation application:

788 *"A CCTV system shall 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."*

789 *"All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council."*

793 *"That all staff shall be trained in their responsibilities under the Licensing Act 2003 and training records shall be kept and updated every six months and shall, upon request be made immediately available to officers of the police and the council."*

811 *"That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb residents."*

812 "That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette and no more than five people at any one time."

840 "That no drinks be taken outside after 22:00."

We have been trading for almost 5 years now with, we believe, minimal disturbance / disruption caused to local residents and we aim to continue to operate in a socially responsible manner. We have also had a chat about how customers exit at the end of the night, with the exit on Blenheim Grove that Peckham Springs and Bar Story use potentially being a nuisance we could make sure customers exit the premises from our gate at the end of the night and are directed towards Rye Lane/ Peckham Rye Station. This means that our security we work with directly will have more control over what happens when customers leave the premises. This will take some co-ordination on our part to close the outside at 10PM then re-open at midnight for customers to exit - but is achievable with the right management of End of Day processes already in place.

If you have any further comments please provide them to me. If you wish to contact me directly to discuss the application my contact phone number is _____ and my email address is _____. If you send any emails to me directly please copy in the licensing case officer, Wesley McArthur, via: wesley.mcarthur@southwark.gov.uk.

Kind Regards,

Trudie Kee

From: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>

Sent: Wednesday, March 14, 2018 7:44:05 PM

To:

Subject: Application to vary a premises licence - Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL (our ref: 861831)

Dear _____,

Please find attached a response, from the applicant, to the representation that you submitted in respect of the above application. Your representation is attached for reference.

If you have any further comments, wish to withdraw your representation or wish your representation to stand as submitted please inform me.

The applicant invites you to contact them directly. If you do so by email please copy me in.

Should it not be possible to reach a mutually agreeable resolution between you and the applicant a licensing sub-committee (LSC) hearing has been scheduled to take place on 6 April 2018. At the hearing the LSC will consider the application, your representation and then determine the application.

Please find attached a hearing notification. You can reply to the hearing notification via email. Also attached is guidance to the hearing procedure.

Please note that the premises are already permitted to open until 23:00 with alcohol sales ceasing at 22:30.

Regards,

Wesley McArthur

Principal Enforcement Officer

London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From:

Sent: Wednesday, March 14, 2018 10:12 PM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence - Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL (our ref: 861831)

Thank you for the notification. I feel very strongly that the bar should not be open later than 11 on any day of the week. I have already written a more detailed letter regarding this application - which is relevant still regardless of the change to the application. The street is already very hard to live on since Bar Story has increased capacity and this will only add to this.

Best Regards,

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

From: Trudie Kee

Sent: Saturday, March 17, 2018 1:32 PM

To: McArthur, Wesley

Subject: Brick Brewery Licensing Further Comment

Hi,

Further to our conversation I would like to submit a short reply to the resident.

I feel that it is important to note that we are a separate business to Bar Story, with a completely different management structure. As you may well know, we are a taproom attached to a brewery which brings in a very different clientele to Bar Story/Peckham Springs. Our customer base is made up of predominately beer-lovers who tend to drink less than an average customer at Bar Story who will be drinking heavy spirits and cocktails. The age range is also a lot older and our aim to extend the hours is just so that our current customers will have a bit more time to enjoy the interior taproom. We have gladly made every concession and listened to all official representations as we are dedicated to making this small variation have as little impact as possible. We have a 4-year track record without complaints from residents or the licensing authority which I hope is a good indicator of our commitment.

I look forward to hearing from you,

Kind Regards,

Trudie Kee

Taproom Manager

From: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>

Sent: Monday, March 19, 2018 11:01:47 AM

To:

Subject: Application to vary a premises licence - Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL (our ref: 861831)

Dear Mr ,

Further to your comments (at the bottom of this email) the applicant has provided a response as below.

If you have any further comments please send them to me as soon as possible.

Regards,

Wesley McArthur

Principal Enforcement Officer

London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From:

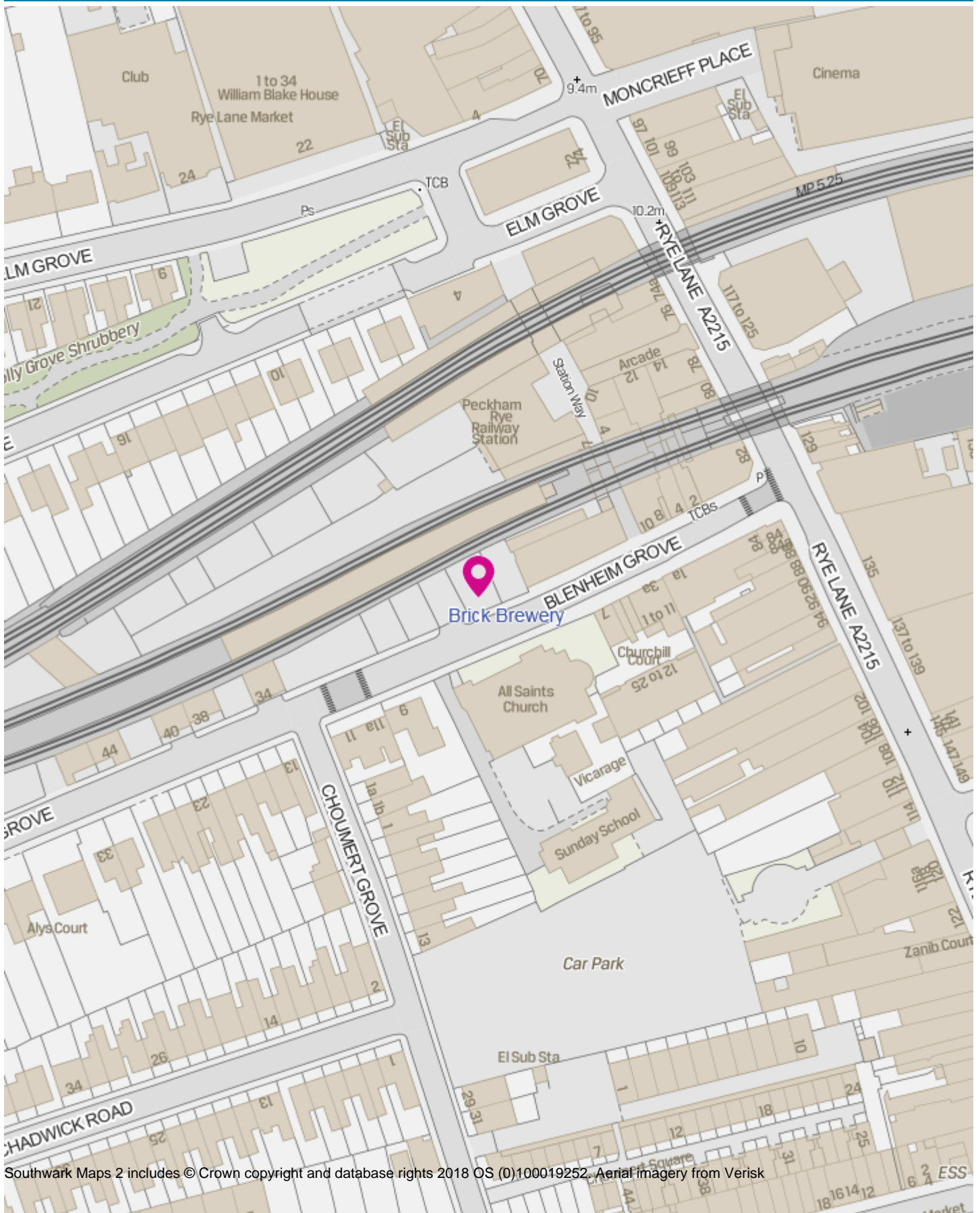
Sent: Monday, March 19, 2018 12:22 PM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence - Brick Brewery, Railway Arch 209, Blenheim Grove, London, SE15 4QL (our ref: 861831)

I actually agree with most of what trudie says. I really like the way the bar is currently run- it's absolutely an asset to the street and I am a regular in there: which is why it's a bad idea to make the licence later which will change the bar to one that isn't nice to live near. The issue is set out clearly in my original email very clearly. My main concern is the opening hours- my daughter's bedroom faces the bar. The difference between people leaving at 10pm and 12.30 is going to increase the number of very drunk people in the street, which is already close to unbearable for residents. My position is 100% clear - the bar should close no later than 11 on any night.

Ref.	Start date	End date	Times	Max no. people	Alcohol?	Entertainment?	Late refreshment?	Late TEN	Police objection?	EPT objection?
842835	28/09/2013	29/09/2013	11:00 - 19:00	100	Yes	No	No	No	No	No
845788	08/09/2014	09/09/2014	20:00 - 22:30	100	No	Yes	No	No	No	No
849554	09/09/2015	09/09/2015	17:00 - 23:00	100	Yes	Yes	No	No	No	No
850605	12/12/2015	13/12/2015	22:00 - 00:30	100	Yes	Yes	Yes	Yes	No	No
852293	16/07/2016	16/07/2016	22:00 - 01:00	110	No	Yes	Yes	No	No	No
857010	10/12/2016	10/12/2016	22:00 - 01:00	100	No	Yes	No	Yes	No	No
858863	27/05/2017	27/05/2017	23:00 - 00:30	100	Yes	Yes	No	Yes	No	No
861399	09/12/2017	10/12/2017	12:00 - 00:00	250	Yes	Yes	No	Yes	No	No



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20 m

22-Mar-2018

Scale = 1 : 1323.000

Item No. 6.	Classification: Open	Date: 6 April 2018	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Flat Iron, 112-116 Tooley Street, London SE1 2TH	
Ward(s) or groups affected:		Riverside	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Flat Iron Steak Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Flat Iron, 112-116 Tooley Street, London SE1 2TH.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 11 to 16 of this report deals with the representations received to the premises licence application. Copies of the relevant representations from responsible authority and an other person are attached as Appendices B & C. conciliation response is attached as Appendix B1.
 - d) Paragraph 17 deals with licensed premises within a 100m radius of the premises. A map of the area is attached as Appendix D.
 - 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 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, the licensing responsibility is wholly administered by this council.

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 29 January 2018, Flat Iron Steak Ltd applied to this council for the grant of a new premises licence in respect of the premises known as Flat Iron, 112-116 Tooley Street, London SE1 2TH. The premises is described as a restaurant

The application is summarised as follows:

- Late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 01:00
 - Sale and supply of alcohol (on and off the premises):
 - Sunday to Thursday from 10:00 to 23:30
 - Friday and Saturday from 10:00 to 00:30.
 - Operating hours:
 - Sunday to Thursday from 10:00 to 00:30
 - Friday and Saturday from 10:00 to 01:00
9. The premises licence application form provides the applicant operating schedule. Parts I, J, K, L, and M 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 M 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

10. The proposed designated premises supervisor Darren Smith who has a personal licence issued by the Haringey Borough Council.

Representations from responsible authorities

11. There is one representation submitted by the Licensing as a responsible authority.
12. The Licensing representation states that the site lies within Borough and Bankside cumulative impact zone as defined within the Southwark statement of licensing Policy 2016-2020. As the hours asked for within the application are in excess of what is deemed appropriate for this area within the licensing policy. To promote the prevention of crime and disorder and the prevention of public nuisance they ask the applicant to consider to amend the closing hours within the application to be in line with hours as appropriate within the licensing policy that the premises will close on Sunday to Thursday at 00:00. They have also requested for additional information.
13. A copy of the representation is attached as Appendix B.

Representation from other person

14. There is one representation from an other person, who is concerned that the premises backs onto residential premises and noise from emanating from the Flat Iron will more cause disturbance to them.
15. A copy of the representation is attached as Appendix C.

Conciliation

16. The representations were forwarded to the applicant. The applicant has agreed to conditions which are yet to be finalised. A copy of email agreeing conditions is attached as Appendix B. The licensing sub committee will be updated of any developments on the 6 April 2018.

The local area

17. A map of the area is attached to this report as Appendix D. 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 terminal hours are also shown on the map:

Public houses/restaurant/Theatre

- More Champagne, 5A More London Place, London SE1 (Monday to Sunday until 02:30)
- Hilton London Tower Bridge Hotel, 5A More London Place, London SE1 (Monday to Sunday until 02:00)

- James Italian, 5A More London Place, London SE1 (Monday to Sunday until 00:30)
- Chilango, 90 Tooley Street, London SE1 (Monday to Saturday until 00:00 and Sunday until 23:30)
- Shad Indian, 96 Tooley Street, London SE1 (Monday to Sunday until 23:00)
- Bridge Bar and Bistro, 139 Tooley Street, London SE1 (Monday to Saturday until 02:00 and Sunday until 00:00)
- Suchard, 102 Tooley Street, London SE1 (Monday to Saturday until 00:00 and Sunday until 23:30)
- Velo (basement and ground flr), 104 Tooley Street, London SE1 (Monday to Sunday until 23:30)
- Chicken Cottage, 128 Tooley Street, London SE1 (Sunday to Thursday until 00:00 and Friday and Saturday until 02:00)

Off licence

- Tesco Stores, 125 Tooley Street, London SE1 (Monday to Sunday until 23:00)
- Costcutter, 134 Tooley Street, London SE1 (24 hours).

Deregulation of entertainment

18. 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.
19. However, live music and recorded 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

20. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 5 November 2008, and extended the area in April 2011. This application falls within the policy area.
21. The decision to introduce saturation policy 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.
22. The effect of this special policy is that 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.

23. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

24. Council assembly approved Southwark's statement of licensing policy 2016 - 2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B 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.
25. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Resource implications

26. A fee of £315 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band C.

Consultation

27. 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

28. 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

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

Principles for making the determination

31. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
32. Relevant representations are those which:
 - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
33. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
 - To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates
 - To refuse to specify a person in the licence as the premises supervisor
 - To reject the application.

Conditions

34. 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.
35. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
36. 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.
37. 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.
38. 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

39. 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

40. 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.
41. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

42. 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.
43. 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.
44. 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.
45. 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.
46. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when

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

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

47. 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.
48. 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

49. 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

50. 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	Application for a new premises licence
Appendix B	Representation from responsible authority and applicant response
Appendix C	Representation from other persons
Appendix D	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	22 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		23 March 2018	

Thomas & Thomas

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Flat Iron Steak Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

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

Flat Iron

112-116 Tooley Street

Post town	London	Postcode	SE1 2TH
Telephone number at premises (if any)			

Non-domestic rateable value of premises £Band C

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

☐ Please tick as appropriate

- | | | | |
|----|--|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | | please complete section (A) |
| b) | a person other than an individual * | | |
| | i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| | ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| | iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |
| e) | the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |

Application

- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town				Postcode	

Daytime contact telephone number	
E-mail address (optional)	

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Flat Iron Steak Ltd
Address 6 York Street, London, W1U 6QD
Registered number (where applicable) 08177784
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Flat Iron are a chain of 5 restaurants in London and surrounding areas.

This application relates to a premises that are primarily to be used as a restaurant.

If 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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

☒

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

☒

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H





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

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23:00	23:30			
Tue	23:00	23:30			
Wed	23:00	23:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	23:30			
Fri	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	01:00			
Sun	23:00	23:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10:00	23:30			
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	10:00	00:30			
Sat	10:00	00:30			
Sun	10:00	23:30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Darren Smith


Postcode 
Personal licence number (if known) 
Issuing licensing authority (if known) Haringey Borough Council

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	00:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:00	
Sat	10:00	01:00	
Sun	10:00	00:30	

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

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

See attached conditions

b) The prevention of crime and disorder

See above

c) Public safety

See above

d) The prevention of public nuisance

See above

e) The protection of children from harm

See above

Checklist:**Please tick to indicate agreement**


- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Electronic Submission - LA to serve RA's** ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- 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. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	29.01.18
Capacity	Thomas & Thomas Partners LLP as solicitors on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) ref: Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Postcode	WC2H 9EP
Telephone number (if any)	020 7042 0410		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) rhepworth @tandtp.com			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**Application for Premises Licence
Flat Iron
Tooley Street London**

APPLICATION SUMMARY

Proposed Hours

	Alcohol (on & off sales)	Late Night Refreshment	Opening Hours
Sunday - Thursday	10.00 – 23.30	23.00 – 23.30	10.00 – 00.30
Friday & Saturday	10.00 – 00.30	23.00 – 01.00	10.00 – 01.00

Proposed Conditions

1. Except for a maximum of [X] persons in the area hatched black on the plans at any one time, the consumption of alcohol on the premises shall be ancillary to food and by seated persons only.
2. There shall be no sale of alcohol for consumption off the premises, except for (a) sealed or resealed bottles to persons who have dined on the premises; or (b) alcohol sold in sealed containers ancillary to a takeaway meal.
3. Substantial food and 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.
4. 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 to a responsible standard in all lighting conditions.
5. All CCTV footage be kept for a period of 31days and shall on request be made immediately available to officers of the police and the council.
6. 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.
7. 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.

8. A dispersal policy is written and submitted for the premises and a condition placed on the licence that the dispersal policy is 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.

9. An incident log book 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
- Seizure of drugs or weapons
- Calls to the police or fire brigade
- Any complaints received
- 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, searching equipment or scanning equipment
- All crimes reported
- Any other relevant incidents

The incident book or 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 or incident recording system shall be available and 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.

10. Clearly legible notices shall be prominently displayed where they can easily be seen and read by customers requesting to the effect that patrons leave the area in a quiet and order in manner.

11. Delivery and collection times shall not take place late at night or early in the morning.

12. Refuse and recyclable waste shall be stored in a designated refuse storage area until it is due to be collected. Immediately prior to collection, refuse will be taken out ready for collection. Bins must be brought back to the designated refuse storage area immediately after refuse has been collected.

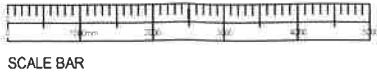
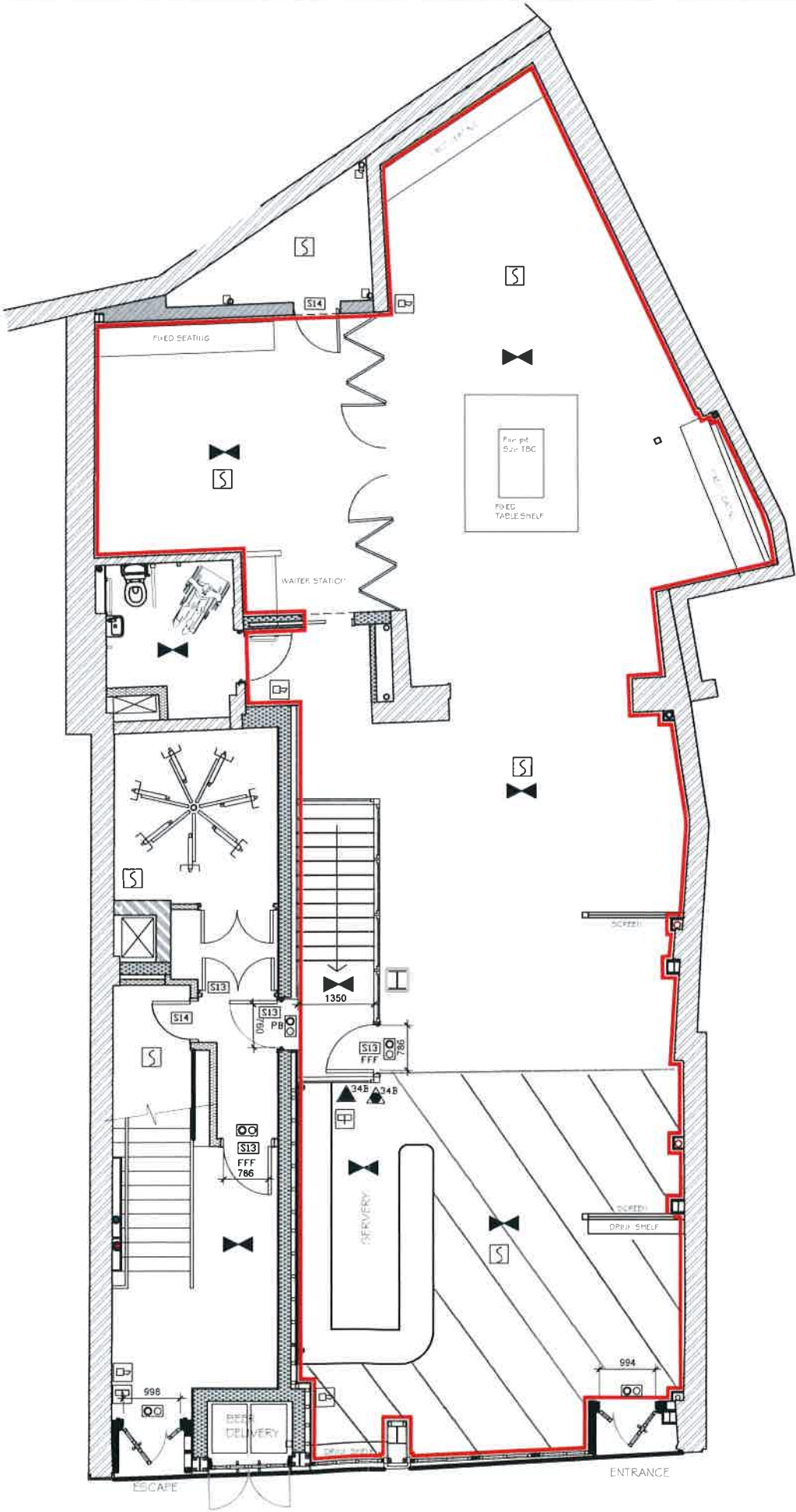
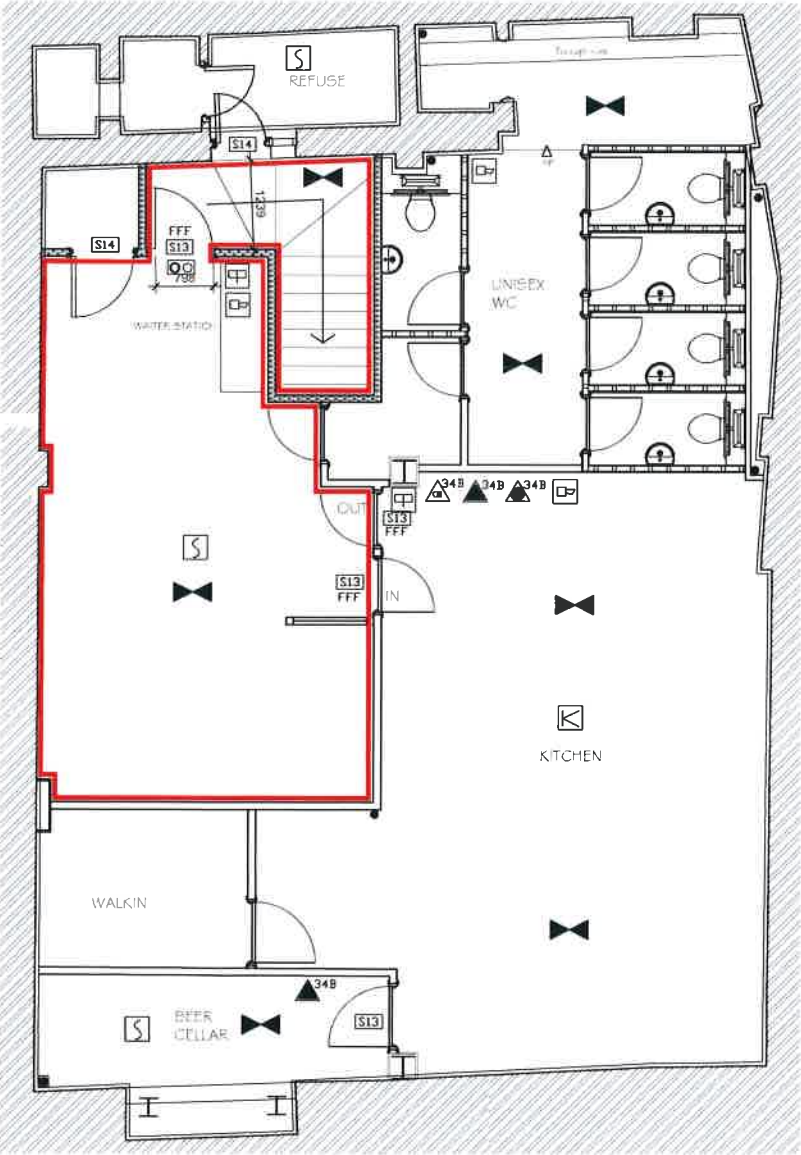
13. A challenge 21 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 21 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 old. Valid photographic identification is composed of a UK/EU driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card.

14. Clearly legible signage shall be prominently displayed where it can easily be seen and read by customers informing customers that a challenge 21 policy is in operation at the premises.

LICENSABLE ACTIVITIES

ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT FORM PART OF THE PREMISES LICENSE

THE POSITION OF FIRE SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITION AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY



LEGEND :-

- 13A Water fire extinguisher
- 34B Foam fire extinguisher
- 34B Carbon dioxide fire extinguisher
- Area covered with system of escape lighting that will illuminate the area
- S Area covered by automatic smoke detector
- K Area covered by automatic heat detector
- PB Doors fitted with a panic bolt with notice adjacent to fastening
- Fire alarm call point with fire action sign adjacent.
- FFF Door free from all fastenings
- SCA Door incorporating electro magnetic door closer
- VP Panel of clear glass in the door to give visual warning of fire
- Dry powder extinguisher
- Refuge holding area point
- S22 Fire ESCAPE notices to current BS at the date of installation
- S22 Directional arrow
- S13 Fire door keep shut
- S14 Fire door keep locked
- Electronic Fire Alarm Sounder (24v DC).
- 34B Fire blanket in container
- OO Illuminated exit box/sign
- Visual fire alarm

October 2017

Scale: 1:100 @A3
Drawing Number: 3153-80
Rev:

Project : 112-114 Tooley Street

PembrookDesign
Summit House, Horsecroft Road, The Pinnacles, Harlow, Essex, CM19 5BN
Tel: 01279 433888 Fax: 01279 433889

NOTE: CONTRACTORS ARE TO CHECK ALL SIZES AND DIMENSIONS BEFORE BETTING OUT ANY SITE OR SHOPWORK ANY ERRORS OR DISCREPANCIES TO BE REPORTED AND RESOLVED BY THE SITE SPECIFIC PROJECT DESIGNER / BUILDER AND RESPECTIVE AGENTS

MEMO: Licensing Unit

To Licensing Unit **Date** 14 February 2018

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email jayne.tear@southwark.gov.uk

Subject Re: Flat Iron, 112-116 Tooley Street, London, SE1 2TH
– Application to for a premises licence

I write with regards to the above application to for a premises licence submitted by Flat Iron Steak Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors) on Sunday to Thursday from 23:00 to 23:30 and on Friday and Saturday from 23:00 to 01:00 the following day
- Supply of alcohol (on and off the premises) on Sunday to Thursday from 10:00 to 23:30 and on Friday and Saturday from 10:00 to 00:30 the following day
- Opening times shall be on Sunday to Thursday from 10:00 to 00:30 the following day and on Friday and Saturday from 10:00 to 01:00 the following day

The premises is described as a *‘This application relates to a premises that are primarily to be used as a restaurant’*.

This premise is situated within the Bankside, Borough, London Bridge Strategic Cultural & London Bridge District Town Centre Area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

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

As the hours asked for within the application are in excess of what is deemed appropriate for this area within the licensing policy. To promote the prevention of crime and disorder and the prevention of public nuisance I ask the applicant to consider the following:

- To amend the closing hours within the application to be in line with hours as appropriate within the licensing policy that the premises will close on Sunday to Thursday at 00:00

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

- An accommodation limit for the premises (to be conditioned).

- To provide a written dispersal policy for the premises. (as the proposed condition 8 within the operating schedule makes mention of a dispersal policy yet it has not been attached to the application)

Furthermore, regarding proposed condition 1 within the application which states:

1. *Except for a maximum of [X] persons in the area hatched black on the plans at any one time, the consumption of alcohol on the premises shall be ancillary to food and by seated persons only.*

I ask the applicant to provide a number for (x) and may make further comments once this information has been received

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

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

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

From: Jack Spiegler [mailto:]
Sent: Friday, March 16, 2018 3:20 PM
To: Tear, Jayne
Cc: Mills, Dorcas; Rachel Hepworth; Alun Thomas
Subject: FW: LICENSING ACT 2003 - Grant of a Premises Licence, Flat Iron , 112-114 Tooley Street, SE1

Dear Jayne

I hope this email finds you well.

We have taken instructions in relation to your representation. Please see comments **in red** below alongside the points raised in your rep:

1. To amend the closing hours within the application to be in line with hours as appropriate within the licensing policy that the premises will close on Sunday to Thursday at 00:00
AGREED
2. An accommodation limit for the premises (to be conditioned). **The proposed capacity limit is 190 (excluding staff)**
3. To provide a written dispersal policy for the premises. (as the proposed condition 8 within the operating schedule makes mention of a dispersal policy yet it has not been attached to the application) **We will send this over for you**
4. *Except for a maximum of **50** persons in the area hatched black on the plans at any one time, the consumption of alcohol on the premises shall be ancillary to food and by seated persons only.*

I hope this assists. Please feel free to call if you'd like to discuss.

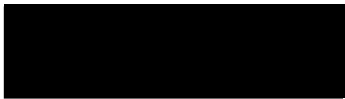
Kind regards

Jack

Jack Spiegler
Associate

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

APPENDIX C



London
SE1 2FB
February 20, 2018

Licensing Department
Southwark Licensing Team
Regulatory Services 3rd Floor Hub 1
P O Box 64529
London SE1 5LX

To whom it may concern

I am writing to object to the licence application for the premises Flat Iron at 112-116 Tooley Street SE1 2TH.

The above property adjoins one residential apartment development

Backs on to another residential development

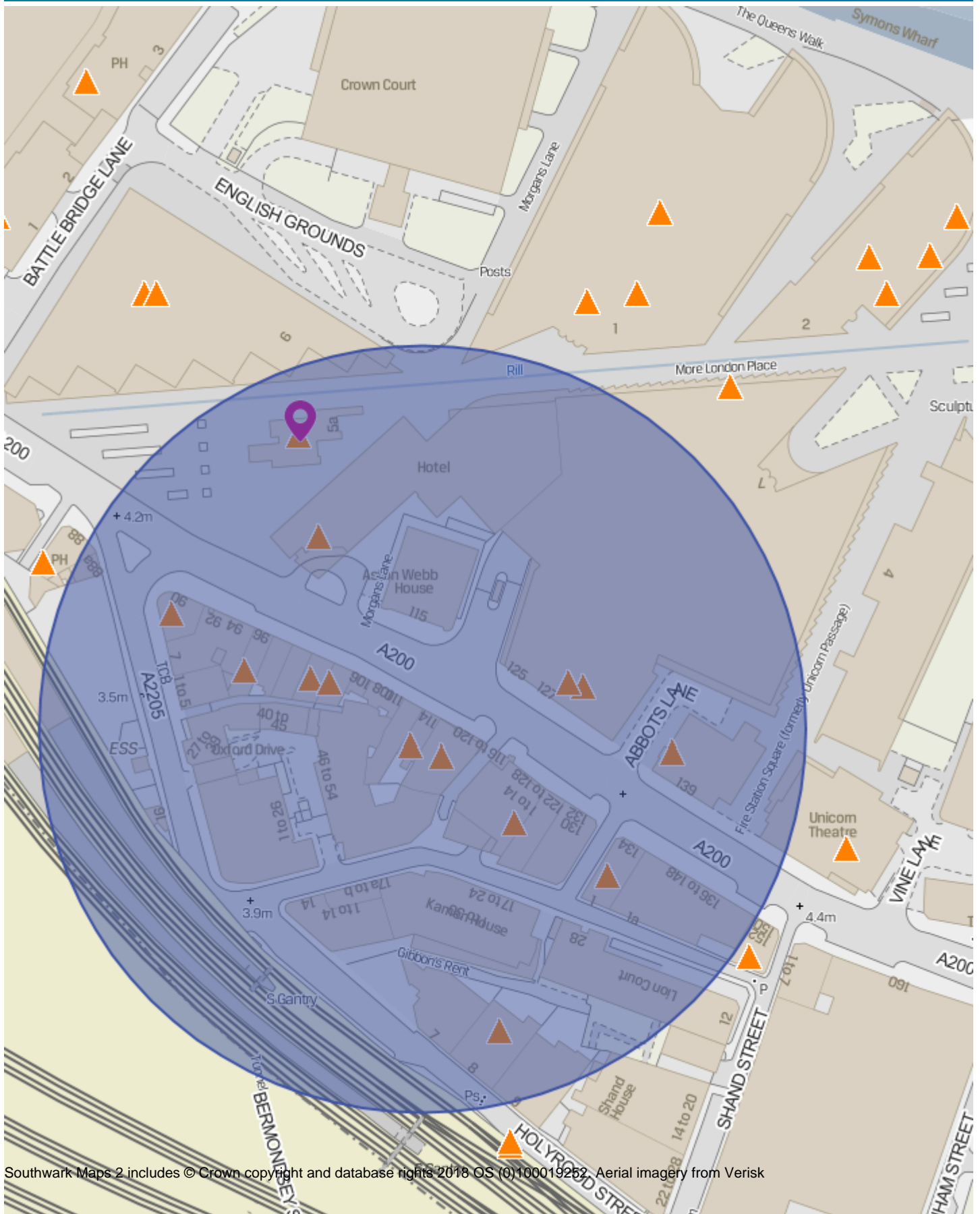
Our concern is around noise emanating from Flat Iron at Night when we do not wish to be disturbed by Music or other noise, or from people leaving Flat Iron late a night.

We are already subjected to much unwelcome noise and disturbances.

Granting this licence will only add more disturbance and noise to people living in such close proximity.

Kind Regards





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50 m

22-Mar-2018

Scale = 1 : 1323.000

Item No. 7.	Classification: Open	Date: 6 April 2018	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Theo's, 2-4 Grove Lane, London SE5 8SY	
Ward(s) or groups affected:		Camberwell Green	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by East 12th Restaurants Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Theo's, 2-4 Grove Lane, London SE5 8SY.
2. Notes:
 - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Theo's – 2-4 Grove Lane, London, SE5 8SY, 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 an outstanding representation submitted by a local resident 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 10 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix E.
 - Paragraphs 12 to 18 of this report deal with the representation submitted in respect of the application. A copy of the representations from the local resident is 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 current premises licence issued in respect of the premises known as the Theo's, 2-4 Grove Lane, London SE5 8SY was issued on 23 May 2017 and allows the following licensable activities:
 - The sale of alcohol to be consumed on the premises:
 - Sunday to Thursday from 11:00 to 23:00
 - Friday and Saturday from 11:00 to 23:30
 - Opening hours:
 - Sunday to Thursday from 08:00 to 23:30
 - Friday and Saturday from 08:00 to 00:00 (midnight).
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 10 January 2018 East 12th Restaurants 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 Theo's, 2-4 Grove Lane, London SE5 8SY.
11. The application for variation is to add off sales of alcohol for delivery and takeaway (sold ancillary to food only).
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 Adam Clark, holding a personal licence with the London Borough of Brent.

Representations from responsible authorities

14. The Metropolitan Police Service had initially made representation, requesting one condition to be added to the operating schedule of the licence, stating:
 - All off sales of alcohol shall be made in sealed containers and shall be for consumption away from the premises.
15. The Applicant agreed to this condition via email on 26 January and the Police subsequently withdrew their representation. No other representations were received from Responsible Authorities.

Representations from other persons

16. One local resident has made representation, please see Appendix C.
17. There are ongoing concerns in relation to a saturation of licensed premises in the area and that the granting of off sales could lead to the increase in street drinkers. There is also a concern that the hours for off-sales as applied, are excessive, as the premises does not have late night refreshment on their premises licence.
18. The objector has been advised that the content of the representation does not fully satisfy the required criteria. For example, it does not make clear which of the four licensing objectives their objection refers to. The objector has been asked to provide additional evidence to support the representation. For example, the objector states that the granting of the variation will lead to breaches of the current licence. They have been asked to expand on this and highlight which conditions within the operating schedule would potentially be breached. The objector has also been asked to expand on how the granting of this licence will exacerbate street drinking in the local area. At the time this report was published, no supporting statement had been received.
19. In circumstances when the validity of the content of a representation is considered to be 'borderline', it should be referred to members of the licensing sub-committee to be considered. If the sub-committee believes the representation to be invalid, frivolous or vexatious, it should be rejected and the application granted.

Conciliation

20. The representation from the local resident has been provided to the applicant. The applicant is aware of whom the objector is, as there has been a history of issues between them. In response to the concerns regarding the hours, the applicant has offered to restrict off-sales of alcohol from 12:00 (midday) to 22:00. A copy of this response is in Appendix D. At the time this report was published, no response had been received from the objector.

Operating history

21. The premises licence was originally applied for in February 2015 and granted following a sub-committee hearing. A minor variation was further granted in May 2017 in regards to the layout of the internal licensed area and the use of the rear garden.
22. The premises has never applied for temporary events notices.
23. Complaints received in relation to the premises:

Date	Complainant	Complaint
12/01/2016	Local resident	Complaint of noise from premises (to noise team)
13/01/2016	Local resident	Complaint of music from premises (to EPT)
20/01/2016	Local resident	Complaint of breaches of licence; people drinking glasses of wine outside the premises, people in the premises drinking and not eating a meal and noise (to licensing)
27/02/2016	Local resident	Complaint of music from premises (to noise team)
18/05/2016	Local resident	Complaint of use of the rear garden beyond hours with windows and doors open. Noise from drunken patrons leaving the premises. Complaint of drinks offered to patrons awaiting food (to Licensing).
From 30/03/2017 to 25/04/2017	Local resident	Multiple complaints via email and telephone recorded on a single data entry. Complaints of: <ul style="list-style-type: none"> • Licence breaches • Use of the rear garden beyond hours • Patrons drinking on the pavement • The absence of the DPS • That the licence holder is a 'proxy holder' • Noise disturbances • Doors and windows remaining open (or being slammed)
From 25/07/2017 to 03/08/2017	Local resident	Complaint regarding not being informed of the minor variation. Complaint of unlicensed late night refreshment and on-going noise issues and licence breaches. On 31 July 2017 the complainant came to the council offices and met with the principal licensing officer and licensing manager. On 03 August 2017 the principal licensing officer met with owners/management at the premises and discussed all concerns. No breaches were found. Further observations/inspections to be carried out.
09/02/2018	Local resident	Complaint regarding current variation application. Errors on the premises notice. The Notice was inspected, corrected and the consultation was recommenced.

24. It should be noted that all complaints are from one local resident. The local resident is also the author of the representation against this application.

25. As a result of the complaints received, the premises has been visited and has had observations carried out multiple times. A list of visits and observations by licensing enforcement officers conducted to the premises are as follows:

Date	Time	Outcome
21/01/2016	00:10	Full inspection carried out – found to be fully compliant.
21/05/2016	21:30	Inspection of rear garden – which was closed. Appropriate signage in place. Some people stood out the front of the premises.
08/04/2017	20:45	Observations: Nobody out front, all quiet.
02/06/2017	18:36	Visit further to complaint. No patrons in the rear garden, no patrons out front smoking or drinking. Noted that the door from the kitchen leading to the rear beer garden was closed and bolted and locked shut. The immediate front of the premises was checked and no bottles or glasses were left discarded in the immediate front vicinity of the premises.
23/06/2017	20:15	Visit further to on-going complaint. No patrons of the premises drinking at the front or rear of premises beer garden.
14/07/2017	20:25	Compliance check. No patrons of the premises at the front of the premises with drinks /no smokers were also located at the front of the premises. Rear garden was unoccupied. No issues in relation to compliance.
15/07/2017	19:10	Observations: Nobody outside all quiet.
29/07/2017	19:40	Visit to premises. No patrons located outside the premises drinking. Rear beer garden checked no patrons located in the rear beer garden.
18/08/2017	20:30	Visit to premises. Five patrons outside the premises by the main entrance waiting to collect their pizza orders. The premises internally was very busy with almost all covers within the premises taken by seated diners eating and drinking. No patrons located outside the premises drinking. A check of the rear garden was made and it was noted that no patrons were drinking in the garden. No issues of concern were noted.
25/08/2017	21:40	Visit to premises. No patrons of the premises located at the front of the premises drinking or smoking. Check of the rear garden and noted no patrons located there.
27/08/2017	20:05	Observations: Nobody outside, very quiet.
08/09/2017	20:38	Visit to premises. No patrons of the premises located at the front of the premises drinking or smoking. Check of the rear garden and noted no patrons located there.
02/12/2017	19:36	Observations: three people smoking outside front of building; it was raining outside.
23/12/2017	19:22	Observations: Nobody outside, very quiet.
26/01/2018	22:00	Visit to premises with Clarissa O'Toole. Entered the premises and noted that windows and doors in the kitchen were closed. No patrons of the premises located outside the premises drinking. Full inspection completed and the premises was found to be fully compliant.
24/02/2018	21:35	Inspection carried out as current variation application. Duty Manager could not find full licence or operate CCTV. Warning email sent, will return to check compliance.
09/03/2018	20:20	Re-inspection as part of current variation application.

Date	Time	Outcome
		Fully compliant. Manager very helpful. Discussed the representation by local resident- they are well aware of the resident and are looking at offering to reduce off sales hours.

Map

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

The Hill Bakery & Deli, 4a Grove Lane, London SE5 8SY

- Sale by retail of alcohol (off sales):
 - Monday to Thursday 09:00 to 19:00
 - Friday and Saturday 10:00 to 20:00
 - Sunday 10:00 to 16:00.

Hermits Cave, 28 Camberwell Church Street, London SE5 8QU

- The Sale by retail of alcohol (both on and off sales):
 - Monday to Wednesday 10:00 to 00:00
 - Thursday to Saturday 10:00 to 02:00
 - Sunday 10:00 to 01:00.
- The provision of late night refreshment:
 - Monday to Wednesday 23:00 to 00:00
 - Thursday to Saturday 23:00 to 02:00
 - Sunday 23:00 to 01:00.
- Regulated entertainment in the form of films, live and recorded music, performances of dance and anything similar:
 - Monday to Wednesday 10:00 to 00:00
 - Thursday to Saturday 10:00 to 02:00
 - Sunday 10:00 to 01:00.

Tazze Grill, 22 Camberwell Church Street, London SE5 8QU

- Sale by retail of alcohol (both on and off sales):
 - Monday to Saturday 10:00 to 00:00.
- The provision of late night refreshment (indoors):
 - Monday to Wednesday 23:00 to 00:30
 - Thursday and Saturday 23:00 to 02:00
 - Sunday 23:00 to 01:00.

London Food and Wine, 12 Camberwell Church Street, London SE5 8QU

- Sale by retail of alcohol to be consumed off premises:
 - Monday to Sunday from 08:00 to 03:00.

Food and Wine, 4 Camberwell Church Street, London SE5 8QU

- Sale by retail of alcohol to be consumed off premises:
 - Monday to Sunday 00:00 to 00:00.

The Crooked Well, 16 Grove Lane, London SE5 8SF

- The sale by retail of alcohol (both on and off sales):
 - Sunday to Thursday 10:00 to 00:00
 - Friday and Saturday 10:00 to 01:00.
- The provision of late night refreshment (indoors):
 - Sunday to Thursday 23:00 to 00:00
 - Friday and Saturday 23:00 to 01:00.
- The provision of regulated entertainment in the form of films, live and recorded music (indoors):
 - Sunday to Thursday 10:00 to 00:00
 - Friday and Saturday 10:00 to 01:00.

Camberwell Superstore, 34 Camberwell Church Street, London SE5 8QZ

- Sale by retail of alcohol to be consumed off premises:
 - Monday to Saturday 08:00 to 23:00
 - Sunday 10:00 to 22:30.

Daily Goods, 36 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (on and off sales):
 - Monday to Sunday 10:00 to 22:00

Van Hing, 42 Camberwell Church Street London, SE5 8QZ

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday 11:00 to 00:00
 - Sunday 12:00 to 23:30.

- The provision of late night refreshment (indoors):
 - Monday to Saturday 23:00 to 00:30
 - Sunday 23:00 to 00:00.

I Go Chop, 46 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (on and off sales):
 - Sunday to Thursday 10:00 to 23:30
 - Friday and Saturday 10:00 to 00:30.
- The provision of late night refreshment (indoors and outdoors):
 - Monday to Sunday 23:00 to 05:00.

FM Mangal, 54 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (both on and off sales):
 - Monday to Sunday 12:00 to 00:00.
- The provision of late night refreshment (indoors):
 - Monday to Wednesday 23:00 to 01:00
 - Thursday fro Saturday 23:00 to 02:00
 - Sunday 23:00 to 00:00.
- The provision of regulated entertainment in the form of recorded and live music, performances of dance and anything similar (indoors):
 - Monday to Wednesday 09:00 to 01:00
 - Thursday fro Saturday 09:00 to 02:00
 - Sunday 12:00 to 00:00.

Portuguese Cafe Deli, 11 Camberwell Church Street, London SE5 8TR

- Sale by retail of alcohol to (on and off sales):
 - Monday to Sunday 08:00 to 00:00.

Wuli Wuli, 15 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (on sales):
 - Sunday to Thursday 12:00 to 23:00
 - Friday and Saturday 12:00 to 01:00.
- The provision of late night refreshment (indoors):
 - Sunday to Thursday 23:00 to 23:30
 - Friday and Saturday 23:00 to 01:00.

Nape, 21 Camberwell Church Street, London SE5 8TR

- Sale by retail of alcohol (on and off sales):
 - Monday to Sunday 11:00 to 23:00.

Funky Munky, 25 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (both on and off sales):
 - Sunday to Wednesday 10:00 to 00:00
 - Thursday 10:00 to 02:00
 - Friday and Saturday 10:00 to 03:00.
- The provision of late night refreshment (indoors):
 - Sunday to Wednesday 23:00 to 00:30
 - Thursday 23:00 to 02:30
 - Friday and Saturday 23:00 to 03:30.
- The provision of regulated entertainment in the form of live and recorded music, performances of dance and anything similar (indoors):
 - Sunday to Wednesday 10:00 to 00:00
 - Thursday 10:00 to 02:00
 - Friday and Saturday 10:00 to 03:00.

Communion, Basement Of Angels & Gypsies Restaurant, 29-33 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (both on and off sales):
 - Sunday to Thursday 11:00 to 00:30
 - Friday and Saturday 11:00 to 03:00.
- The provision of late night refreshment (indoors):
 - Sunday to Thursday 23:00 to 00:30
 - Friday and Saturday 23:00 to 03:00.
- The provision of regulated entertainment in the form of live and recorded music, performances of dance and anything similar (indoors):
 - Sunday to Thursday 11:00 to 00:30
 - Friday and Saturday 11:00 to 03:00.

Kentucky Fried Chicken, 35 Camberwell Church Street, London SE5 8TR

- The provision of late night refreshment (indoors):
 - Sunday to Thursday 23:00 to 02:00
 - Friday and Saturday 23:00 to 03:30.

Southwark council statement of licensing policy

27. 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.
28. 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 policy (CIP) area

29. The premises is within the Camberwell CIP Area and in the Camberwell district town centre area.
30. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:

- Restaurants and cafes:
 - Sunday to Monday: 00:00 (midnight)
 - Friday and Saturday: 01:00 (the following day).

Resource implications

31. 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

32. 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

33. 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

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

Principles for making the determination

36. 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.
37. 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.
38. 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.
39. 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

40. 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.
41. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. 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.
43. 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.
44. 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.
45. 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

46. 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

47. 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.
48. 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

49. 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.
50. 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.
51. 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.

52. 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.
53. 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.
54. 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.
55. 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.
56. 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

57. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copy representation from local resident
Appendix D	Copy of response from applicant to objector
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration		
Report Author	Andrew Heron, Principal Licensing Officer		
Version	Final		
Dated	22 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		23 March 2018	

Licensing Act 2003 Premises Licence



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

Premises licence number

858651

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Theo's 2-4 Grove Lane London SE5 8SY Ordnance survey map reference (if applicable), 176696532708	
Post town London	Post code SE5 8SY
Telephone number	

Where the licence is time limited the dates
--

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

The opening hours of the premises For any non standard timings see Annex 2 <table> <tr> <td>Monday</td> <td>08:00 - 23:30</td> </tr> <tr> <td>Tuesday</td> <td>08:00 - 23:30</td> </tr> <tr> <td>Wednesday</td> <td>08:00 - 23:30</td> </tr> <tr> <td>Thursday</td> <td>08:00 - 23:30</td> </tr> <tr> <td>Friday</td> <td>08:00 - 00:00</td> </tr> <tr> <td>Saturday</td> <td>08:00 - 00:00</td> </tr> <tr> <td>Sunday</td> <td>08:00 - 23:30</td> </tr> </table>	Monday	08:00 - 23:30	Tuesday	08:00 - 23:30	Wednesday	08:00 - 23:30	Thursday	08:00 - 23:30	Friday	08:00 - 00:00	Saturday	08:00 - 00:00	Sunday	08:00 - 23:30
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Thursday	08:00 - 23:30													
Friday	08:00 - 00:00													
Saturday	08:00 - 00:00													
Sunday	08:00 - 23:30													

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

The times the licence authorises the carrying out of licensable activities

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


Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:30
Saturday	11:00 - 23:30
Sunday	11:00 - 23:00

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

East 12th Restaurants Limited
 c/o Jeffreys Henry LLP,
 5-7 Cranwood Street,
 London,
 EC1V 9EE

Registered number of holder, for example company number, charity number (where applicable)
8951800**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Adam Clark


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 Issue date 23/05/2017



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 the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days

293 That the premises' staff will be trained to understand the responsibility attached to the supply of alcoholic drinks and that alcoholic drinks shall be limited to beer, cider or wine may be served to and consumed by persons aged 16 or 17 only if they are accompanied by persons over the age of 18 and consuming substantial food while sitting at a table.

4AA That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB That all staff involved in the sale of alcohol shall before doing so, receive training which will include legal requirements as to the supply of alcohol to people. This shall include training in the agecheck 'Challenge 25' policy. A record of their training, for each member of such staff shall be maintained and be available for inspection at the premises on request by the council's authorised officers or the police.

4AC That Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.

4AI That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

315 That the back garden area shall be closed to patrons at 20.00 on Sunday and 21.00 on Monday to Saturday.

432 That the telephone number of a person responsible for the management of the premises shall be prominently displayed, in such a way as to be visible to the public without the need to enter the premises, whenever entertainment is being provided under this licence in order for them to receive and respond to any complaints.

332 That no alcoholic drinks will be served to persons under 16 years of age, even when with adults, and no provision of any alcoholic drinks will be to unaccompanied persons under 18 years of age.

341 That the rear garden and all doors and windows from the indoor licensable area to the rear of the premises shall close at 20.00pm on Sunday and 21.00pm Monday to Saturday.

342 That those who temporarily leave the premises to smoke a cigarette shall use the street frontage at all times, no more than 6 people at one any time. No alcohol or beverages shall be taken out of the premises at any time.

345 That there shall be no more than 20 patrons in the rear garden at any one time.

346 That save for no more than ten persons at any one time, who may consume alcohol in the premises without a meal, limited to one intoxicating drink, intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.

347 That the furniture in the garden shall all have rubber feet for the purpose of limiting noise nuisance.

432 That the premises licence holder shall display a telephone number for local residents to contact management of the premises as and when necessary.

305 That signage shall be displayed at the entrance to the back garden stating that the area is closed to patrons from 20.00 on Sunday and 21.00 on Monday to Saturday.

316 That deliveries, collections and external cleaning shall not occur between 20.00 and 08.00.

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

Annex 4 - Plans - Attached

Licence No.	858651
Plan No.	Plan submitted on 08/05/2017 did not have a reference number.
Plan Date	Plan submitted on 08/05/2017 was not dated.

10/01/2018

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

Ref No. 953587

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

	Adam Clark EAST 12th RESTAURANTS LTD.
Premises licence number	858651

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

£	23000
---	-------

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

Address Line 1	2-4 GROVE LANE
Address Line 2	
Town	LONDON
County	
Post code	SE5 8SY
Ordnance survey map reference	
Description of the location	2-4 Grove Lane
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?

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

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

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

	Our current license does not permit sale of alcohol to customers for takeaway or delivery. Due to numerous customer questions, there is clearly demand for us to be able to sell wine and beer (not spirits) to customers who are buying food from us both for takeaway and for delivery, so we request to have that added to our license. To stress, we do not wish to apply to be permitted to sell alcohol to be consumed off the premises without the purchase of food.
--	---

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

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

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

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

Provision of regulated entertainment

Provision of late night refreshment

--	--

Supply of alcohol

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

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

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

	Both
--	------

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

Day	Start	Finish
Mon	11:00	23:00
Tues	11:00	23:00
Wed	11:00	23:00
Thur	11:00	23:00
Fri	11:00	23:30
Sat	11:00	23:30
Sun	11:00	23:00

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

	None
--	------

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
--	------

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	08:00	23:30
Tues	08:00	23:30
Wed	08:00	23:30
Thur	08:00	23:30
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	23:30

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

State any seasonal variations (Please read guidance note 5)

	None
--	------

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
--	------

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.

	None
--	------

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

	It is proposed that alcohol sold for takeaway and delivery is sold unopened in the form of bottle of wine and bottles of beer only. Our staff will be trained to understand clearly that alcohol sold for takeaway should not be consumed by customers on Grove lane outside the restaurant.
--	--

b) the prevention of crime and disorder

	It is proposed that alcohol sold for takeaway and delivery is sold unopened in the form of bottle of wine and bottles of beer only. Our staff will be trained to understand clearly that alcohol sold for takeaway should not be consumed by customers on Grove lane outside the restaurant.
--	--

c) public safety

	It is proposed that alcohol sold for takeaway and delivery is sold unopened in the form of bottle of wine and bottles of beer only. Our staff will be trained to understand clearly that alcohol sold for takeaway should not be consumed by customers on Grove lane outside the restaurant.
--	--

d) the prevention of public nuisance

	It is proposed that alcohol sold for takeaway and delivery is sold unopened in the form of bottle of wine and bottles of beer only. Our staff will be trained to understand clearly that alcohol sold for takeaway should not be consumed by customers on Grove lane outside the restaurant.
--	--

e) the protection of children from harm

	n/a
--	-----

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

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	10009807096, ,
AuthCode	339010
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	Simon Leaver
Date (DD/MM/YYYY)	10/01/2018
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	Simon Leaver [REDACTED]
Telephone No.	[REDACTED]

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

If you prefer us to correspond with you by e-mail, your email address (optional)	<div style="background-color: black; width: 100px; height: 1.2em;"></div>
--	---

Please tick to indicate agreement

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

I agree to the above statement

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

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

Heron, Andrew

From: Regen, Licensing
Sent: 09 March 2018 08:40
To: Beswick, Claire
Cc: Heron, Andrew
Subject: FW: Objection to application for off sales licence by Theo's Pizzeria

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]
Sent: Friday, March 09, 2018 1:01 AM
To: Regen, Licensing
Cc: Wingfield, Ian; Flynn, Tom; Burgess, Radha; Hamvas, Renata; Williams, Mark; Dixon-Fyle, Dora; Williams, Kieron
Subject: Objection to application for off sales licence by Theo's Pizzeria

I wish to object to the granting of an off sales licence to Theos Pizzeria located in the conservation area at the beginning of Grove Lane. The objection is based on the fact that it will lead to breaching of other conditions of the license currently in place, contradicting the spirit of current licence aswell . Also permission is being requested to sell alcohol off premises as late as 11.30pm this is already half an hour after hot food may be served in the restaurant or sold as takeaway.

I argue that the immediate area in Camberwell Church Street is already saturated with opportunities to buy alcohol for off premises consumption and that anti social aspects related to street drinking in Camberwell and particularly at the juncture of Grove Lane and Camberwell Church Street late at night will increase putting further pressure on residents and police services.

Southwark licencing could contribute to improving that situation, one that they have already been made aware of particularly relating to drinkers gathering late at night at the juncture of Grove Lane and Camberwell Church Street by not granting this request instead of suggesting that residents call the police when there is a problem a route that rarely produces an improvement.

Yours faithfully,
 [REDACTED]

Get [Outlook for Android](#)

From: Simon Leaver [REDACTED]
Sent: 13 March 2018 14:07
To: Heron, Andrew
Cc: Theo Lewis
Subject: License 858651

Regards
Simon

+

APPENDIX E



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21-Mar-2018

Scale = 1 : 661.500

Item No. 8.	Classification: Open	Date: 6 April 2018	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Theo's, (Ground Floor Draper House) 17-19 Elephant and Castle, London, SE1 6TH	
Ward(s) of group(s) affected		Newington	
From		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Greenpoint Avenue Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Theo's, (Ground Floor Draper House) 17-19 Elephant and Castle, London SE1 6TH.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as appendix A.
 - c) Paragraphs 12 to 15 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted responsible authorities are attached to this report in Appendix B. Representations from other persons are attached at Appendix C. A map showing the location of the premises is attached to this report as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a 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 premises licence application

8. On 31 January 2018, Greenpoint Avenue Limited applied to this council for the grant of a premises licence in respect of Theo's, (Ground Floor Draper House) 17-19 Elephant and Castle, London SE1 6TH. The premises are described in the application simply as being a 'pizza restaurant'.
9. The application is summarised as follows:
- The sale by retail of alcohol (both on and off sales):
 - Monday to Sunday from 12:00 to 00:00 (midnight).
 - The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 00:30 (the following day).
 - The provision of regulated entertainment in the form of recorded music (Indoors):
 - Monday to Sunday from 10:00 to 00:30 (the following day).
 - Opening hours:
 - Monday to Sunday from 07:00 to 00:30 (the following day).
10. The proposed designated premises supervisor of the premises is Theo Lewis (the licence Applicant) who has a personal licence by London Borough of Lambeth.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be

attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

Representations from responsible authorities

12. A representation was submitted by the council's environmental protection team (EPT). Please see Appendix B. The representation was withdrawn further to the following agreements:
 - 1) That the provision of regulated entertainment in the form of recorded music has been removed, in light of the music intended to be only background.
 - 2) The removal of a condition offered in Section 'M (a)' of the application operating schedule which had stated "The premises shall not hold licensed entertainment unless approved under a temporary events notice."
 - 3) In light of the external seating area being closed by 22:00, Condition 17 offered in Section 'M (a)' of the application Operating Schedule is to be amended to reflect this:
 - "The external area will be out of use between 22:00 and 08:00, with all furniture having been brought into the premises or, if left outside, rendered unusable"
13. The representation from the council's licensing department in their role as responsible authority requested additional conditions and draws the attention of the applicant to the Southwark licensing policy. The representation is also available in Appendix B. Additional conditions have been requested, which the applicant agreed to – the response from the applicant follows the representation. At the time this report was published, no response had been received by the applicant.

Representations from other persons

14. Representations have been received from two other persons, both local residents in the immediate vicinity. These representations state that there is potential for the increase in crime and disorder and public nuisance. There are also concerns regarding the hours that have been applied for. These representations are available in Appendix C.

Conciliation

15. The applicant has been sent copies of all the submitted representations. The representation from EPT has been conciliated; the representation from Licensing remains outstanding. The Applicant asked that both local residents receive the correspondence which follows on from the representations in Appendix C. No response has been received from either Objector. The Applicant's contact details have been passed to both Objectors; one has made contact, the second remains silent.

Premises history

16. The venue has not had a premises licence in place previously. There is no history of temporary events notices or complaints to the licensing department.

Map

17. A map showing the location of the premises is attached to this report as Appendix D. The following are a list of similarly licensed premises are in the immediate vicinity of the premises application:

After Taste Chinese Restaurant, 97 Newington Butts, London SE1 6SF

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday from 11:00 to 00:00 (midnight)
 - Sunday from 12:00 (midday) to 23:30.
- The provision of late night refreshment (indoors):
 - Monday to Saturday from 23:00 to 00:00 (midnight)
 - Sunday from 12:00 (midday) to 23:30.

Ivory Arch, 80-82 Walworth Road, London SE1 6SW

- The sale by retail of alcohol (both on and off sales):
 - Monday to Sunday from 11:00 to 00:00 (midnight).
- The provision of late night refreshment (both indoors and outdoors):
 - Monday to Sunday from 23:00 to 00:00 (midnight).
- The provision of regulated entertainment in the form of live music, recorded music, films and plays:
 - Monday to Sunday from 11:00 to 00:00 (midnight).

Mamuska, 16 Elephant and Castle, London SE1 6TH

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday from 10:00 to 02:00 (the following day)
 - Sunday from 12:00 (midday) to 23:00.
- The provision of late night refreshment (both indoors and outdoors):
 - Monday to Saturday from 23:00 to 02:30 (the following day)
 - Sunday from 23:00 to 23:30.
- The provision of regulated entertainment in the form of live music, recorded music, and performances of dance:
 - Monday to Saturday from 09:00 to 02:00 (the following day)
 - Sunday from 09:00 to 23:00.

La Chatica, Unit 13 Tiendas Del Sur, 91-95 Newington Butts, London SE1 6SE

- Sale by retail of alcohol to be consumed off premises:
 - Monday to Saturday from 10:00 - 21:00
 - Sunday from 12:00 to 18:00.

Corporation Ponce, Arch 144, Eagle Yard, Hampton Street London, SE1 6SP

- The Sale by retail of alcohol (on sales):
 - Sunday to Thursday from 14:00 to 22:30
 - Friday and Saturday from 14:00 to 23:30.

- The provision of late night refreshment (indoors):
 - Friday and Saturday from 14:00 to 23:30.
- The provision of regulated entertainment in the form of live and recorded music (indoors):
 - Friday and Saturday from 14:00 to 23:30
 - Sunday from 14:00 to 22:30.

La Barra, Arch 147, Eagle Yard Unit 2, Hampton Street, London SE1 6SP

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

Rincon Tropical - 2nd Floor, Arch 147, Eagle Yard, Hampton Street, London, SE1 6SP

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

Southwark council statement of licensing policy

18. 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
19. 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.
20. Within Southwark's statement of licensing policy, the premises are identified as being outside of a cumulative impact policy (CIP) area but within the Elephant and Castle major town centre area. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for the following categories of premises:
- Restaurants and cafes:
 - Sunday to Monday to 00:00 (midnight)
 - Friday and Saturday to 01:00 (the following day).
 - Public houses, wine bars or other drinking establishments:
 - Sunday to Monday to 23:00
 - Friday and Saturday to 00:00 (midnight).

Resource implications

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

Consultation

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

Community impact statement

23. 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

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

Principles for making the determination

26. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
27. Relevant representations are those which:
 - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
28. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
 - To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates
 - To refuse to specify a person in the licence as the premises supervisor
 - To reject the application.

Conditions

29. 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.
30. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.

31. 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.
32. 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.
33. 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

34. 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

35. 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.
36. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

37. 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.
38. 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.
39. 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.
40. 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.
41. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

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

42. 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.
43. 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

44. 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

45. 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	Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations from responsible authorities and applicant's responses
Appendix C	Representations submitted by other persons and the Applicant's response
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration		
Report Author	Andrew Heron, Principal Licensing Officer		
Version	Final		
Dated	22 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		23 March 2018	

APPENDIX A

31/01/2018

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

Ref No. 965383

Name of Applicant

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

	Greenpoint Avenue Limited
--	---------------------------

Premises Details

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

£	20500
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	Theo's
--	--------

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

Address Line 1	17 - 19 ELEPHANT & CASTLE
Address Line 2	
Town	LONDON
County	
Post code	
Ordnance survey map reference	SE1 6TH
Description of the location	
Telephone number	

Applicant Details

Please select whether you are applying for a premises licence as Please tick as appropriate

	<input type="checkbox"/> a person other than an individual (limited company, partnership, etc)
--	--

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

If you are applying as an individual or sole trader please select one of the following:

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

Other Applicants

Personal Details - First Entry

Name

Simon Haver

17/05/2007

0700 000 000

10607736

Address - First Entry

Street number or building name

5

Street Description

Willem Bridge Road

Town

London

County

Post code

N12 8D

Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)

Greenport Avonport Limited Company Number 1330736

17/05/2007 0700 000 000

Contact Details - First Entry

Telephone number

Email address

Operating Schedule

When do you want the premises licence to start?

01/05/2010

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

General description of premises (see guidance note 1)

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

	Pizza restaurant
--	------------------

Please select the range of the number of people expected to attend the premises at any one time.

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

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)

	f) recorded music

Provision of late night refreshment

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

Supply of alcohol

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

F - Recorded Music

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

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

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

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

	Seated pizza restaurant background music
--	--

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

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

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)

--	--

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 2)

	Both
--	------

Please give further details here (Please read guidance note 3)

	Seated dining
--	---------------

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 6)

Day	Start	Finish
Mon	23:00	00:30
Tues	23:00	00:30
Wed	23:00	00:30
Thur	23:00	00:30

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

Fri	23:00	00:30
Sat	23:00	00:30
Sun	23:00	00:30

State any seasonal variations for the provision of late night refreshment (Please read guidance note 4)

--	--

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 5)

--	--

J - Supply of Alcohol

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

	Both
--	------

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

Day	Start	Finish
Mon	12:00	00:00
Tues	12:00	00:00
Wed	12:00	00:00
Thur	12:00	00:00
Fri	12:00	00:00
Sat	12:00	00:00
Sun	12:00	00:00

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 upload the consent form completed by the proposed premises supervisor

	20180131162408874.pdf
--	-----------------------

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

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Theo
Surname	Lewis

DOB

Date Of Birth	
---------------	--

Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	
County	
Post code	

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

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

K

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

	None
--	------

L - Hours premises are open to public

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

Day	Start	Finish
Mon	07:00	00:30
Tues	07:00	00:30
Wed	07:00	00:30
Thur	07:00	00:30
Fri	07:00	00:30

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

Sat	07:00	00:30
Sun	07:00	00:30

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)

--	--

M - Steps to promote four licencing objectives

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

	<p>1. The premises' staff will be trained to understand the responsibility attached to the supply of alcoholic drinks and that alcoholic drinks shall be limited to beer wine may be served to and consumed by persons aged 16 or 17 only if they are accompanied by persons over the age of 18 and consuming substantial food while sitting at a table.</p> <p>2. No alcoholic drinks will be served to persons under 16 years of age, even when with adults, and no provision of any alcoholic drinks will be to unaccompanied persons under 18 years of age.</p> <p>3. The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.</p> <p>4. All staff involved in the sale of alcohol shall before doing so, receive training which will include legal requirements as to the supply of alcohol to people. This shall include training in the agecheck 'Challenge 25' policy. A record of their training, for each member of such staff shall be maintained and be available for inspection at the premises on request by the council's authorised officers or the police.</p> <p>5. Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.</p> <p>6. A register of refused sales of alcohol sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.</p> <p>7. The premises shall not hold licensed entertainment unless approved under a temporary events notice.</p> <p>8. The premises licence holder shall display a telephone number for local residents to contact management of the premises as and when necessary.</p> <p>9. No alcohol or beverages shall be taken out of the premises at any time by diners seated inside the restaurant</p> <p>10. All off sales of alcohol shall be made in sealed containers and shall be for consumption away from the premises.</p> <p>11. No off sales of alcohol shall be made between the hours of 23:00 to 12:00</p> <p>12. The premises may be open Monday to Saturday between 07:00 to 00:30</p> <p>13. External tables and chairs will be stacked and secured in such a way as to discourage their use after closure of the premises.</p> <p>14. The premises shall install and maintain a comprehensive CCTV system, with all entry and exit points being covered, enabling clear facial image identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days, with date and time stamping. Viewing of the recordings shall be made available upon the reasonable request of the Police or authorised Council officer throughout the entire 31 day period (subject to any obligations under the Data Protection Act 1998).</p>
--	--

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

	<p>15. A staff member from the premises who is conversant with the operation of the CCTV system must be able to provide a Police or authorised Council officer copies of recent CCTV images or data with the absolute minimum of delay.</p> <p>16. The maximum external capacity will be limited to 50.</p> <p>17. The external area will be out of use between 23:00 and 08:00, with all furniture having been brought into the premises or, if left outside, rendered unusable.</p> <p>18. The premises will use its best endeavours to ensure that any moving of outside furniture and barriers is done in a quiet and orderly fashion.</p> <p>19. Between 23:00 and 08:00, no alcoholic drinks sold or supplied by the premises shall be permitted to be consumed in the external area outside the premises.</p> <p>20. After 22:00, customers permitted to temporarily leave and then re-enter the premises to smoke must be directed to stand more than 15 feet away from the premises.</p> <p>21. No external areas of the premises, including the external frontage area, shall be used for the purposes of regulated entertainment.</p> <p>22. Amplified music, song or speech shall not be broadcast in external areas</p> <p>23. Deliveries, collections and external cleaning shall not occur between 18:00 and 08:00</p> <p>24. Any external plant such as the kitchen extraction system, condensers, etc will not operate between 00:00 - 08:00 and shall have a noise output that does not exceed 10 dB (A) below the lowest L90 15 min relevant in the period the plant will be operational.</p> <p>25. All escape routes and external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements. All exits door shall be available and easily operable without the use of a key, card, code or similar means. Any removable security fastening shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in the approved positions. d.If required, exit doors shall be secured in the fully open position when the public are present. All fire-doors shall be maintained effectively self-closing and shall not be held open other than by approved devices. Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut. The edges of treads of steps and stairways shall be maintained so as to be conspicuous.</p> <p>26. Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.</p>
--	--

b) the prevention of crime and disorder

	See above
--	-----------

c) public safety

	See above
--	-----------

d) the prevention of public nuisance

	See above
--	-----------

e) the protection of children from harm

	See above
--	-----------

Please upload a plan of the premises

	Scan-2018-1-31-17.04.22.pdf
--	---

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

Please upload any additional information i.e. risk assessments

--	--

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying)
--	---

Home Office Declaration

Please tick to indicate agreement

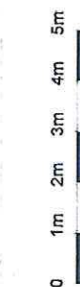
	I am a company or limited liability partnership
--	---

Declaration

I agree to the above statement

	Yes
PaymentDescription	,
AuthCode	616930
LicenceReference	ks102 94212
PaymentContactEmail	

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



Revision	Date	Description
A	10/12/77	Notes Added

Gundry + Ducker
Gundry + Ducker Architects Ltd
3 Garsick Street
London WC1E 9DF
t +44(0)203 474 895
info@gundryducker.com

MEMO: Licensing Unit

To Licensing Unit **Date** 28 February 2018

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email jayne.tear@southwark.gov.uk

Subject Re: Theo's, 17-19 Elephant & Castle, London, SE1 6TH

– Application to for a premises licence

I write with regards to the above application for a premises licence submitted by Greenpoint Avenue Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Recorded music (indoors) on Monday to Sunday from 10:00 to 00:30 the following day
- Late night refreshment (indoors and outdoors) on Monday to Sunday from 23:00 to 00:30 the following day
- Supply of alcohol (on and off the premises) Monday to Sunday from 12:00 to 00:00
- Overall opening times shall be on Monday to Sunday from 07:00 to 00:30 the following day

The premises is described as a *'Pizza restaurant'*.

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

This premise is situated within a the Elephant and Castle Major Town Centre Area and under the Southwark Statement of Licensing policy 2016 – 2020 the latest appropriate **closing times for restaurants and cafes on Sunday to Thursday is 00:00 hours** and for Friday and Saturday is 01:00 hours.

To ensure the premises maintains its operation as a restaurant I ask the applicant to consider adding the following condition to the operating schedule

- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.

Further to this I ask the applicant to consider amending the closing times of the premises on Sunday to Thursday to be in line with the licensing policy and to amend the licensable activities accordingly as follows:

- Opening times on Sunday to Thursday to cease at 00:00
- Recorded music (indoors) on Sunday to Thursday to cease at 00:00
- Late night refreshment (indoors and outdoors) on Sunday to Thursday to cease at 00:00
- Supply of alcohol (on and off the premises) to cease at 23:30

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

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

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

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

<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

Jayne Tear

Principal Licensing officer

In the capacity of Licensing Authority as a Responsible Authority

Heron, Andrew

From: Simon Leaver [REDACTED]
Sent: 07 March 2018 15:02
To: Tear, Jayne
Cc: Heron, Andrew; Theo Lewis
Subject: Theo's, 17-19 Elephant & Castle, London, SE1 6TH – Application to for a premises licence
Attachments: Customer Dispersal plan.pdf

Dear Jayne

As a director Greenpoint Avenue Limited, owner of the prospective Theo's pizzeria at the above address, I write in response to your memo dated 28/2/18 which I have only today been passed a copy of.

1) Please note we have removed the need for recorded music in our application during our conciliation with the Environmental Protection team.

2) Regarding your proposed condition "Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal", may we propose the alternative "That save for no more than fifteen persons at any one time, who may consume alcohol in the premises without a meal, limited to one intoxicating drink, intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal"

We have a similar condition in place at our Camberwell restaurant and it allows us to permit customers to have one drink whilst they wait for their table. It also dissuades them from standing outside and therefore marginally reduces the risk of undue external customer noise and/or congestion.

3) Regarding the closing times applied for of 00:30, we are aware that for Sunday to Thursday these are 30 minutes later than those recommended in the Southwark Statement of Licensing policy 2016 – 2020. However please note the comments from the EPT, which we agree with: "Whilst the proposed hours narrowly exceed the licensing policy, EPT have reviewed other similar premises facing onto the E&C roundabout and EPT do not raise objection to the proposed hours for Theo's. There is also another commercial unit above Theo's before reaching the bottom floor of residential flats in Draper House". As an example, Mamuska at 16 Elephant & Castle has a license (855806) which permits late night refreshment to 02:30 Monday to Saturday and 23:00 on Sunday.

We are keen to avoid potential technical breaches of our license by being open 1 minute past 00:00 on any day of the week so would ask the Licensing Authority to re-consider this point. As a practical suggestion we could propose on Sunday only licensable activities are amended in the application to:

- Opening time to cease at 00:00

- Late night refreshment (indoors and outdoors) to cease at 00:00
- Supply of alcohol (on and off the premises) to cease at 23:30

Please note we have already agreed to a condition proposed by EPT that "The external area will be out of use between 22:00 and 08:00, with all furniture having been brought into the premises or, if left outside, rendered unusable"

4) Accommodation limits

Indoor proposed:

80

Outdoor proposed:

20

5) Dispersal Policy

Please find attached

Regards

Simon

Simon Leaver

[REDACTED]

Co-Founder, THEO'S

@theospizzeria

+44 203 026 [REDACTED] 4

2 Grove Lane, Camberwell, SE5 8SY

[REDACTED]

Theo's: 17-19 Elephant & Castle, SE1 6TH

Customer Dispersal Plan

Introduction

As professional operators we acknowledge that we have a primary responsibility to ensure that our premises does not generate excessive noise disturbance, outdoor customer congestion or antisocial behaviour. The purpose of this Customer Dispersal Plan is to detail the procedures we aim to adopt to ensure, as far as possible, the minimisation of disturbance to local residents by activities in and around the restaurant.

Theo's staff structure

Theo's employs a General Manager (GM), an Assistant GM (AGM) and 2 Duty Managers (DM), one of whom will be running every service when the restaurant is open. In almost all cases, either GM or AGM is on duty during the busy evening services, notably Thursday, Friday and Saturday evenings. It is the responsibility of these individuals to ensure Theo's staff carry out the proper management of the restaurant, it's staff and customers, including the Customer Dispersal plan.

During busy services, Theo's also has a separate dedicated 'host' located just inside the entrance to welcome customers, ensure they are seated efficiently and to manage the area just inside and just outside the entrance door.

Policies

- 1) Our license does not permit the sale of alcohol for the final 30 minutes of service
- 2) Full training of all staff with an emphasis on our GM, AGM, DMs and host to ask customers to leave quietly. This will be reinforced during pre-shift staff briefings. Training to include a refusal-to-serve alcohol policy to any customer who appears overly intoxicated.
- 3) Lighting levels to be increased slightly at 00:00 to indicate to customers the end of the service
- 4) Signage displayed inside the front door to remind customers to leave quietly
- 5) Internal and external CCTV with 30+ days of recording to discourage customers from loitering
- 6) Taxi numbers and directions to buses and the train station being provided to customers at our front bar
- 7) An effective customer queue management system. We use the online system 'Qudini' which allows us to text customers with table availability and to inform them when we are too busy to offer them a table. We have used this very successfully in our Camberwell restaurant for 2+ years and have avoided external queues.

Heron, Andrew**EPT REP WITHDRAWN**

From: Tahir, Sarah
Sent: 28 February 2018 11:52
To: Heron, Andrew
Subject: FW: EPT representation - Premises Licence, Theo's, 17 - 19 Elephant & Castle
Attachments: CAJ10213.doc

Added to l1u = 862137

From: Prickett, Mark
Sent: Wednesday, February 28, 2018 11:16 AM
To: Regen, Licensing
Cc: 'Simon Leaver'; [REDACTED]
Subject: EPT representation - Premises Licence, Theo's, 17 - 19 Elephant & Castle

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence for Theo's, 17 - 19 Elephant & Castle, SE1 6TH.

The premises is to be a pizza restaurant. The licensable activities applied for are as follows;

Recorded music (indoors): 10:00 – 00:30 Monday to Sunday. "Seated restaurant with background music".
 Late night refreshment (both indoors and outdoors): 23:00 – 00:30 Monday to Sunday.
 Supply of alcohol (both on and off the premises): 12:00 – 00:00 Monday to Sunday.

Opening hours: 07:00 – 00:30 Monday to Sunday

EPT STANCE

- 1) Recorded music to 00:30 is requested yet the applicant has advised that only background music is sought. Background music is not a licensable activity. Through the Licensing Act deregulations the applicant could perform, if they wish to, live or recorded music between 08:00 – 23:00 since the premises licence seeks alcohol sales. More information can be found here;

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

Can the applicant please confirm that they agree to remove the need for recorded music from the application? For clarity background music can still be played during the entirety of opening hours without the need for it to be licensed.

- 2) Opening hours –Southwark's Licensing Policy suggested opening hours for restaurants in the E&C town centre is midnight Sunday to Thursday. The application seeks 00:30 for these days. Whilst the proposed hours narrowly exceed the licensing policy, EPT have reviewed other similar premises facing onto the E&C roundabout and EPT do not raise objection to the proposed hours for Theo's. There is also another commercial unit above Theo's before reaching the bottom floor of residential flats in Draper House.
- 3) Section M of the application has been reviewed which details numerous proposed conditions to address the licensing objectives. EPT make the following comments on some of the proposed conditions;
 7. Licensed entertainment can be undertaken at the premises as mentioned above, so the applicant may wish to remove this condition?
 17. Section 224 of Southwark's Licensing Policy outlines that outdoor areas associated with licensed premises should cease at 10pm. Mamuska, the licensed premises next door to Theo's, has a condition restricting the outdoor use to 10pm also. Considering there are residential flats above 10pm cut off for the external area for Theo's should also be applied for consistency.

Please can the applicant confirm to the external area being closed to patrons at 10pm? Suggested rewording of proposed condition 17;

‘The external area will be out of use between 22:00 and 08:00, with all furniture having been brought into the premises or, if left outside, rendered unusable’.

The Environmental Protection Team **make representation** against this application until the above issues have been agreed to by the applicant.

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?

APPENDIX C**RESIDENT 1**

Saturday 24 February 2018

Dear Sir/Madam

Premises licence application 862137 (Theo's, 17-19 Elephant & Castle, SE1 6TH)

I am writing to object to the application for a premises licence submitted by Greenpoint Avenue Ltd in relation to the above address.

Firstly, the opening hours applied for are in excess of those set out in the Southwark Statement of Licensing Policy 2016-2020 for a major town centre location.

The council's licensing policy suggests that the latest acceptable closing time for a restaurant at this location on Sunday to Thursday nights is 12 midnight.

The applicant is seeking a licence that would permit trading till 12.30am. I am unaware of any special circumstances that would justify a departure from this policy for Theo's.

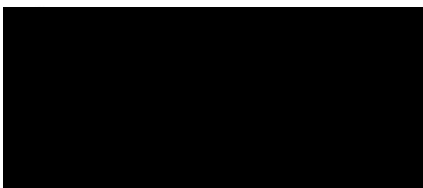
Whilst Draper House and Sherston Court have retail and restaurant uses at ground level which coexist well with residents, at present none of the businesses trades beyond midnight.

I would ask that the licensing sub-committee is mindful of the setting of the premises immediately adjacent to the main (indeed, only) entrance to 140 homes.

In relation to the licensing objective which seeks **the prevention of nuisance** I would note that as a first floor resident of Draper House, occupants already suffer late-night noise from people moving through the area after nights out and this application is likely to worsen the situation unless a reasonable terminal hour is attached to the licence.

I would suggest that the premises should be closed by midnight on all nights of the week (with an earlier finish to the sale of alcohol) in order to safeguard the amenity of residents of the Draper Estate.

Yours sincerely,



Heron, Andrew

From: Jerrom, Charlie
Sent: 13 February 2018 09:24
To: Heron, Andrew
Subject: FW: Licensing Application 862137

fyi

From: Jerrom, Charlie **On Behalf Of** Regen, Licensing
Sent: Monday, February 12, 2018 4:43 PM
To: Jerrom, Charlie
Subject: FW: Licensing Application 862137

From: [REDACTED]
Sent: Monday, February 12, 2018 4:00 PM
To: Regen, Licensing
Subject: Licensing Application 862137

Dear Sirs, this application is objected on the following grounds;

There is real concern that the approval of this license is likely to lead to an increase in crime, and alcohol related disorder, including (but not limited to) antisocial behaviour.

The proposed entrance of the proposed establishment is too close proximity to a large tower block, housing over 200 residence.

There is a genuine concern for public safety, as well as privacy, due to proximity to residential tower block

The establishment is too close in proximity to a children's park, and the entrance of the establishment is too close in proximity to residential dwellings.

Kindly confirm safe receipt of these objections.

[REDACTED]

Heron, Andrew

From: Heron, Andrew
Sent: 02 March 2018 15:09
Subject: Theo's Pizza

Dear Objectors,

Further to your representation against the new premises licence application, the Applicant has made the following response.

Should this lead you to withdraw your objection, please advise so in writing to this email address; alternatively, if you are happy to have your email address shared with the Applicant, you could as they suggest, arrange a meeting.

Regards,

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

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

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>



Dear Mr Heron

I write in response to representations you have received from the residents, which I have summarised and provided a response to below.

1) Opening hours

a) that the hours applied for (Sale by retail of alcohol on the premises Mon-Sun 00:00, Late Night Refreshment 00:30) are in excess of those set out in the Southwark Statement of Licensing Policy 2016-2020 for a major town centre location

Response:

The Southwark Statement of Licensing Policy 2016-2020 provides a guideline for major Town centres including Elephant & Castle of hours of operation for restaurants of Sun-Thurs 00:00, Fri-Sat 01:00. Theo's application is 30 minutes later than this guideline Sun-Thurs and 30 minutes earlier Fri-Sat.

We anticipate that a very small proportion of our sales would be taken after 23:30 but have applied for slightly later hours to avoid the risk of technical breaches of our license by missing a serving or closing deadline by a few minutes. We feel that is a reasonable and sensible approach.

b) that none of the surrounding businesses trade after 00:00

Response:

Comparable local businesses and their permitted hours for Sale by retail of alcohol on the premises / Late Night Refreshment are later than ours or the same, bar Sundays:

Mamuska (16 Elephant & Castle): 02:00 Mon-Sat, 23:00 Sun / 02:30 Mon-Sat, 23:30 Sun

After Taste Chinese restaurant (97 Newington Butts) 00:00 Mon-Sat, 23:30 Sun / 00:30 Mon-Sat, 00:00 Sun

Elephant & Castle Public House (119 Newington Causeway) 00:00 Sun-Wed, 01:00 Thurs, 02:00 Fri-Sat / 00:30 Sun-Wed, 01:30 Thurs, 02:30 Fri-Sat

There is clear precedent in the immediate area for the operating hours we have proposed.

2) Creation of noise, anti-social behaviour, crime, alcohol-related disorder, risk to public safety, loss of privacy, proximity to a children's park

Response:

We understand a small number of local residents who are not familiar with Theo's may have concerns about some of these issues. We would argue that 17-19 Elephant & Castle is a smaller restaurant than our Camberwell operation where in 2 1/2 years of operation we have not had a single act reported of anti-social behaviour, alcohol-related disorder or risk to the safety of local children or the general public. We are an Italian restaurant where alcohol constitutes just 20% of our total sales. Customers come to Theo's to eat pizza not to drink and there are numerous more alcohol-led alternatives nearby for people to go to (The Elephant & Castle Pub, The Rockingham Arms, Lost Rivers).

Whilst we have not submitted an Operating Schedule, you will be aware we have voluntarily proposed a significant number of License conditions which will minimise the risk of the issues raised by the local residents.

Summary:

There is a restaurant in very close proximity on either side of 17-19 Elephant & Castle (Mamuska & After Taste), neither of which have resulted in documented loss of amenity to local residents.

We are very open to meeting any local residents or representatives of Southwark Licensing to discuss our application

Regards
Simon



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21-Mar-2018

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