

## Licensing Sub-Committee

Monday 23 April 2018

10.00 am

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

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Sunny Lambe  
Councillor Lorraine Lauder MBE

### Reserves

Councillor Maria Linforth-Hall

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 13 April 2018



## **Licensing Sub-Committee**

Monday 23 April 2018  
10.00 am

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

### **Order of Business**

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
	<b>PART A - OPEN BUSINESS</b>	
<b>1.</b>	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
<b>2.</b>	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
<b>3.</b>	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
<b>4.</b>	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
<b>5.</b>	<b>LICENSING ACT 2003: HSBC PLC, 62-76 PARK STREET, LONDON SE1 9DZ</b>	1 - 35
<b>6.</b>	<b>LICENSING ACT 2003: ORIGIN COFFEE, RAILWAY ARCH 84 SCORESBY STREET, LONDON SE1 0XN</b>	36 - 62
<b>7.</b>	<b>LICENSING ACT 2003: LOKMA RESTAURANT, 11 BERMONSDEY SQUARE, LONDON SE1 3UN</b>	63 - 108

- |    |   |           |
|----|---|-----------|
| 8. | <b>LICENSING ACT 2003: KG2P CONVENIENCE STOREUNIT 2, NORTHCHURCH, DAWES STREET, LONDON SE17 2AQ</b> | 109 - 141 |
|----|---|-----------|

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

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

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

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

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

Date: 13 April 2018

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 23 April 2018	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: HSBC Plc, 62-76 Park Street, London SE1 9DZ	
<b>Ward(s) or groups affected:</b>		Cathedrals	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Compass Contract Services (UK) Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as HSBC Plc, 62-76 Park Street, London SE1 9DZ.
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 15 of this report deals with the representations received to the premises licence application. Copies of the relevant representations from the responsible authority and other persons are attached as Appendices B and C.
  - d) Paragraph 16 sets out the licensed premises within a 100 metre 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 14 February 2018, Compass Contract Services (UK) Ltd applied to this council for the grant of a new premises licence in respect of the premises known as HSBC, Plc, 62-76 Park Street, London SE1 9DZ. It is said that the applicant operates a business within the premises. The premises is described as the offices of HSBC Bank. The application is to cover the entirety of the premises for flexibility. The layout includes meeting rooms, breakout areas, reception area and office space. The application is for authorisation to provide licensable activities during times specified depending on the requirement of the business. The application is summarised as follows (amended by conciliation):
  - Sale and supply of alcohol (on the premises)
    - Monday to Sunday from 08:00 to 23:00
  - Operating hours
    - 24 hours.
9. The premises licence application form provides the applicant operating schedule. Parts 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 Juliana Rossi who has a personal licence issued by the Lewisham Council.

### **Representations from responsible authorities**

11. There is one representation submitted by public health which states that the site lies within Borough and Bankside cumulative impact zone. They have concerns regarding the off-sales of alcohol requested as applicant has not provided any justification for their need for off-sales and in their opinion the applicant had not adequately rebutted the presumption that the off-sales from this premises will add to the cumulative impact of alcohol harms in the local area. They recommend a licence for on-sales only is granted. A copy of the representation is attached as Appendix B.
12. Following on from the conciliation process and the agreement of conditions to remove off-sales of alcohol and also to cease all licensable activities at 23:00, as stated in the statement provided by the applicant representatives public health have withdrawn their representation (See Appendix B).

### **Representation from other person**

13. There are five representations from other persons (two local ward councillors and three residents). Their concerns are on the basis that this is a residential area and there are already more than enough premises in the area with drinks licences and will be disturbed not only from the noise and disruption caused with a licence of up to midnight but also the light that comes directly into their flats.
14. Copies of the representations are attached as Appendix C.

### **Conciliation**

15. The representations were forwarded to the applicant. The applicant's correspondent has responded with a statement which has been circulated to all parties and resulted in the withdrawal from public health. A copy statement and withdrawal email are attached as Appendix B. The licensing sub-committee will be updated of any developments on the 23 April 2018.

### **The local area**

16. 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**

- The Swan, 21 New Globe Walk, London SE1 (Monday to Sunday until 01:00)
- The Shakespeare Globe Underglobe and Event Area, 21 New Globe Walk, London SE1 (Monday to Sunday until 01:00)

- Shakespeare Globe, 21 New Globe Walk, London SE1 (Monday to Sunday until 00:00)
- Tas Pide, Ground Floor, 20-21 New Globe Walk, London SE1 (Monday to Sunday until 01:30)
- Sackler Studios, 1 Bear Gardens, London SE1 (Monday to Sunday until 23:00)

### **Deregulation of entertainment**

17. 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.

18. 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**

19. 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.
20. 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.
21. 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.
22. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

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

23. 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.
24. The statement of licensing policy recommends the following closing times in respect of the types of premises stated:
- Restaurants and cafes:
    - Sunday to Thursday: 00:00
    - Friday and Saturday 01:00.
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 £635 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 E.

### **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**

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

### **APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Application for a new premises licence
Appendix B	Representation from the public health authority and subsequent correspondence
Appendix C	Representations from other persons
Appendix D	Map of the local area



**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration		
<b>Report Author</b>	Dorcas Mills, Principal Licensing Officer		
<b>Version</b>	Final		
<b>Dated</b>	10 April 2018		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	No	No	
<b>Cabinet Member</b>	No	No	
Date final report sent to Constitutional Team		10 April 2018	

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

Business - Application for a premises licence to be granted under the Licensing Act 2003  
Ref No. PREVIEW VERSION

#### 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

	Compass Contract Services (UK) Ltd
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#### Premises Details

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

£	3,940,000
	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

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

Address Line 1	62-76 PARK STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 9DZ
Ordnance survey map reference	
Description of the location	Office building
Telephone number	01010101010

#### 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 applying as an individual or non-individual please select one of the following:-

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

## Other Applicants

## Personal Details - First Entry

Name	Compass Contract Services (UK) Ltd
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## Address - First Entry

Street number or building name	Parklands Court
Street Description	24 Parklands Birmingham Great Park
Town	Rubery
County	West Midlands
Post code	B45 9PZ
Registered number ( where applicable )	02114954
Description of applicant ( for example, partnership, company, unincorporated association etc )	Company

## Contact Details - First Entry

Telephone number	[REDACTED]
Email address	[REDACTED]

## Operating Schedule

When do you want the premises licence to start?

	15/03/2018
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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 )

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

## Operating Schedule part 2

### Provision of regulated entertainment (Please read guidance note 2)

[illegible]

## Provision of late night refreshment

	i) Late night refreshment
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## Supply of alcohol

	j) Supply of alcohol
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## I - Late Night Refreshment

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

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

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

	The provision of hot and cold food and drink
--	--

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

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

	n/a
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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 )

	n/a
--	-----

## J - Supply of Alcohol

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

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

	Both
--	------

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

Day	Start	Finish
Mon	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	00:00

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

	n/a
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Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 6 )

	n/a
--	-----

Please upload the consent form completed by the proposed premises supervisor

	<a href="#">HSBC-DPS-Consent.pdf</a>
--	--------------------------------------

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Juliana
Surname	Rossi

DOB

Date Of Birth	
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Address of proposed designated premises supervisor

Street number or Building name	
Street Description	

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

Town	
County	
Post code	

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

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

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
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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	00:00	00:00
Tues	00:00	00:00
Wed	00:00	00:00
Thur	00:00	00:00
Fri	00:00	00:00
Sat	00:00	00:00
Sun	00:00	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 )

	The office is open to employees/officers and guests 24 hours per day.
--	---

M - Steps to promote four licencing objectives

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

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

	<p>The premises are already required to comply with existing and future legislation to include (but not limited to) legislation on safety, health and environmental issues, fire safety, planning, building regulations, disability discrimination, trading standards, weights and measures, crime and disorder and security industry legislation. The licence holder is also required to comply with the provisions of the Licensing Act 2003. The measures covered by various legislation should not be repeated in the premises licence in accordance with the section 182 Guidance to Licensing Authorities</p> <p>The provision of licensable activities shall be restricted to: employees and officers of the organisations in occupation, or their associated companies; and bona fide guests of the said employees, officers and companies; and persons attending any bona fide private event at the premises.</p> <p>The licence is ancillary to the use of the premises as corporate offices.</p> <p>There shall be no advertisement of the licensed facilities outside of the premises.</p>
--	--

## b) the prevention of crime and disorder

	Access to the premises is controlled by secure access control with photo ID on all floors/ doors and 24 hour manned security/reception . There is no access to the general public.
--	--

## c) public safety

	A Fire Risk Assessment Emergency Evacuation Policy and Health and Safety Risk Assessment shall be undertaken and reviewed Periodically.
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## d) the prevention of public nuisance

	The premises are a working office and as such additional measures are not deemed necessary to prevent public nuisance.
--	--

## e) the protection of children from harm

	The premises are a working office and as such additional measures are not deemed necessary to prevent public nuisance.
--	--

Please upload a plan of the premises

	<a href="#">HSBC-PLANS.pdf</a>
--	--------------------------------

Please upload any additional information i.e. risk assessments

--	--

## Checklist

	<p>I have enclosed the plan of the premises.</p> <p>I understand that if I do not comply with the above requirements my application&lt;br&gt; will</p>
--	--



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

	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

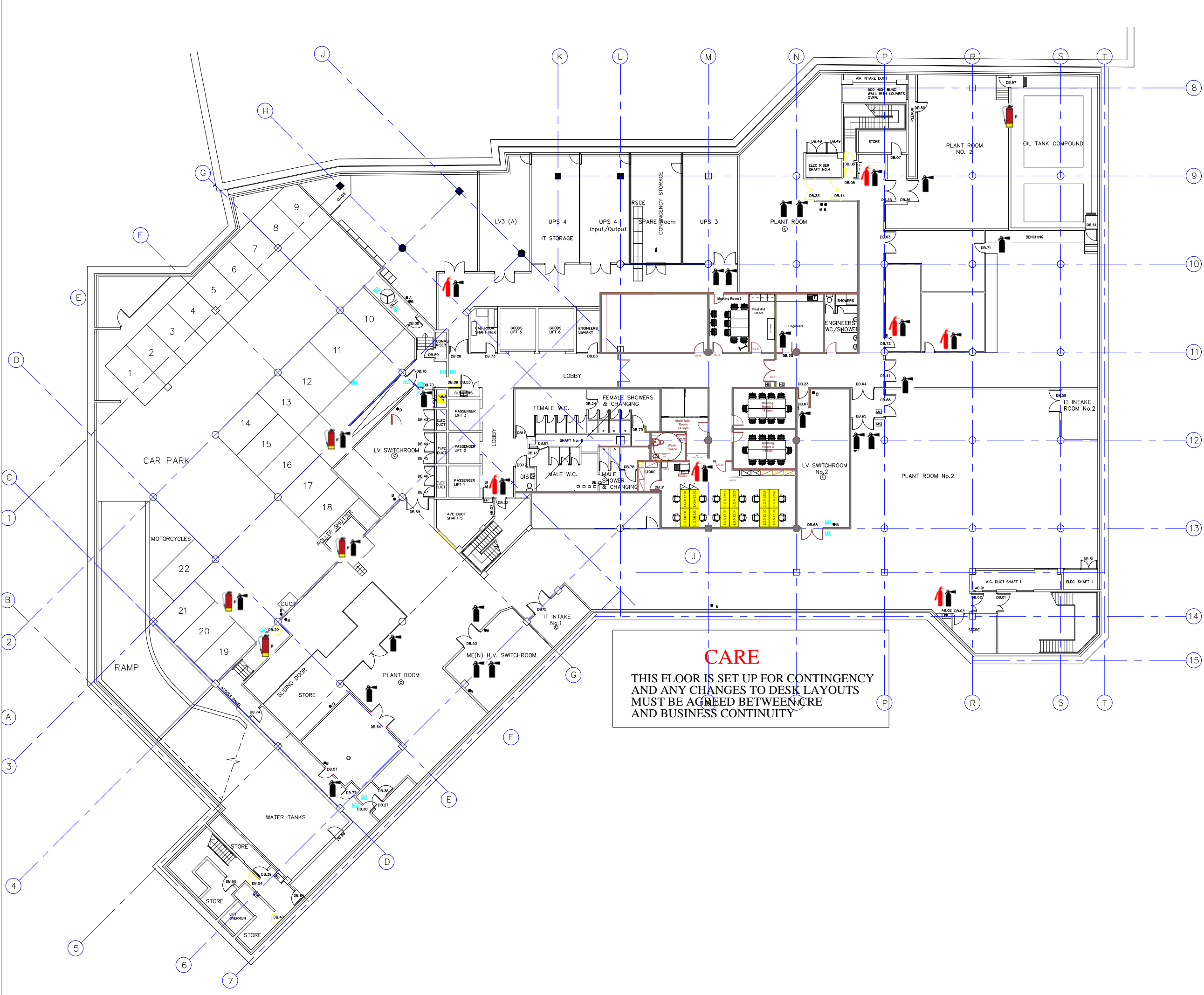
	I am a company or limited liability partnership
--	---

## Declaration

I agree to the above statement

	Yes
PaymentDescription	
AuthCode	
LicenceReference	
PaymentContactEmail	

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



Information  
Do not scale from this drawing  
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Report all discrepancies to the drawing author immediately

Legend		
HBEU		
	FM Command Centre BU	12
	Equipment Desks	0
	Hot desks	0
	Spare	0
Total		12

J	04.09.15	Updated to FMS	GPM
I	25.03.14	Updated to FMS	GPM
H	21.03.13	Partition Amendments from As Builts.	LO
G	17.12.13	Updated to FMS	GPM
F	17.12.13	Dept & Cost Code Added	LO
E	09.12.13	Partition & office layout revised	LO
D	5.08.08	Carillion FM moved onto floor	SWL
C	30.07.04	Updated square footage details	GC
Rev.	Date	Description	Drawn

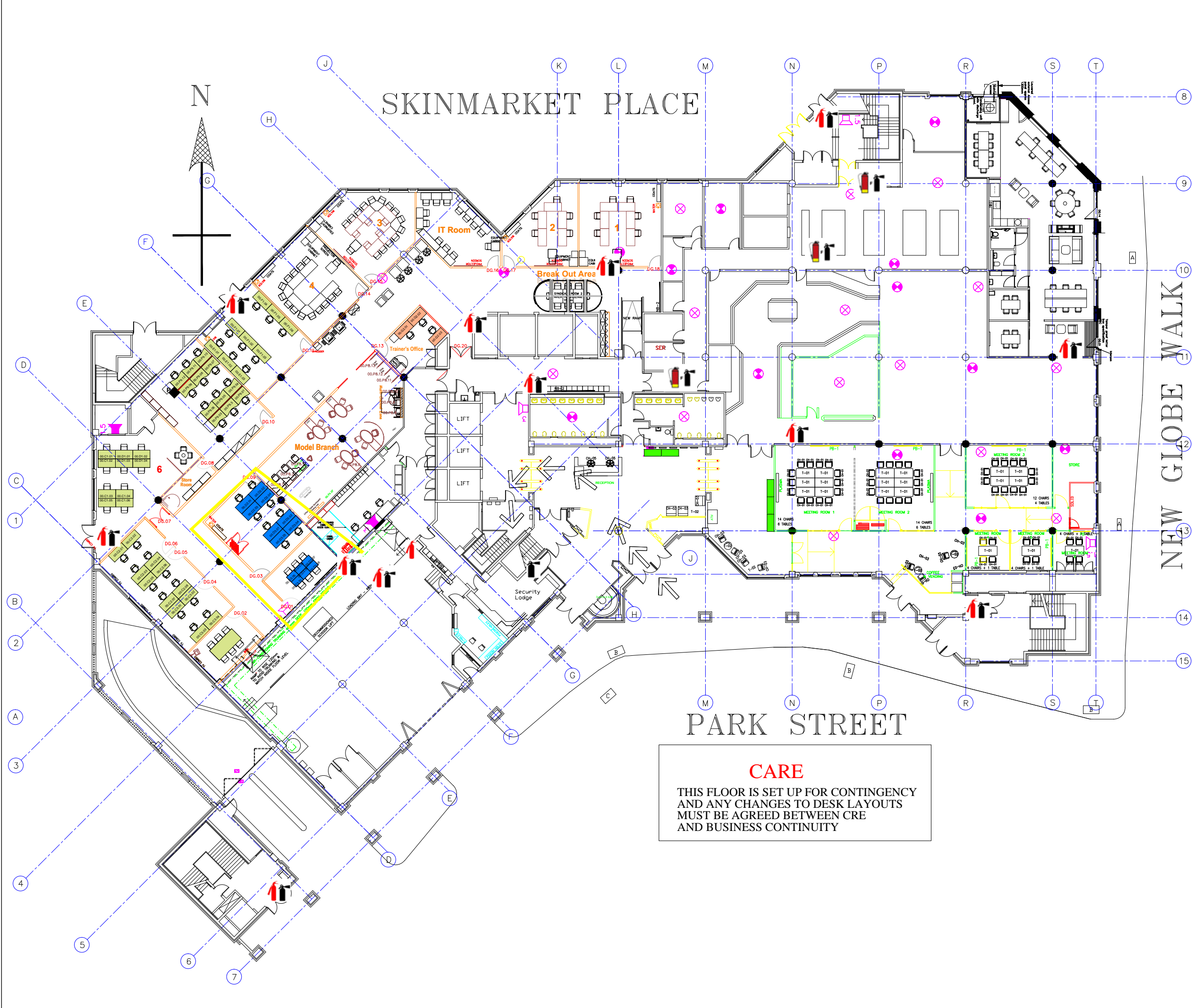


LOCATION:- HSBC BANK PLC.  
62-76, PARK STREET  
SOUTHWARK  
LONDON, SE1 9DZ

PROJECT:- LOWER GROUND FLOOR  
PROPOSED CONTINGENCY

DATE:-	08.01.02	DRAWN:-	PB
SCALE:-	TO FIT A3	JOB NO:-	
CAD FILE NAME:-	7797X1LG	REV:-	J

HSBC Bank plc  
Corporate Real Estate  
30th floor, 8 Canada Square  
London E14 5HQ.



Information  
Do not scale from this drawing  
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Legend		
	673779 - LEARNING SUPPORT	03
	50/50 Area Split 672547 - CMB Central Implementation (21) 672458 - GMCC Excalibur Costs (22)	43
	671896 - RBWM DIGITAL	14
	Vacant	0
Total		60

Z	06.11.15	Updated to FMS	GPM
Y	02.11.15	RBWM DIGITAL occupy space	LO
X	19.11.13	Updated to FMS	GPM
W	07.11.13	Meeting rooms allocated to Excal.	LO
V	24.10.13	Updated to FMS	GPM
U	17.10.13	Layout revised to reflect current.	LO
T	30.07.13	Updated to FMS	GPM
S	25.07.13	Excalibur Increase to 85 with Rm 6	LO
Rev.	Date	Description	Drawn



LOCATION: HSBC BANK PLC.  
62-76, PARK STREET  
SOUTHWARK  
LONDON, SE1 9DZ

PROJECT: GROUND FLOOR  
FURNITURE LAYOUT

DATE: 08.01.02	DRAWN: 7797X1GF
SCALE: 1/100	JOB NO: 7797X1GF
CAD FILE NAME: 7797X1GF	REV: Z

HSBC Bank plc  
Corporate Real Estate  
30th floor, 8 Canada Square  
London E14 5HQ.



GENERAL NOTES  
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Contractor to verify all dimensions on site prior to commencement of any works and to be satisfied that the works can be executed as drawn & specified and any discrepancies to be notified to the Designer immediately.  
All drawings & specifications related to this building project are copyright of the designers and are not to be copied or reproduced in any way without written consent.

Legend	
HSBH	
673860 - Group Regulatory Reporting	18
673866 - GFCP PMO	106
Sub Total	124
HSBC BANK	
674999 - Project Wolf	8
UK COMMERCIAL BANKING	
674983 - NET DEVELOPMENT	28
675005 - CMB LC MO	27
409221 - CMB MME MO	9
Sub Total	64
HTS UK	
671735 - CS PRODUCT MANAGEMENT	6
674054 - ITO TEAMS	55
674573 - CS TELECOM SERVICES	4
Sub Total	65
GBM	
670560 - Mgmt Office Cost Control	243
MANAGEMENT 674404	6
674699 - GTB CHANGE DELIVERY	21
Sub Total	270
CTSO EUROPE	
674163 - IT Architecture	2
HTS GB&M	
679919 - Enterprise Data Delivery	20
Global Cap Finance 675221 & Global Banking 674867 (50/50)	31
672887 - CDO	21
679924 - Onboarding	19
Sub Total	91
CTSO GLOBAL FUNCTIONS	
672564 - Global Fnctns UK & ALM	4
672563 - UK GF SWD INFRASTRC SERV	30
672561 - Global Funct UK MI & GFA IT	4
Sub Total	38
VACANT	4
Total	666

I	19-11-15	Updated to FMS	GPM
H	17-11-15	Project Wolf IYT Architect occupy desks	LO
G	16-11-15	Updated to FMS	GPM
F	11-11-15	CMB LC MO & MME MO move from PS2	LO
E	26-08-15	Updated to FMS	GPM
D	24-08-15	HTS GBM Revised allocations	LO
C	22-07-15	Updated to FMS	GPM
B	16-07-15	GBM Teams revised space allocation adjusted	LO
Rev.	Date	Description	Drawn

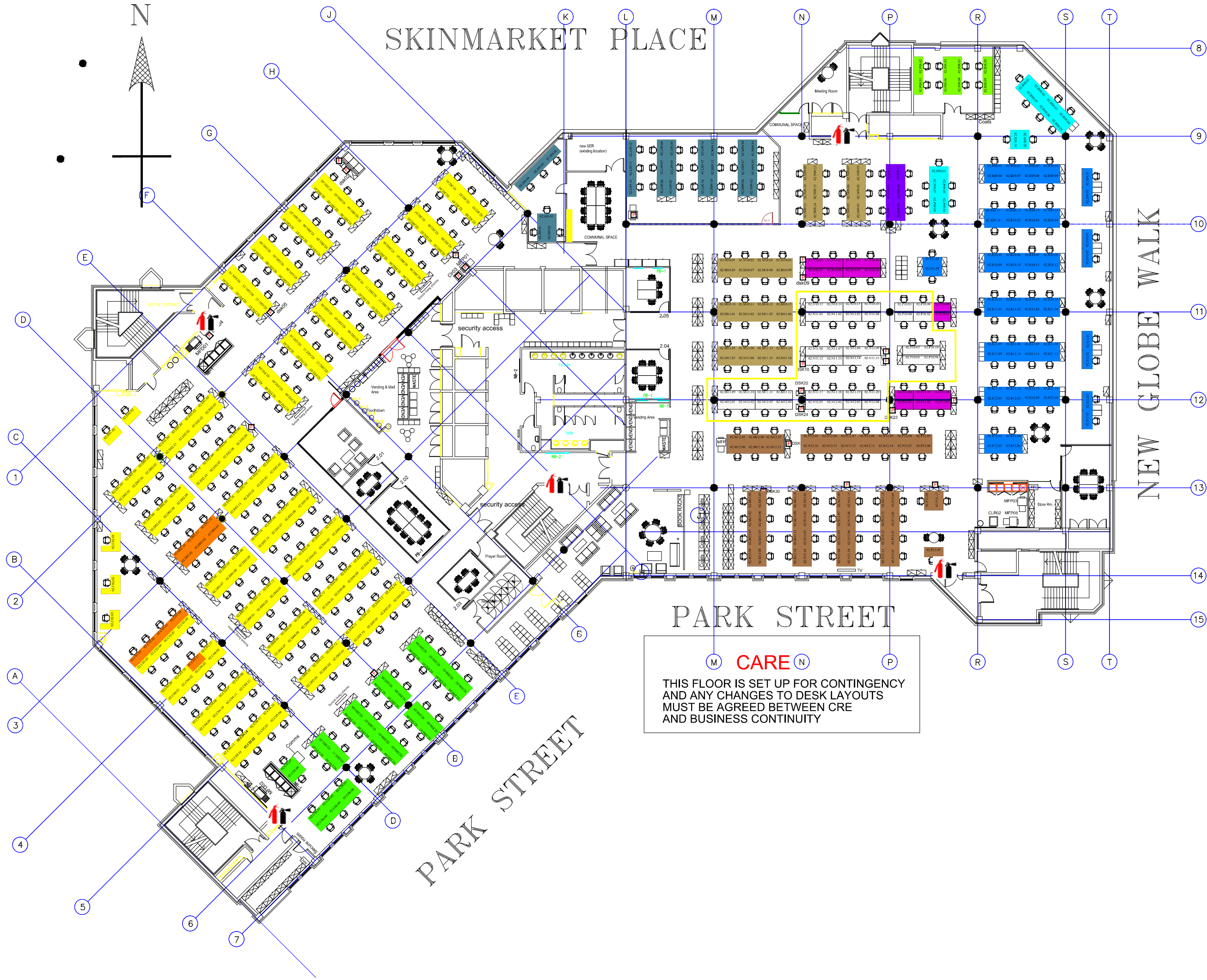
LOCATION: HSBC BANK PLC  
62-76, PARK STREET  
SOUTHWARK  
LONDON, SE1 9DZ












PROJECT: FIRST FLOOR  
FURNITURE LAYOUT

DATE: 08.01.02  
SCALE: To fit  
DRAWN: P.B  
JOB NO:  
CAD FILE NAME: 77977X11F  
REV: I

HSBC Bank plc  
Corporate Real Estate  
30th floor, 8 Canada Square  
London E14 5HQ.





GENERAL NOTES		
Do Not Scale From Drawing		
Contractor to verify all dimensions on site prior to commencement of any works and to be satisfied that the works can be executed as drawn & specified and any discrepancies to be notified to the Designers immediately.		
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Legend		
HSBH		
	675507 - HTS GMO CHANGE DELIVERY	36
UK CB		
	634100 - London Trade Bus Svs	55
	674994 - DIGITAL CHANNEL EXPERIENCE	27
	675003 - GLOBAL SUPPORT	8
SUB TOTAL		90
HTS UK		
	405315 - UK PAYMENTS	62
	407846 - HTS RISK	14
	672711 - HTS BRCM	6
SUB TOTAL		82
GBM		
	672823 - AMGB GDOCS	11
	676426 - CM Integration GB&M	36
	676469 - CM Service GB&M	190
SUB TOTAL		237
	679971 - AMGB	16
SUB TOTAL		35
SPARE		40
Total		501

Y	16-11-15	Updated to FMS	GPM
X	11-11-15	Onboarding teams move to PS1	LO
W	27-10-15	Updated to FMS	GPM
V	23-10-15	Cost Centre amendment Change Delivery	LO
U	19-10-15	AMGB Move from 8CSL23	LO
T	28-09-15	AMGB Move from 8CSL23	LO
S	12-05-15	Updated to FMS	GPM
R	06-05-15	Desk allocation amendments east side of floor	LO
Rev.	Date	Description	Drawn

LOCATION:- HSBC BANK PLC.  
62-76, PARK STREET  
SOUTHWARK  
LONDON, SE1 9DZ

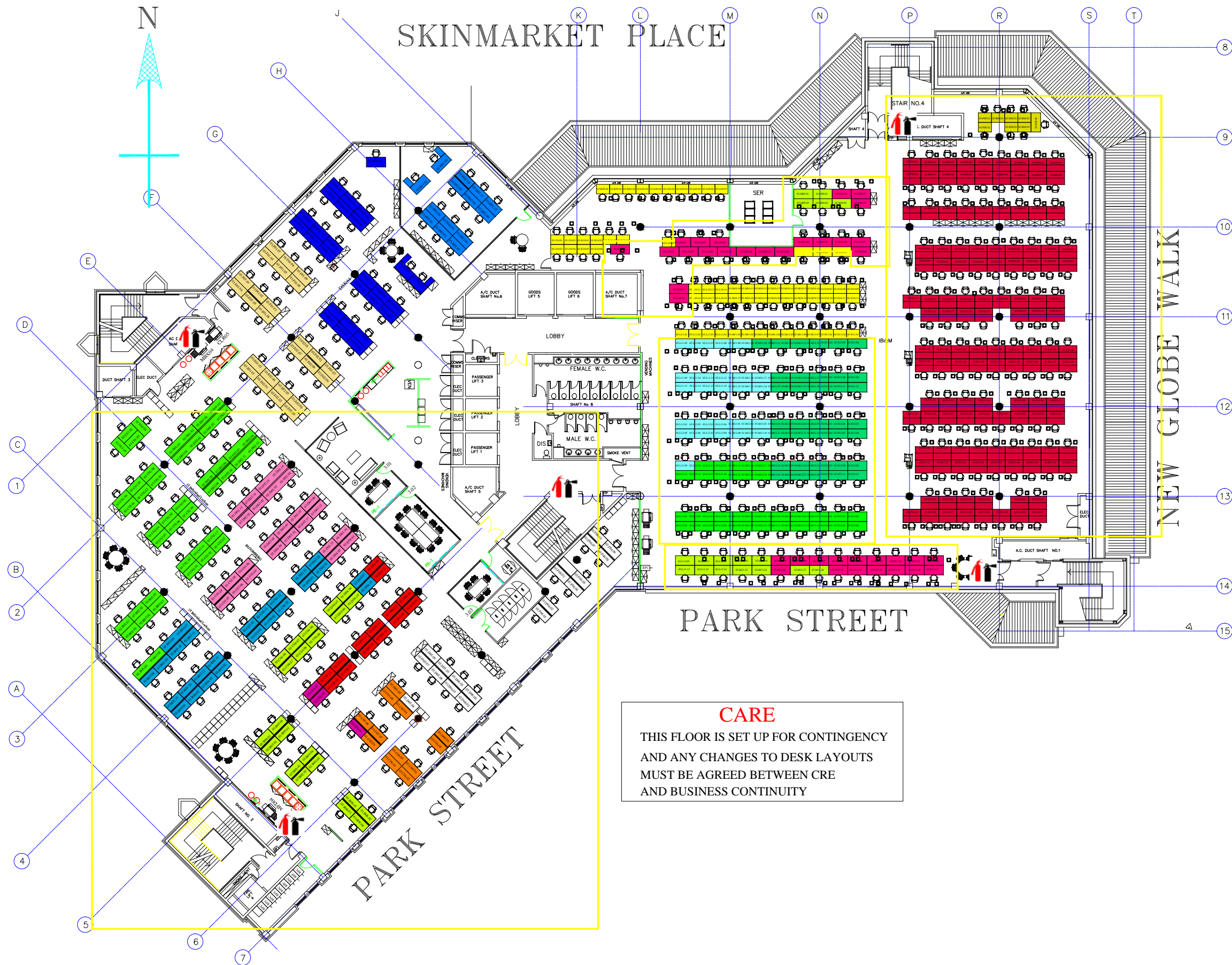
PROJECT:- SECOND FLOOR  
FURNITURE LAYOUT

DATE:- MAR 94  
SCALE:- TO FIT

DRAWN:-  
JOB NO:-

CAD FILE NAME: 7797-02-EX  
REV: Y

HSBC Bank plc  
Corporate Real Estate  
30th floor, 8 Canada Square  
London E14 5HQ.



**CARE**  
THIS FLOOR IS SET UP FOR CONTINGENCY  
AND ANY CHANGES TO DESK LAYOUTS  
MUST BE AGREED BETWEEN CRE  
AND BUSINESS CONTINUITY

Information  
Do not scale from this drawing  
All dimensions are to be verified on site prior to  
commencement of any work  
Report all discrepancies to the drawing author immediately

Legend	
HSBC BANK	
Contingency Area 000004	64
HTS UK	
Payments Industry 407373	14
670424 - CP - Desktop/ Laptop Terminal	26
WEALTH 672762	36
HTS GB&M IT Distributed Comp 674165	37
ALM & MIDDLEWARE 674938	29
ES Data Platforms 674941	17
674942 - Local MGMT - ES&A	27
EVPS & DS TESTING 675144	25
Sub total	211
GBM	
GB&M Contingency 670560	127
CTSO EUROPE	
Client Sales & Servicing 671733	8
HTS GB&M	
CDO 672887	3
674332 - INV IT OVERHEAD	46
Global Cap Finance 675221 / Global Banking 674867 50/50 split	22
GDS MARKET DATA 675653	26
677507 GBM Finance IT	12
DATA READINESS 679380	14
Onboarding 679924	26
Sub total	149
Vacant desks	18
Total	577

D	26.08.15	Updated to FMS	GPM
C	24.08.15	HTS GBM Allocation updates	LO
B	10.08.15	HTS GBM IT Teams replace Reg Risk	LO
A	06.08.15	Contingency space reallocated	LO
Z	23.07.15	Updated to FMS	GPM
Y	16.07.15	GBM teams revised cost codes revised	LO
X	10.07.15	GBM teams defined cost codes added	LO
W	01.07.15	Wealth EVPS & ALM move from 8C5L9	LO
Rev.	Date	Description	Drawn



LOCATION: HSBC Bank plc  
62-76, PARK STREET  
SOUTHWARK  
LONDON, SE1 9DZ

PROJECT: THIRD FLOOR  
FURNITURE LAYOUT

DATE: 08.01.02 DRAWN:  
SCALE: To Fit JOB NO:

CAD FILE NAME: 7797X13F REV: D

HSBC Bank plc  
Corporate Real Estate  
30th floor, 8 Canada Square  
London E14 5HQ.



Information  
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Report all discrepancies to the drawing author immediately

Legend	
HSBC Bank	
<div></div> Security Services 404850	21
<div></div> Fraud Investigations 404850	7
<div></div> Fraud MFU 409085	24
<div></div> Info. Security 409228	13
<div></div> Fraud FSDT 673557	45
<div></div> Business Continuity 673849	10
<div></div> Card Fraud Management 674560	40
<div></div> M&S Investigations 678483	26
<div></div> Regional Security 673555	7
<div></div> Fraud Prevention 673556	13
<div></div> Equipment desks	0
<div></div> Hot desks	0
<div></div> Spare desks	0
Total	206

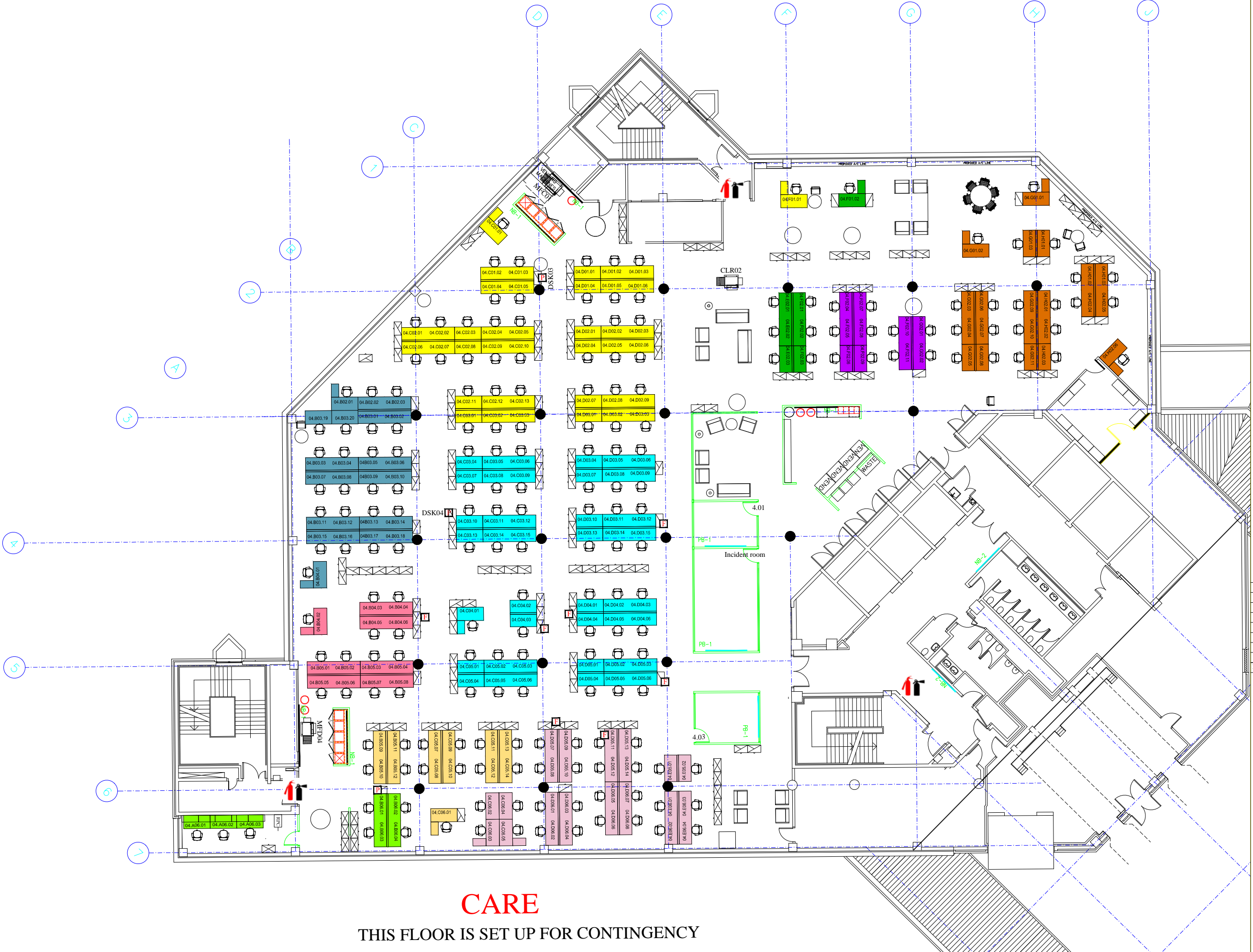
P	03-07-14	Updated to FMS	GPM
O	01-07-14	Corrections to team headcounts as displayed on layout	LO
N	06-05-14	Updated to FMS	GPM
M	30-04-14	Two additional desks Fraud Team	LO
L	08-11-12	Cost Centre Changes	GPM
K	29-09-11	Desk Numbers Updated	GPM
J	6-9-11	Security added more desks	SWL
I	11-09-09	COMPLIANCE MOVED TO RCS 10	SWL
Rev.	Date	Description	Drawn



LOCATION: HSBC BANK PLC.  
62-76, PARK STREET  
SOUTHWARK  
LONDON, SE1 9DZ

PROJECT: FOURTH FLOOR LAYOUT FURNITURE LAYOUT	
DATE: 08.01.02	DRAWN: SWL
SCALE: TO FIT A3	JOB NO:
CAD FILE NAME: 7797X14F	REV: P

HSBC Bank plc  
Corporate Real Estate  
30th floor, 8 Canada Square  
London E14 5HQ.



CARE  
THIS FLOOR IS SET UP FOR CONTINGENCY

Information  
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THIS PLAN SHOWS CONTINGENCY POSITIONS ONLY.  
DESKING WILL BE 1600X800

Legend	
HSBC BANK	
GRP ADT EUROPE CEN MNGMNT 408219	68
GRP ADT EUROPE CEN MNGMNT 672591	5
Sub Total	73
HSBH	
GROUP INTERNAL AUDIT 670043	2
HTS GB&M	
Strategic Dev Programme - 674646	94
Total	169

Y	29-11-12	Updated	GPM
X	27-09-12	Updated	GPM
W	23-07-12	Updated	GPM
V	11-10-11	Desk Added	GPM
U	29-09-11	Desk Numbers Updated	GPM
T	15-3-11	Audit reorganised	SWL
S	15-2-11	RUBIX team occupied space	SWL
R	23-09-10	IT moved to P503 Space reverts to IPS	SWL
Rev.	Date	Description	Drawn



LOCATION: HSBC BANK PLC.  
62-76, PARK STREET  
SOUTHWARK  
LONDON, SE1 9DZ

PROJECT: FIFTH FLOOR LAYOUT  
FURNITURE LAYOUT

DATE: 08.01.02 DRAWN: P.B

SCALE: TO FIT A3 JOB NO:

CAD FILE NAME:

7797X15F

REV: Y

HSBC Bank plc  
Corporate Real Estate  
30th floor, 8 Canada Square  
London E14 5HQ.

CARE

THIS FLOOR IS SET UP FOR CONTINGENCY  
AND ANY CHANGES TO DESK LAYOUTS  
MUST BE AGREED BETWEEN CRE  
AND BUSINESS CONTINUITY



**From:** Sharpe, Carolyn **On Behalf Of** Public Health Licensing  
**Sent:** Wednesday, March 14, 2018 10:17 AM  
**To:** Regen, Licensing  
**Cc:** Public Health Licensing  
**Subject:** RE: Consultation - New Premises Licence, 62-76 Park Street

To whom it may concern:

**Re: 62-76 Park Street, London SE1 9DZ**

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

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

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

The applicant requests a new licence for the sale of alcohol both on and off the premises between the hours of 08:00 and 00:00 daily with opening times of 00:00-00:00 daily. .

I have concerns regarding the off-sales of alcohol requested. The applicant has not provided any justification for their need for off-sales This premises is located within the Borough and Bankside Cumulative Impact Policy area and in my opinion the applicant has not adequately rebutted the presumption that the off-sales from this premises will add to the cumulative impact of alcohol harms in the local area.

I recommend a licence for on-sales only is granted.

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

Yours sincerely,

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

Carolyn Sharpe | [carolyn.sharpe@southwark.gov.uk](mailto:carolyn.sharpe@southwark.gov.uk) | 02075250025 |

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

26 March 2018

Squire Patton Boggs (UK) LLP  
Rutland House  
148 Edmund Street  
Birmingham  
B3 2JR  
United Kingdom  
DX 708610 Birmingham 17

O +44 121 222 3000  
F +44 121 222 3001  
squirepattonboggs.com

Stephanie Perraton

Our ref SLP1/ADH/COM.225-412

Dear Sir/Madam

### **HSBC Park Street London - Application for a Premises Licence**

Please forgive the informal nature of this communication but unfortunately we do not have your direct contact details. We have received copies of your representations via the Council.

We are instructed on behalf of the applicant in connection with their application for a premises licence. The application is made by Compass Contract Services who are the caterers appointed by HSBC to provide food and drink to employees, guests and officers as and when required. Alcohol is provided by way of hospitality only and we have included a condition to that effect as part of the application.

The condition states that:-

“The provision of licensable activities will be restricted to employees, officers, guests and attendees at bona fide private events only”

Although there will not be any cash sales, a licence is still required under the legislation. Sales between caterer and client require a Premises Licence even if they are made on an invoice basis. Compass currently operate five licensed sites for HSBC with a sixth one opening shortly.

The building operates tight security, which all visitors have to go through before entering the building. There is and will be no access to the general public. Park Street is and will remain the offices of HSBC. There is no intention to operate a public bar.

The office is accessible 24 hours to staff, guests and officers although licensable activities will only be provided between the hours specified. My clients would be prepared to limit the terminal hour to 23.00 and remove the requirement for off sales if you are minded to withdraw your representation.

47 Offices in 20 Countries

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Squire Patton Boggs (UK) LLP

26 March 2018

We look forward to hearing from you, if you have any further queries please do not hesitate to contact Stephanie Perraton direct on 0121 222 3559.

Yours faithfully

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

Squire Patton Boggs (UK) LLP

**From:** Pinder, Richard  
**Sent:** Monday, March 26, 2018 4:20 PM  
**To:** 'stephanie.perraton@squirepb.com'  
**Cc:** Mills, Dorcas; Sharpe, Carolyn  
**Subject:** RE: Premises Licence Application - HSBC, 62/72 Park Street, SE1

Dear Ms Perraton

Thank you for letter dated today, 26 March 2018. Per the response below from 1521hrs, I am content to withdraw my applications on the basis of the provisions outlined. Thank you for your suggestions.

Best wishes,

Dr Pinder

-----

Dr Richard Pinder | [richard.pinder@southwark.gov.uk](mailto:richard.pinder@southwark.gov.uk)

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1

**From:** Morris, Adele**Sent:** Wednesday, February 14, 2018 5:39 PM**To:** Jerrom, Charlie; Linforth-Hall, Maria; Mills, Dorcas; Noakes, David**Cc:** Tear, Jayne; Public Health Licensing**Subject:** RE: Consultation - New Premises Licence, 62-76 Park Street

Dear Charlie

I would like to register my objection to this application. This is in an area with a Cumulative Impact Policy, where there is a presumption against granting new licences. In addition, I would question why a bank needs to have an alcohol licence? Isn't it enough that there is a proliferation of licenced premises in the local area without having to supply alcohol in the workplace?

Best wishes

Councillor Adele Morris

Cathedrals Ward Liberal Democrat Councillor

Opposition Spokesperson for Regeneration

Vice Chair of Licensing Committee

Deputy Chair, LGA Environment, Economy, Housing and Transport Board

LGA Planning Advisory Service Board Member

Tel: 0207 525 4377



AdeleCathedrals

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

**2****From:** Noakes, David**Sent:** Monday, March 05, 2018 4:29 PM**To:** Jerrom, Charlie; Regen, Licensing**Subject:** Consultation - New Premises Licence, 62-76 Park Street

Charlie,

I would like to object to this licence application on the grounds that this is within the Borough and Bankside accumulative impact zone and because of my concerns and those of my residents in regards to the prevention of crime and disorder and public nuisance.

Councillor David Noakes

Liberal Democrat Councillor for Cathedrals Ward

Opposition Spokesperson for Health and Member of the Health and Wellbeing Board

Vice Chair of Healthy Communities Scrutiny Sub Committee

Tel. no. 0207 525 1326

E-mail [david.noakes@southwark.gov.uk](mailto:david.noakes@southwark.gov.uk)

@cathedralsdavid

3

Senders Email Address: [REDACTED]

Message:

I am writing in objection to the Premises Licences under the Licensing Act 2003 that Contract Compass Services have applied for within the HSBC Building.

The criteria for the objection is -

Prevention of public nuisance and prevention of crime and disorder.

Due to the distress that the Porky's bar has caused us over the past couple of years, we also would be of the same sentiments as the fellow residents to object having another public bar on the street. Also, factoring in the noise and disruption the additional engineering/renovation work will cause in the upcoming months.

Many Thanks,

4

**From:** [REDACTED]  
**Sent:** Monday, March 05, 2018 2:14 PM  
**To:** Regen, Licensing  
**Subject:** Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews  
Details for Licence Number: 862293

To whom it may concern

Ref: Premises License 862293

We are firmly opposed to the granting of this license. First of all, it is not clear what this license is for. We were under the impression that the building at 62-76 Park Street SE1 9DZ is part of the HSBC group. If so, why is Compass Contract Services (UK) Ltd asking for a Premises License for an operations centre for a major UK bank?

If the license is for private in-house HSBC functions then why does part of it concern the 'sale by retail of alcohol to be consumed off premises'. The granting of such a license to extend beyond 23:00 to 00:00 is also unacceptable. This is a residential area and there are already more than enough premises in the area with drinks licenses. It would create too much additional noise and disruption in the area.

If an alternative establishment (to HSBC) that we don't know about is being set up at 62-76 Park Street, we are also firmly opposed. We already have a lot of commercial establishments in the area with late night openings. Most do not extend beyond 11pm, however, except in special circumstances.

Yours sincerely

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



5

**From:** [REDACTED]  
**Sent:** Friday, March 02, 2018 11:05 AM  
**To:** Regen, Licensing  
**Cc:** Noakes, David  
**Subject:** License number 862293

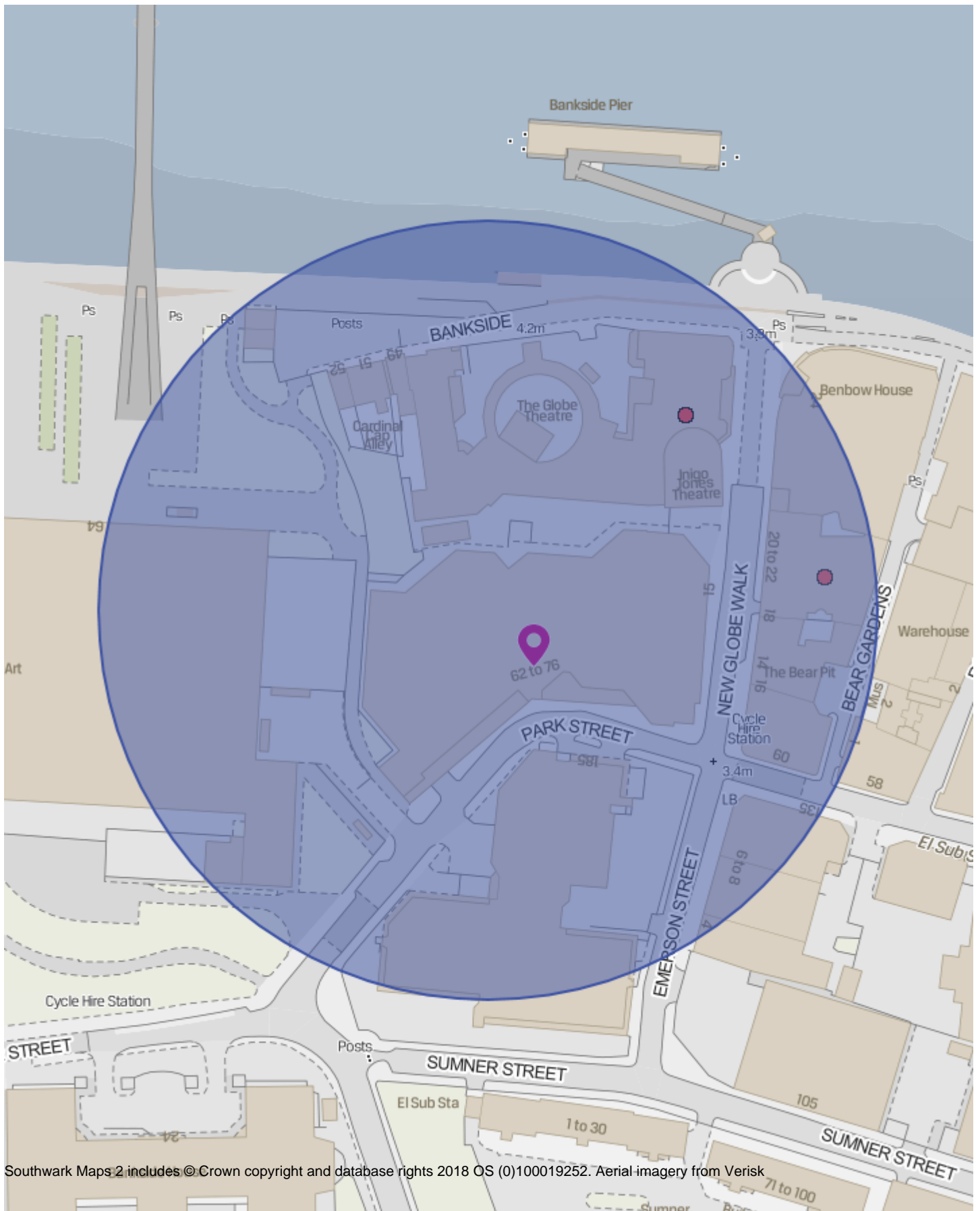
Dear Southwark Licensing

I would like to object to the license application from Compass Contract Services (UK) Ltd located at HSBC PLC 62-76 Park Street SE1 9DZ on the basis that this is a residential area and there are already more than enough premises in the area with drinks licenses. As a resident facing the offices I would be disturb not only from the noise and disruption caused with a license of up to midnight but also the light that comes directly into my flat.

We already have a lot of establishments including the Globe Theatre with late night openings but they are all capped to 10.30/11pm.

Regards

[REDACTED]



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50 m

4-Apr-2018

Scale = 1 : 1323.000

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 23 April 2018	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Origin Coffee, Railway Arch 84 Scoresby Street, London SE1 0XN	
<b>Ward(s) or groups affected:</b>		Cathedrals	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Origin Coffee (UK) Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Origin Coffee, Railway Arch 84 Scoresby Street, London SE1 0XN.
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 17 of this report deals with the representations received to the premises licence application. Copies of the relevant representations and correspondence from responsible authorities and other persons are attached as Appendices B and C.
  - d) Paragraph 18 deals with licensed premises within a 100 metre 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 15 February 2018, Origin Coffee Ltd applied to this council for the grant of a new premises licence in respect of the premises known as Origin Coffee, Railway Arch 84 Scoresby Street, London SE1 0XN. The premises is described as a coffee shop. The application is summarised as follows:
  - Sale and supply of alcohol (on the premises)
    - Monday to Friday from 10:00 to 22:00
    - Saturday from 10:00 to 23:00
    - Sunday from 10:00 to 16:00
  - Operating hours
    - Monday to Friday from 06:00 to 22:00
    - Saturday from 07:00 to 23:00
    - Sunday from 09:00 to 16:00.
9. The premises licence application form provides the applicant operating schedule. Parts 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 Andrew McFarlane who has a personal licence issued by Southwark Council.

### **Representations from responsible authorities**

11. Representations were submitted by the Metropolitan Police Service and the licensing team acting as a responsible authority.
12. The police representation states that the application describes the operation as a coffee shop and makes no reference as to the need for alcohol supply within the business model. The premises is situated within the cumulative impact area, therefore special consideration should be given by the applicant as the possible impact that their premises could have on both the licensing objectives and the cumulative impact. The police advise that it is difficult to recommend any control measures to address the promotion of the licensing objectives as the application contains so little detail as to the proposed business. The applicant has failed to address any of the four licensing objectives, and therefore the police can only recommend that this application is refused in its entirety.
13. The licensing representation is based on the Southwark statement of licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance. The licensing representations states that the premises sits in the Borough and Bankside cumulative impact policy area and the applicant has not addressed the presumption to refuse this application within the operating schedule. Further to this the application has not addressed any of the licensing objectives.
14. Copies of the representations are attached as Appendix B.

### **Representation from other persons**

15. There are three representations from other persons (two local ward councillors and one resident). Their concerns relate to public nuisance. They advise that the premises are situated in a quiet residential street with family homes and gardens only about 15 yards from the railway arches. There are already intermittent problems from the Blackfriars wine bar at one end of Scoresby Street when groups of drinkers gather outside late at night talking and shouting. There has also recently been an increase in public urination on the estate at both ends of the street. Many children on the estate have bedrooms facing towards the proposed restaurants and their sleep may be particularly disturbed.
16. Copies of the representations are attached as Appendix C.

### **Conciliation**

17. The representations were forwarded to the applicant. The applicant correspondent has responded with a statement which has been circulated to all parties. A copy statement is attached as Appendix B. The licensing sub committee will be updated of any developments on the 23 April 2018.

### **The local area**

18. 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**

- Nandos, Railway Arch 86 Scoresby Street, London SE1 (Sunday to Monday until 23:30, Friday and Saturday until 00:00)
- Flying Fish Sushi, Railway Arch 85 Scoresby Street, SE1 (Sunday to Friday until 21:00, Saturday until 16:00)
- Blackfriars Wine Bar, Railway Arch 80 Scoresby Street, SE1 (Monday to Saturday until 23:00, Sunday until 22:30)
- Jacks, Railway Arch 96 Joan Street, London SE1 (Monday to Thursday until 23:30, Friday and Saturday until 00:30 and Sunday until 23:00)
- Mar 1 Terra P.H, 14 Gambia Street, London SE1 (Monday to Saturday until 00:00, Sunday until 23:30)
- TFL, Palestra House, 197 Blackfriars Road, London SE1 (Monday to Sunday until 00:00)
- Overseas Development Institute, Great Surrey House, 203 Blackfriars Road, London SE1 (Monday to Saturday until 23:00, Sunday until 22:30).

### **Off licence**

- Local Express, 202-206 Union Street, SE1 (24 hrs)

### **Deregulation of entertainment**

19. 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.
20. 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**

21. 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.

22. 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.
23. 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.
24. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

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

25. 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.

26. The statement of licensing policy recommends the following closing times in respect of the types of premises stated:
- Restaurants and cafes:
    - Sunday to Thursday: 00:00
    - Friday and Saturday 01:00.
27. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Resource implications**

28. A fee of £635 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 E.

### **Consultation**

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

### **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

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

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

33. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
34. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn



- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
35. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
    - Any condition which must under section 19, 20 or 21 be included in the licence
  - To exclude from the scope of the licence any of the licensable activities to which the application relates
  - To refuse to specify a person in the licence as the premises supervisor
  - To reject the application.

### **Conditions**

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

### **Reasons**

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

### **Hearing procedures**

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

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

44. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
45. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

46. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
47. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
48. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

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

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

### **Guidance**

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

### **Strategic Director of Finance and Governance**

52. The head of 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	Representations from responsible authorities and subsequent correspondence
Appendix C	Representations from other persons
Appendix D	Map of the local area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration		
<b>Report Author</b>	Dorcas Mills, Principal Licensing Officer		
<b>Version</b>	Final		
<b>Dated</b>	10 April 2018		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	No	No	
<b>Cabinet Member</b>	No	No	
Date final report sent to Constitutional Team		10 April 2018	

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

14/02/2018

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

Ref No. 972457

#### 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

	Origin Coffee Ltd
--	-------------------

#### Premises Details

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

£	20,500
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

#### Premises trading name

	Origin Coffee
--	---------------

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

Address Line 1	RAILWAY ARCH 84 SCORESBY STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 0XN
Ordnance survey map reference	
Description of the location	Coffee Shop
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 applying as an individual or non-individual please select one of the following:-

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

## Other Applicants

## Personal Details - First Entry

Name	Origin Coffee Ltd
------	-------------------

## Address - First Entry

Street number or building name	■ The ROastery
Street Description	Wheal VROSE Business Park
Town	London
County	
Post code	TR13 0FG
Registered number (where applicable)	08604373
Description of applicant (for example, partnership, company, unincorporated association etc)	Limited Company

## Contact Details - First Entry

Telephone number	
Email address	

## Operating Schedule

When do you want the premises licence to start?

	01/05/2018
--	------------

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

	Coffee Shop - Pending planning permission for change of use (18/AP/0176) to be decided on 20/03/2018.
--	---

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)


Provision of late night refreshment

--	--

Supply of alcohol

	J) Supply of alcohol
--	----------------------

J - Supply of Alcohol

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

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



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

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

Day	Start	Finish
Mon	10:00	22:00
Tues	10:00	22:00
Wed	10:00	22:00
Thur	10:00	22:00
Fri	10:00	22:00
Sat	10:00	23:00
Sun	10:00	16:00

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

	<u>Schedule- 15- 6- 3- 17- Consent- of- individual- to- being- specified- as- premises- supervisor- 1- .pdf</u>
--	---

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Michael
Surname	McFarlane

DOB

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

Address of proposed designated premises supervisor

Street number or Building name	■
Street Description	■
Town	■
County	



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

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)

	N/A
--	-----

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	06:00	22:00
Tues	06:00	22:00
Wed	06:00	22:00
Thur	06:00	22:00
Fri	06:00	22:00
Sat	07:00	23:00
Sun	09:00	16:00

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 )

--	--

M - Steps to promote four licencing objectives

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

	Nothing beyond existing health and safety/fire etc requirements.
--	--

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

b) the prevention of crime and disorder

	Nothing beyond existing health and safety/fire etc requirements.
--	--

c) public safety

	Nothing beyond existing health and safety/fire etc requirements.
--	--

d) the prevention of public nuisance

	Nothing beyond existing health and safety/fire etc requirements.
--	--

e) the protection of children from harm

	Nothing beyond existing health and safety/fire etc requirements.
--	--

Please upload a plan of the premises

	Site-planRedLine.1.pdf
--	------------------------

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

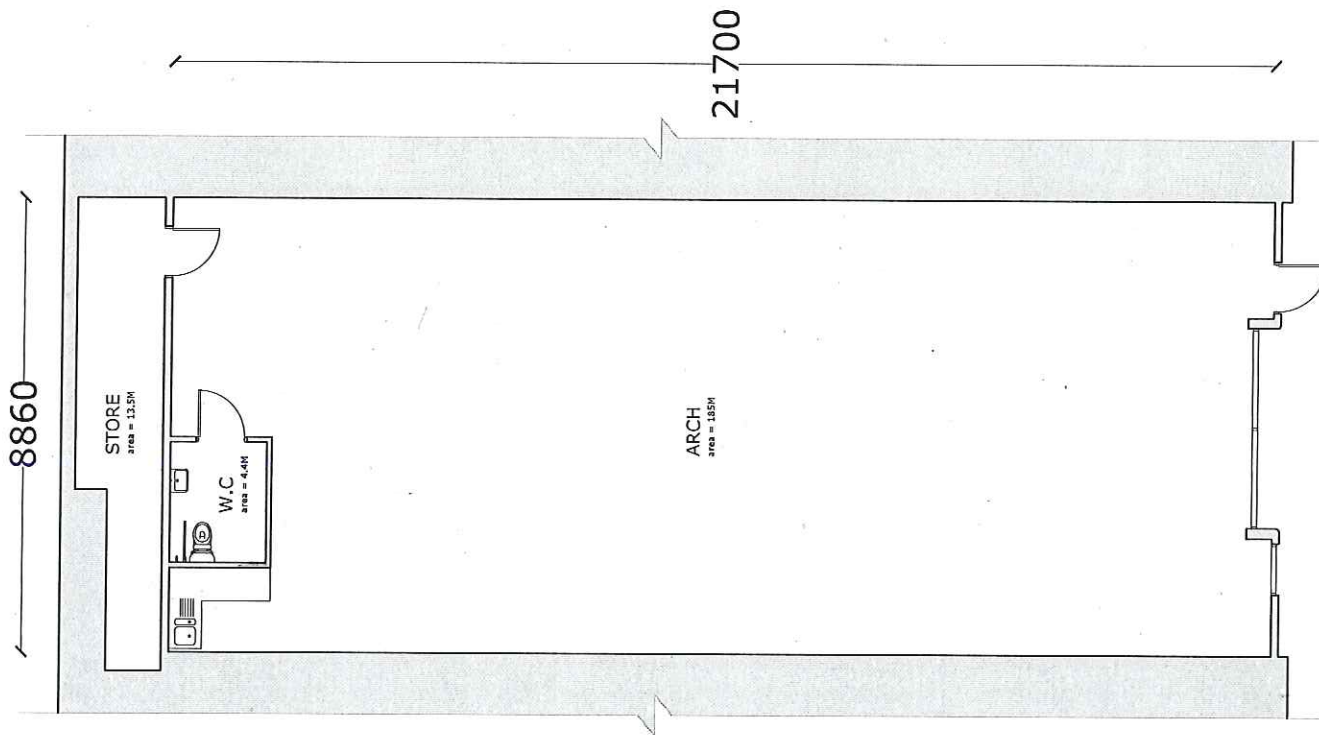
I agree to the above statement

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

	Yes
PaymentDescription	
AuthCode	
LicenceReference	
PaymentContactEmail	

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

A3 DO NOT SCALE

GA PLAN  
1:100

ALL DIMENSIONS, LEVELS AND CLEARANCES TO BE CHECKED ON SITE PRIOR TO WORKS COMMENCING

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Rev	Date	By	Chk	Comment
FL	11.01.18	RC	PM	For Information

**BRINGING IDEAS TO LIFE**

**FRANKHAM**

Frankham Consultancy Group Limited  
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www.frankham.com

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Oxfordshire, OX13 6FD  
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**FRANKHAM HEAD OFFICE**  
21 Perry Mount Road,  
Haywards Heath,  
West Sussex, RH16 3TP  
T: 01444 444900

Client:

Network Rail

Project Title:

84 Scoresby Street

Drawing Title:

GA Layout Plan / 1:100

Status:  
FOR INFORMATION

Drawn By: RC  
Designed By: FCG  
Checked By: PM  
Approved By: PM

Original Issue Date:  
11/01/2018

Scale @ A3:  
1:100

Job No/ File Ref	Originator	Zone	Level
XXXX	FCG	MB	00
Type	Discipline	Number	Suitability
DR	B	2000	S0
			F1

**The Licensing Unit**

Floor 3  
160 Tooley Street  
London  
SE1 2QH

**Metropolitan Police Service**

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD21/3109/18

**Date:** 15<sup>th</sup> March 2018

Dear Sir/Madam

**Re:- Origin Coffee Arch 84 Scoresby Street SE1 0XN**

Police are in possession of an application from the above for a new premises licence. The application describes the operation as a coffee shop and makes no reference as to the need for alcohol supply within the business model.

The premises is situated within the SE1 cumulative impact area, therefore special consideration should be given by the applicant as the possible impact that their premises could have on both the licensing objectives and the cumulative impact.

I would have difficulty in recommending any control measures to address the promotion of the licensing objectives as the application contains so little detail as to the proposed business.

The applicant has failed to address any of the four licensing objectives, I therefore can only recommend that this application is refused in its entirety.

Yours Sincerely

**PC Ian Clements 362MD**

Licensing Officer  
Southwark Police Licensing Unit  
Tel: 0207 232 6756

# MEMO: Licensing Unit

---

**To** Licensing Unit **Date** 15 March 2018

**Copies**

**From** Jayne Tear **Telephone** 020 7525 0396 **Fax**

**Email** jayne.tear@southwark.gov.uk

---

**Subject** Re: Origin Coffee, Railway Arch 84, Scoresby Street, London, SE1 0XN  
Application for a premises licence

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

- The supply of alcohol (on the premises) on Monday to Friday from 06:00 to 22:00; Saturday from 07:00 to 23:00 and on Sunday from 09:00 to 16:00
- Overall opening times shall be from Monday to Friday from 06:00 to 22:00; Saturday from 07:00 to 23:00 and on Sunday from 09:00 to 16:00

The premises is described as a '*Coffee shop – pending planning permission for change of use (18/AP/0176) to be decided on 20/03/2018*'.

The premises is situated in the Bankside, Borough, London Bridge Strategic Cultural & Bankside and Borough District Town Centre Area and also falls within the Borough and Bankside CIP Area. Under the Southwark Statement of Licensing Policy 2016 - 2020 the Local CIP applies to night clubs, public houses & bars, restaurants & cafes, off-licences, supermarkets, convenience stores and similar premises.

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, public safety and the protection of children from harm.

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

Therefore under 119 of the policy there is a rebuttable presumption that applications for new premises licenses 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 contributing to crime and disorder and public nuisance within the policy area.

Further to this the application has not addressed any of the licensing objectives. I ask the applicant to provide an operating schedule that addresses the licensing objectives and I may submit further comments once this information is provided.

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 same time of closing which can lead to antisocial behaviour problems when patron have left the premises. So I also ask the applicant to also consider reducing the supply of Alcohol 'on sales' by half hour to allow for half an hour drinking up time.

I reserve the right to submit further comments once all of the information is provided.

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



**From:** Tom Gadd [REDACTED]  
**Sent:** Wednesday, March 21, 2018 4:05 PM  
**To:** Noakes, David; Morris, Adele; Tear, Jayne  
**Cc:** Mills, Dorcas; Andy Phillips; Oliver Morse  
**Subject:** FW: Premises Licence Application - Origin Coffee, Railway Arch 84 Scoreby Street, SE1

Dear all,

I received the attached correspondence regarding an alcohol license on the above premises and was advised to contact you directly by Southwark and the applicant.

To give some perspective, the applicant has applied for and just received (16<sup>th</sup> March) planning permission for change of use to A3 food and drink on the site in question and they intend to take the lease over the next few weeks.

The information provided to date is limited as the shop didn't want to spend any money other than that absolutely necessary. However, they are now in a position to detail how they wish to manage and control the sale of alcohol on site. They have now employed a interior designer to put together a detailed design of how they are to approach consumption on site and promote the 4 licensing objectives.

The applicants main business and specialism is as a premium coffee shop sourcing high quality products directly from farms in South America. They and their partners are committed to environmentally and socially sustainable practices, trade and practice true to speciality coffee.

The sale of coffee is primary to the business model and sale of alcohol will be a secondary if not tertiary practice to the business. Across various other sites in London and Cornwall ,the sale of alcohol in their shops is *"limited to a selection of wines 'English, natural, premium' by the carafe, along with 330ml cans of craft ales, lagers. We also offer a small selection of cocktails largely coffee related. Nothing will be consumed in large quantities."*

Furthermore, in dealing with the cumulative impact of a concentration of licensed premises (according to the Licensing Act 2003 – Cumulative Impact Policy Areas – Summary of 2012-2013). The policy should take into account a positive correlation between entertainment / late night refreshment premises, and crime and disorder and nuisance issues. Considering this, the premises in question is not proposing any type of regulated entertainment on site (to include plays, films, sporting events, late night refreshments or live music).

The alcohol selling hours will be limited due to the shops opening hours (alcohol is proposed to be served from 12pm to 10pm (Mon-Fri), 12pm to 11pm (Sat) and 12pm – 4pm (Sun)). This is outside of late night refreshment hours. These hours are also less than what are currently permitted in the Blackfriars Wine Bar. Furthermore, the volumes proposed to be consumed each week in comparison to the wine bar, should be considered negligible when considering impact on the surrounding areas, public safety and prevention of public nuisance.

We would also be proposing to restrict the last sale of alcohol and the closing time when patrons should have left the premises. We are proposing to stop selling alcohol half hour before closure to allow for half an hour drinking up time. This will reduce antisocial behaviour and encourage the customers to leave sporadically reducing noise implications.



Once the applicant has worked up the interior design for the unit I will forward on the plan, for information. This will outline how the premises will store and control the sale. The interior and exterior of the premises will be designed in a way to minimise conflict and the opportunity for crime and disorder.

The sale of alcohol on site will adhere to the mandatory licensing conditions (as per the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. A strict age verification policy (proof of age schemes) will adhered to on site to include best practices schemes such as Challenge 21. A designated premises supervisor will oversee compliance with these conditions. There will be no promotions encouraging excessive consumption of alcohol and tap water is available free of charge.

In summary, the nature of the business as a whole and the size of the premises does not lend itself to encouraging large scale groups, excessive noise and public nuisance. The impact on the residential properties to the front of the site based on providing this license will be negligible. I consider the above reasoning enough to allay your concerns and remove your objection to the scheme. I would be happy to provide a statement outlining the above if necessary or discuss any other concerns you may have.

I look forward to hearing from you and please let me know if you have any further questions.

Kind Regards  
Tom

**Tom Gadd** | MSc  
Development Surveyor



Connect with me at 

Frankham Projects Ltd, Irene House, Five Arches Business Park, Maidstone Road, Sidcup , Kent DA14 5AE

Sidcup (Head Office)	London	Oxford
020 8309 7777	020 7651 0790	01865 322500



**From:** Morris, Adele

**Sent:** Friday, February 16, 2018 9:02 AM

**To:** Jerrom, Charlie

**Cc:** Linforth-Hall, Maria; Mills, Dorcas; Noakes, David; Tear, Jayne; Public Health Licensing

**Subject:** Re: Consultation - New Premises Licence, Railway Arch 84, Scoresby Street

Dear Charlie

I object to the granting of this licence on the grounds that it is in a Community Impact Zone, where there is a presumption against granting new licences.

Also, this is branded as a coffee shop so why do they need an alcohol licence?

Best wishes

Cllr Adele Morris

Cathedrals Ward Liberal Democrat Councillor

Opposition Spokesperson for Regeneration

Vice Chair of Licensing Committee

Deputy Chair, LGA Environment, Economy Housing and Transport Board

LGA Planning Advisory Service Board Member

[Tel:0207](tel:02075254377) 525 4377

Twitter: AdeleCathedrals

**From:** Noakes, David  
**Sent:** Monday, March 05, 2018 4:46 PM  
**To:** Jerrom, Charlie; Linforth-Hall, Maria; Mills, Dorcas; Morris, Adele  
**Subject:** RE: Consultation - New Premises Licence, Railway Arch 84, Scoresby Street

Charlie,

I would like to object to this licence application on the grounds that this is within the Borough and Bankside accumulative impact zone and because of my concerns and those of my residents in regards to the prevention of crime and disorder and public nuisance.

Councillor David Noakes  
Liberal Democrat Councillor for Cathedrals Ward  
Opposition Spokesperson for Health and Member of the Health and Wellbeing Board  
Vice Chair of Healthy Communities Scrutiny Sub Committee

Tel. no. 0207 525 1326

E-mail [david.noakes@southwark.gov.uk](mailto:david.noakes@southwark.gov.uk)



@cathedralsdavid

14/3/18

**Re: Objection to licensing application number : 862300 Origin Coffee, Railway Arch 84, Scoresby Street**

Scoresby St is currently a quiet residential street with family homes and gardens only about 15 yards from the railway arches. The proposal to alter the use from a coffee shop to a licensed premises serving alcohol, changing the area to a late night economy use, is very worrying to local residents. The prospect of large numbers of intoxicated people on or near our estate late at night is not welcome. There are already intermittent problems from the Blackfriars wine bar at one end of Scoresby St when groups of drinkers gather outside late at night talking and shouting. There has also recently been an increase in public urination on the estate at both ends of the Street.

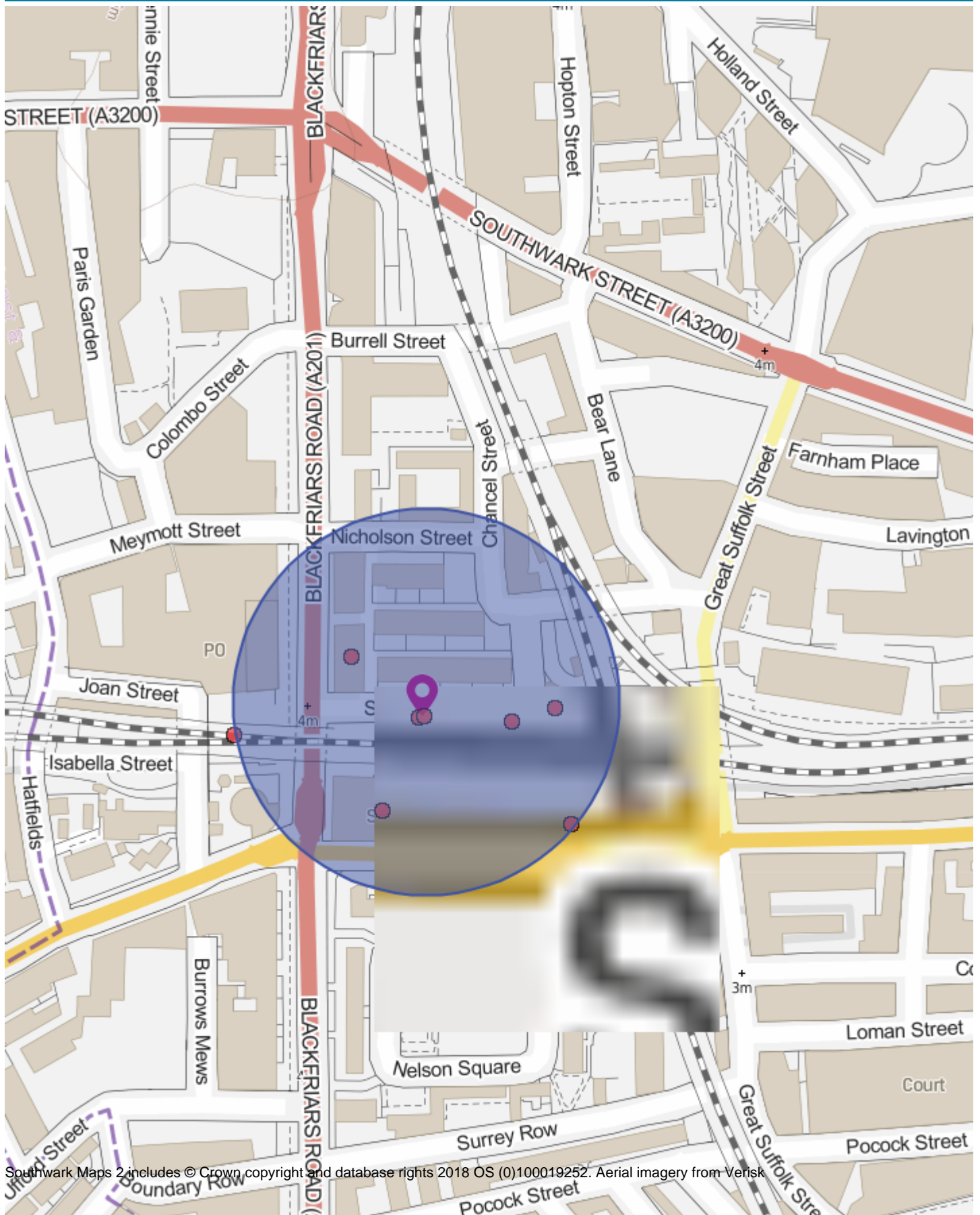
1) Noise: the hard landscaping means that any sound escaping from restaurants and especially any noise on the pavement is reflected into peoples' homes, so people leaving at night, people standing and drinking outside and people coming out to smoke will cause a nuisance.

Many children on the estate have bedrooms facing towards the proposed restaurants and their sleep may be particularly disturbed. On warm evenings, when people are likely to gather outside it will not be possible to have open windows because of the noise. A level of ambient noise is expected in an urban environment and sounds from traffic can be tuned out, but this is not the case with the human voice, particularly if it is raised to gain attention, as is the case when people are drinking outside.

2) Smoking – smoke from smokers outside will travel into gardens and homes.

This is a residential area and we do not feel that a license should be granted. If it is, conditions must include forbidding street or outdoor drinking and making sure that soundproofing is such that noise including music is entirely contained within the premises.

[REDACTED]  
[REDACTED]  
[REDACTED]



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<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 23 April 2018	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Lokma Restaurant, 11 Bermonsdey Square, London SE1 3UN	
<b>Ward(s) or groups affected:</b>		Chaucer	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by a local resident under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Lokma Limited in respect of the premises known as Lokma Restaurant, 11 Bermonsdey Square, London SE1 3UN.
2. Notes:
  - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix A. The Applicant has also requested that supporting documentation be provided and appear after the application.
  - b) The review application is supported by a representation submitted by Southwark's Environmental Protection Team in their role as Responsible Authority and is attached as Appendix B. The application is further supported by five additional local residents from the same building. Their representations are available in Appendix C. Details of all representations are provided in paragraphs 15 – 17.
  - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix D. A map of the area that the premises are located in is attached as Appendix E.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
7. The applications 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. 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.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The premises licence allows the provision of licensable activities as follows:
  - The sale of alcohol to be consumed on the premises:
    - Sunday to Thursday from 07:00 to 00:00 (midnight)
    - Friday and Saturday from 07:00 to 01:00 (the following day)
  - The sale of alcohol to be consumed off the premises:
    - Monday to Saturday from 09:00 to 23:00
    - Sunday from 12:00 to 22:30
  - The provision of late night refreshment (indoors and outdoors)
    - Sunday to Thursday from 23:00 to 00:00 (midnight)
    - Friday and Saturday from 23:00 to 01:00 (the following day)

- The provision of regulated entertainment in the form of live and recorded music, performances of dance and facilities for making music (all indoors)
    - Sunday to Thursday from 12:00 to 00:00 (midnight)
    - Friday and Saturday from 12:00 to 01:00 (the following day)
  - Opening hours
    - Sunday to Thursday from 07:00 to 00:30 (the following day)
    - Friday and Saturday from 07:00 to 01:30 (the following day).
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix D.

#### **Designated premises supervisor (DPS)**

11. The current Designated Premises Supervisor (DPS) named on the licence is Shahrokh Parvin since the licence was first issued in February 2009.

#### **The review application**

12. On 22 February 2018, an application was submitted by a local resident under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Lokma Limited in respect of the premises known as Lokma Restaurant, 11 Bermonsdey Square, London SE1 3UN.
13. The review application was submitted in respect of the prevention of crime and disorder and the prevention of public nuisance licensing objectives; and in summary states that the following has been witnessed and / or taken place at the premises:
- The proprietor has failed in his duty of care to act responsibly in terms of noise nuisance.
  - The proprietor has ignored the reasonable requests of the residents to address noise pollution.
  - The proprietor has been served with notices from the council to address noise issues which he has ignored.
  - The proprietor has breached the terms of his license in relation to condition 344 on the licensing register.
  - The level of noise and general nuisance to the public has increased substantially in the last three months. The business the restaurant is conducting (particularly on Friday & Saturday evenings) - that is effectively turning the restaurant into a nightclub/disco – is inappropriate for a residential area, especially with flats directly above the premises.
14. Full details of the grounds for the review are provided within review the application. This includes a timeline of noise nuisance. A copy of the review application and supporting documents are attached as Appendix A.



### **Representations from responsible authorities**

15. Southwark's environmental protection team have submitted a representation in support of the review application. The representation points to complaints received by the Southwark noise service, a warning letter that has subsequently been issued and Statutory Noise Abatement Notice as a result of breaches caused by the restaurant.
16. A copy of the representation is attached as Appendix B.

### **Representations from other persons**

17. Five representations have been supplied by additional local residents from within the same block above the premises. All residents state that they are affected by excess noise from the premises, especially at weekends. There is on going concern since the premises transfer took place. Concerns are additionally raised regarding the use of the external area.
18. Copies of all representation are attached in Appendix C.

### **Operating History**

19. A premises licence was issued in respect of the premises to Del Aziz Limited on 19 February 2009. The Designated Premises Supervisor was shahrokh Parvin, whom remains in place to this time.
20. On 18 December 2017 an application to transfer the premises licence to Lokma Limited was received and granted with immediate effect. Companies House advises that Lokma Limited (10602336) was incorporated on 6 February 2017. The company has two Directors, namely Zehra Parvin and Shahrokh Parvin (the current DPS).
21. The premises has only had one temporary event notice issued to Stefano Zerbetto for the sale of alcohol, late night refreshment and regulated enetertainment from 1<sup>st</sup> May 2016 to 2 May 2016 between the hours of 21:00 and 04:00 (the following day). It is noted that this was used before the transfer.
22. The following complaints have been received by the authority regarding the premises in the past 12months:

<b>Date</b>	<b>Complainant</b>	<b>Details</b>
15/10/2017	Local Resident	Complaint to Noise Team. Loud music from restaurant
19/11/2017	Local Resident	Complaint to Noise Team. Loud music from restaurant
21/11/2017	Local Resident*	Complaint to Noise Team. Loud music from restaurant – becoming regular on Saturday nights

Date	Complainant	Details
01/12/2017	Local Resident	Complaint to Noise Team. Reporting loud live music
21/12/2017	Local Resident*	Complaint to Noise Team. Complaint of loud music playing until 01:24 with customers leaving at 01:45
24/12/2017	Local Resident	Complaint to Noise Team. Loud music from restaurant
28/12/2017	Local Resident	Complaint to Licensing Department of on-going issues with the premises.
11/01/2017	Local Resident	Complaint to Noise Team. Noise from premises
16/01/2017	Local Resident*	Complaint to Licensing Department. Formal complaint of on-going noise issued from premises
18/01/2018	Local Resident*	Complaint to Noise Team. Noise from premises
14/02/2018	Local Resident*	Complaint to Noise Team. Noise from premises
15/02/2018	Local Resident*	Complaint to Noise Team. Noise from premises
17/02/2018	Local Resident*	Complaint to Noise Team. Noise from premises
19/02/2018	Local Resident*	Complaint to Noise Team. Noise from premises – Turned up after 23:00, believes it is potentially malicious
13/03/2018	Local Resident	Complaint to Licensing Department. Regarding loud events over the last few months, preventing the complainant from sleeping. Believes that there are licence contraventions: Condition 344 - soundproofing should be installed Condition 309 - sound limiting device be installed and used Condition 312) - outside space should not be used after 22:00. In the summer months people are regularly sitting outside being served until between 23:00 and 00:00. The Complainant has made representation to this application (Party E)

\*The Complainant details with an asterisk (\*) are complaints made by the Applicant for review

23. The following visits have been carried out to the premises

Date	Outcome
03/10/2017	Joint daytime visit with Trading Standards. Full premises licence inspection, copy available on premises in digital form, but all ok. No summary on display - was printed off whilst I was there and put up. Advised that their 'noise limiter' was a dial on an internal wall.
05/01/2018	19:50 - Visit to as part of NTE visits, further to complaint about noisy Christmas party. Spoke to PLH. Advised as to the complaint. He said that they had had a Christmas Party that night, but does not believe that the noise can have gone on as long as the complainant says. He asked about what Southwark's policy are on opening hours as he believed that different Authorities had different policies, that as long as no licensable activities are taking place, the opening hours are not important. I advised that opening hours are not a suggestion - there should be no more customers on the premises after the terminal hour. If he wishes to stay open longer, should apply for a TEN or a variation. Also advised that the complaint involves loud music, they may wish to have an independent sound specialist look at their sound limiter.
24/02/2018	22:10 - Visit to as part of NTE visits, further to Local Resident Review. Met with Alex Zolfaghari and discussed the background of the premises and how the review application will proceed from here.

### The local area

24. A map of the local area is attached as Appendix E. There are a number of licenced premises in the immediate vicinity, namely:

#### **Shortwave, 10 Bermondsey Square, London SE1 3UN:**

- Sale of alcohol to be consumed both on and off the premises:
  - Monday to Wednesday from 10:00 to 23:00
  - Thursday from 10:00 to 01:00
  - Friday and Saturday from 10:00 to 01:00
  - Sunday from 10:00 to 01:00.
- The provision of late night refreshment:
  - Sunday and Thursday from 23:00 to 00:00
  - Friday and Saturday from 23:00 to 05:00.

- The provision of regulated entertainment in the form of plays, live and recorded music, performances of dance, anything similar and facilities for making music and dancing and anything similar:
  - Monday to Wednesday from 10:00 to 23:00
  - Thursday from 10:00 to 00:00
  - Friday and Saturday from 10:00 to 01:00
  - Sunday from 10:00 to 00:00.
- The provision of regulated entertainment in the form of films:
  - Monday to Wednesday from 10:00 to 23:00
  - Thursday and Friday 10:00 to 00:00
  - Saturday and Sunday from 00:00 to 00:00.

#### **Bermondsey Square Hotel, Bermondsey Square, London SE1 3UN**

- Sale of alcohol to be consumed both on and off the premises:
  - Monday to Sunday from 10:00 to 02:00.
- The provision of late night refreshment:
  - Monday to Sunday from 23:00 to 05:00.
- The provision of regulated entertainment in the form of, live and recorded music, performances of dance, anything similar:
  - Monday to Sunday from 10:00 to 02:00.

#### **Sainsbury's Supermarket, 13-14 Bermondsey Square, London SE1 3UN**

- Sale of alcohol to be consumed off the premises:
  - Monday to Sunday from 06:00 to 00:00.
- The provision of late night refreshment:
  - Monday to Sunday from 23:00 to 00:00.

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

25. Council assembly approved Southwark's statement of licensing policy 2016 - 20 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.
26. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
27. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being in a strategic cultural area, but outside of a cumulative impact policy area. Under the Southwark statement of licensing policy the following closing times are recommended as appropriate within this area:
- Closing time for Restaurants and Cafes:
    - Sunday to Thursday 00:00
    - Friday and Saturday 01:00.
  - Closing time for Public Houses Wine bars or other drinking establishments:
    - Sunday to Thursday 23:00
    - Friday and Saturday 00:00.

### **Resource implications**

28. There is no fee associated with this type of application.

### **Consultation**

29. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

## **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

31. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
32. The principles, which sub-committee members must apply, are set out below.

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

33. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
34. The four licensing objectives are:
  - The prevention of crime and disorder
  - The protection of public safety
  - The prevention of nuisance
  - The protection of children from harm.
35. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
  - Modify the conditions of the licence by altering, omitting or adding any condition
  - Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence.
36. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
  - Are relevant to one or more of the licensing objectives
  - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
  - Have not been withdrawn
  - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.

37. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
38. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
39. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
40. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

41. Where the authority takes interim steps an application for review it must notify the determination and reasons why for making it to:
  - The holder of the licence
  - The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

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

- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
43. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

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

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



50. 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.
51. There is no right of appeal to a magistrates' court against the licensing authority's decision regarding the setting of interim steps at this Stage.

### **Guidance**

52. 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**

53. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

### **BACKGROUND DOCUMENTS**

<b>Background papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Copy of the review application
Appendix B	Copy of the supporting representation submitted by the environmental protection team
Appendix C	Copies of supporting representations from five local residents
Appendix D	Copy of the current premises licence
Appendix E	Map of the local area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration		
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer		
<b>Version</b>	Final		
<b>Dated</b>	28 March 2018		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>	
Director of Legal Services	Yes	Yes	
Strategic Director of Finance and Corporate Services	Yes	Yes	
<b>Cabinet Member</b>	No	No	
<b>Date final report sent to Constitutional Team</b>		10 April 2018	

## APPENDIX D

# Licensing Act 2003 Premises Licence



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

Premises licence number

861669

## Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Lokma Restaurant 11 Bermondsey Square London SE1 3UN  Ordnance survey map reference (if applicable), 179381533329	
<b>Post town</b> London	<b>Post code</b> SE1 3UN
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
--

<b>Licensable activities authorised by the licence</b>  Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Facilities for Making Music - Indoors Late Night Refreshment - Indoors and outdoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises
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<b>The opening hours of the premises</b> For any non standard timings see <b>Annex 2</b>  <table> <tr> <td>Monday</td> <td>07:00 - 00:30</td> </tr> <tr> <td>Tuesday</td> <td>07:00 - 00:30</td> </tr> <tr> <td>Wednesday</td> <td>07:00 - 00:30</td> </tr> <tr> <td>Thursday</td> <td>07:00 - 00:30</td> </tr> <tr> <td>Friday</td> <td>07:00 - 01:30</td> </tr> <tr> <td>Saturday</td> <td>07:00 - 01:30</td> </tr> <tr> <td>Sunday</td> <td>07:00 - 00:30</td> </tr> </table>	Monday	07:00 - 00:30	Tuesday	07:00 - 00:30	Wednesday	07:00 - 00:30	Thursday	07:00 - 00:30	Friday	07:00 - 01:30	Saturday	07:00 - 01:30	Sunday	07:00 - 00:30
Monday	07:00 - 00:30													
Tuesday	07:00 - 00:30													
Wednesday	07:00 - 00:30													
Thursday	07:00 - 00:30													
Friday	07:00 - 01:30													
Saturday	07:00 - 01:30													
Sunday	07:00 - 00:30													

**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

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

**Live Music - Indoors**

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 00:00

**Recorded Music - Indoors**

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 00:00

**Performance of Dance - Indoors**

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 00:00

**Facilities for Making Music - Indoors**

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 00:00

**Late Night Refreshment - Indoors and outdoors**

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 01:00
Saturday	23:00 - 01:00
Sunday	23:00 - 00:00

**Sale by retail of alcohol to be consumed on premises**


Monday	07:00 - 00:00
Tuesday	07:00 - 00:00
Wednesday	07:00 - 00:00
Thursday	07:00 - 00:00
Friday	07:00 - 01:00
Saturday	07:00 - 01:00
Sunday	07:00 - 00:00

**Sale by retail of alcohol to be consumed off premises**

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	12:00 - 22:30

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


Lokma Limited  
 11 Bermondsey Square,  
 London,  
 SE1 3UN


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


10602336

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

Shahrokh Parvin


**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 18/12/2017



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

**112** This licence allows for the premises to remain open for non standard timings as stated on the days below:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**113** This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**114** This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days:

Provision of regulated entertainment Live Music, Recorded Music, Performances of Dance, Facilities Making Music, Entertainment of a Similar Description. from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**115** This licence allows for the premises for the provision of late night refreshment for non standard timings stated below on the following days:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**138** That substantial food is to be available at all times throughout the licensed hours.

**180** That a ventilation system will be installed.

**309** That a sound limiting device is to be installed and set in agreement with the Environmental Protection Team.

**312** That the external seating area is to be curfew at 22.00hrs.

**328** That an approved under-age scheme shall be implemented and staff trained accordingly.

**340** That relevant fire risk assessments will be carried out as appropriate.

**341** That relevant health and safety policies will be in place and staff appropriately trained.

**342** That the licensee shall encourage patrons to leave in the direction of public transport.

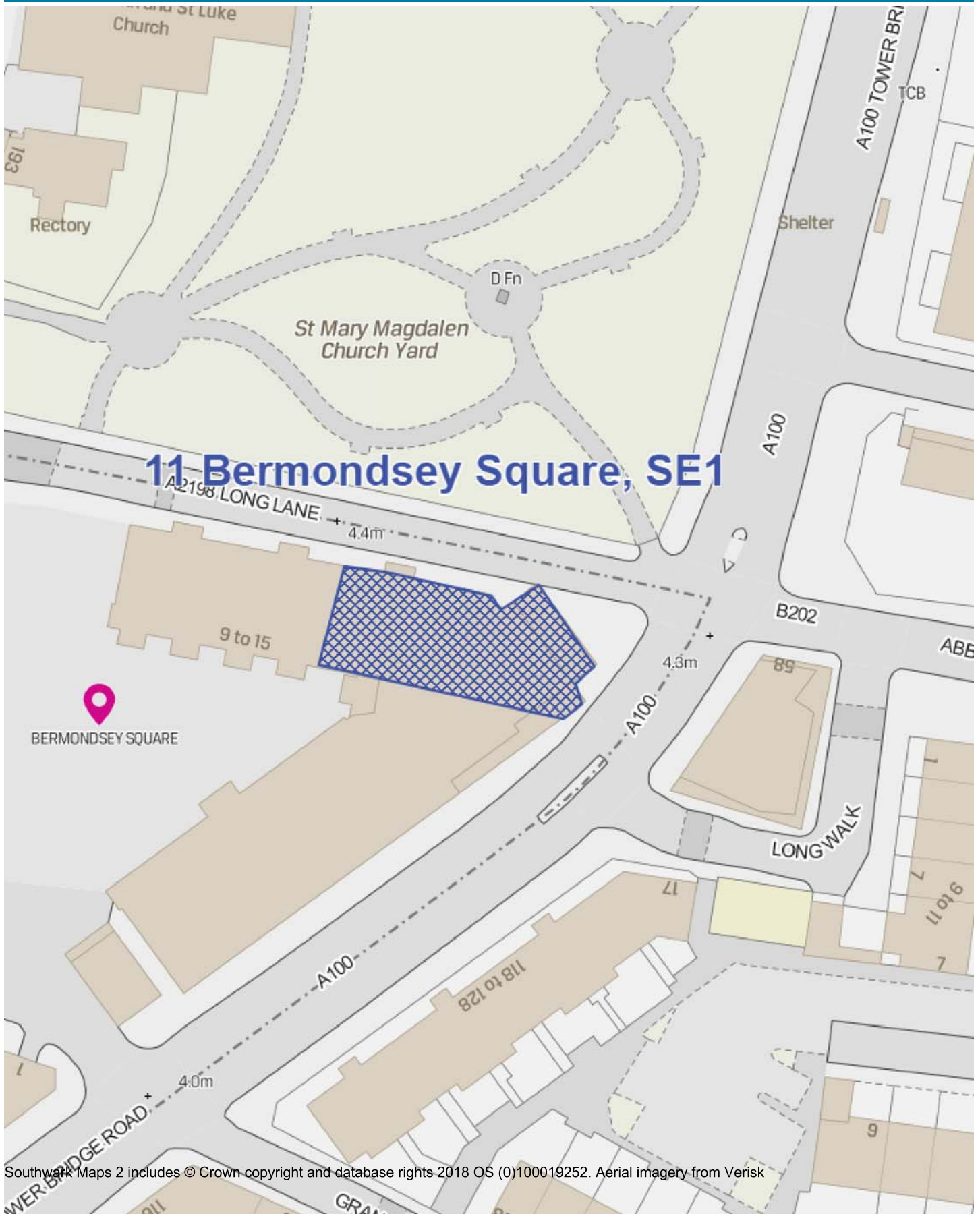
**343** That the licensee shall encourage patrons not to congregate outside the premises after they have closed.

**344** That sound insulation will be installed.

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

**Annex 4 - Plans - Attached**

Licence No. 861669  
Plan No. DAB/1/01  
Plan Date December 2000



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50 m

28-Mar-2018

Scale = 1 : 661.500

**APPENDIX A**

22/02/2018

Application for a review of a premises licence or club premises certificate under the Licensing Act  
Ref No. 976530

Please enter the name of the applicant who is applying for the review of a premises licence under section 51/apply for a review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises

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

Address Line 1	
Address Line 2	
Town	LONDON
County	
Post code	
Ordnance survey map reference or description	

Name of premises licence holder or club holding club premises certificate ( if known )

	Shahrokh Parvin
--	-----------------

Name of premises licence or club premises certificate ( if known )

	Lokma Limited
--	---------------

I am

	1) an individual, body or business which is not a responsible authority (please read guidance note 1)
--	---

This application to review relates to the following licensing objective(s)

	Please check one or more boxes if appropriate
	1) the prevention of crime and disorder 3) the prevention of public nuisance

Please state the ground(s) for review (please read guidance note 2)

	1) The proprietor has failed in his duty of care to act responsibly in terms of noise nuisance 2) The proprietor has ignored the reasonable requests of the residents to address noise
--	---

	<p>pollution</p> <p>3) The proprietor has been served with notices from the council to address noise issues which he has ignored</p> <p>4) The proprietor has breached the terms of his license in relation to condition 344 on the licensing register</p> <p>5) The level of noise and general nuisance to the public has increased substantially in the last 3 months. The business the restaurant is conducting (particularly on Friday &amp; Saturday evenings) - that is effectively turning the restaurant into a nightclub/disco - is inappropriate for a residential area, especially with flats directly above the premises</p>
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Please provide as much information as possible to support the application (please read guidance note 3)

	<p>This is a timeline of the main problems with Lokma restaurant, 11 Bermondsey Square, London, SE1 3UN:</p> <p>Before launching as Lokma, it was previously Del Aziz:</p> <p>Sunday 1st May 2016: disco/party at Del Aziz restaurant. Southwark council called out to the flat. They spent 20 mins observing the noise before asking the restaurant to turn the noise down.</p> <p>After re-launching as Lokma restaurant in 2017:</p> <ul style="list-style-type: none"> <li>* Weekend of 18th/19th November 2017: Loud music being played from the restaurant. Attempt made to call the restaurant, phone not answered. Complaint logged with the Southwark online noise complaints tool. Response received from council on 21-Nov-17.</li> <li>* Weekend of 1st/2nd December 2017: Restaurant plays loud music past 1am on 2nd December. Attempt made to call restaurant, phone not answered. I believe [REDACTED] called the Southwark noise team on this occasion who visited the premises. I physically went down to the restaurant the following day to discuss the general noise problems with someone from the restaurant and the high level of noise at that exact time - the gentleman confirmed the council had visited the premises. He however disagreed that the music being played was loud (at that exact time of my visit).</li> <li>* Weekend of 16th/17th December: Loud music being played again.</li> <li>* Saturday 13th January: Loud music played again, complaint logged with the Southwark noise online website. Response received on Thursday 18th January.</li> <li>* Monday 15th January 2018: I sent an email direct to the licensing team highlighting problems with the restaurant given I believed they were abusing their late license. Within the response from the licensing team they stated: "We were aware to the breach prior to Christmas - the premises was visited by Licensing Enforcement Officers on Saturday 6th January and the licence holder was given a verbal warning. A written warning has also been sent to the premises since."</li> <li>* Wednesday 14th Feb 2018: Loud disco music turns on at 10PM. I called the Southwark noise team. When the team called me back at 11PM - the noise had been turned down, so I told the council there was no need for them to come out.</li> <li>* 16th/17th Feb 2018: No noise until 12.30AM on Saturday morning - I was woken up by very loud base music. Since the restaurant closes at 1AM - I didn't call out Southwark council, I logged the problem through their online portal.</li> <li>* Saturday 17th Feb 2018: Noise started at 10PM. DJ on a microphone was also shouting about someone's birthday. Called out the noise team again, they arrived around 12AM, they asked the restaurant to turn the noise down. The music was turned off at 12.30AM.</li> <li>* Monday 19th February: Spoke to a gentleman at the council, they informed me that a noise abatement notice had been served on the restaurant</li> </ul>
--	---

Have you made an application for review relating to this premises before?

	No
--	----

If yes, please state the date of the application

--	--

If you have made representations before relating to these premises please state what they were and when you made them

--	--

Checklist

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

Declaration - Full name of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant and please state in what capacity.

Applicant Full Name	
Applicant's Solicitor/Other duly authorised agent Full name	
Date	22/02/2018
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 4)

Full name	
-----------	--

Address (please read guidance note 4)

Address Line 1	
Address Line 2	
Town	
County	
Post code	
Telephone number (if any)	
If you would prefer us to correspond	



with you using an e-mail address your e-mail address (optional)	
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The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

6<sup>th</sup> March 2018

In the last 3 months, Lokma restaurant has been playing very loud music which has had a very negative impact on my physical & mental health. The noise has been so loud on weekends that it has been impossible for me to sleep and my anxiety with regards to the noise has meant that I've frequently had to leave my flat around 10PM and come back after the restaurant has closed, which is after 1AM on weekends. Lack of sleep has caused me difficulty in concentrating and in making decisions. I am aware that the NHS suggests that prolonged interruption of sleep patterns leads to depression, increased risk of injury and accidents, and more prone to serious medical conditions. Lack of sleep / anxiety has had a negative on the relationship with my wife as she is now anxious that we will be unable to relax at weekends. Ultimately our flat has become a very uncomfortable place to reside; the noise from the restaurant interferes significantly with our right to enjoy our home.

Because of the late-night activity in this area, there have been several instances of people shouting in the square and generally causing a disturbance. I believe the discos/parties have been conducive to the noise in the square and furthermore the restaurant seems to have made little effort (if any) to keep noise to a minimum. One of the issues has been the tables and chairs outside the restaurant which are not brought inside during evenings and hence encourages passers-by to stop. Other nearby restaurants (for example on Bermondsey Street), have polite notices on the windows asking people to keep noise to low levels for the benefit of local residents, Lokma doesn't have such a sign.

[REDACTED]

[REDACTED]

**Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 20 March 2018 09:48  
**To:** Heron, Andrew  
**Subject:** Bermondsey Square / Lokma

Hi Andrew, morning,

I didn't mention this in my initial application - but as part of Lokma's entertainment business they have this 'belly dancing' every Friday, typically between 8.30-9pm. It lasts between 10-30 mins every time where the music is turned up loud during this period. It has continued in the last month during this representation period.

I think this is also something that needs addressing if we get to review the license.

Thanks,

[REDACTED]

# MEMO: Environmental Protection Team

<b>To</b>	Regen.Lic	<b>Date</b>	23 March 2018		
<b>Copies</b>	Andrew Heron				
<b>From</b>	Ken Andrews	<b>Telephone</b>	020 7525 4258	<b>Fax</b>	020 7525 5705
<b>Email</b>	Ken.Andrews@southwark.gov.uk				
<b>Subject</b>	Review of Premises Licence -11 Bermondsey Square				

EPRA has considered an application to review the premises of 11 Bermondsey Square SE1 3UN. The review relates to the:

- Prevention of crime and disorder
- and the prevention of public nuisance.

EPRA has considered the application and the grounds for the review and supported the application concerning the Prevention of Public Nuisance.

The premises known as Lokma restaurant is in proximity to several residential properties. Our record show that Noise Service has received over 12 complaints from four different residential addresses regarding noise from music being played at the venue and noise from patrons..

A noise officer responded to a complaint on the 24 December 2017 at 01:30 hours, and witnessed noise emanating from the restaurant from within the complainant premises that constituted a Statutory Nuisance.

The Noise Officer reported that the heavy bass music was very loud as they approached the Bermondsey Square. Also, the music was witnessed past the licensed period. The officer discussed the impact of the music and the fact that it was past the licensed time with the SIA. The officer reported that the SIA explained that the music was left on to contain the punters inside while the SIA securities disperse those outside.

A warning letter was served on 16 January 2018 (Appendix1)

The Noise Team received further complaints since the serving of the warning letter and on 17 January 2018 at about 23:57, an officer witnessed loud amplified music emanating from the premises, but the level within the complainant home was not considered a Statutory Nuisance. Nevertheless, the Officer reminded the restaurant management of their responsibility not to play music at a level that can cause a public or Statutory Nuisance.

On 17 February 2018, The Noise Officer witnessed a further noise from the restaurant that constituted a Statutory and served an Abatement Notice to prevent a reoccurrence of the Nuisance. (Appendix 2). EPRA does not have confidence in the management ability to prevent causing a public nuisance as they have ignored two previous warnings.

As a result, EPRA is asking the Committee to review the licensing conditions concerning the playing of amplified music at the premises and limit it to finish at 23:00 hours..

Alternatively, the committee may consider a proposal from the owner that will improve the sound insulation of the premises and the installation of a lobby area to avoid noise escape as patrons enter and leave the premises and the inclusion of a properly set sound limiter.

## A Warning letter was served

**Noise & Nuisance Team**  
**Phone - 020 7525 3171**  
**Our reference: [868972](#)**

The Designated Premises Supervisor  
 Lokma Turkish Grill & Bar Restaurant  
 11 Bermondsey Square  
 London SE1 3UN

15 January 2018

FAO: [REDACTED]

Dear Sir,

### **RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80 NOISE NUISANCE FROM 11 Bermondsey Square, London, SE1 3UN**

On 24 December 2017 at 00.36 hours the Council received a complaint alleging that music coming from your premises was causing a noise nuisance.

I visited in response to the complaint on 24 December 2017 at 01:30 hours and was satisfied that the music was at a level that was causing a statutory nuisance to your neighbours.

As the designated premises supervisor of this premises, you are the person responsible for any noise nuisance being caused. I now ask you to ensure that music from your premises is at all times kept below a level that could cause nuisance to your neighbours. I have taken into consideration your reasons given on the night for having the music on beyond your licensed period and your apologies for the disturbances caused in trying to maintain an orderly crowd control and dispersal on the night by leaving the music on, hence this warning letter. As discussed on the night I will be advising our Licensing Team of this witness event.

The Council may serve a statutory notice requiring the abatement of noise nuisance. If the notice is contravened, legal action may be initiated and for every proven contravention, an unlimited fine may be imposed. The Environmental Protection Act also empowers the Council to obtain a warrant to seize all sound equipment from a premises from which there is recurring noise nuisance.

As a guide to you, music from your premises should not be audible at any time outside your front entrance door. If it is played at a time when your neighbours are likely to be asleep, then it should not be audible outside the door of the room in which it is being played or at any time be more than faintly audible outside it.

I hope that this warning will ensure that no further action will need to be taken by the Council's Noise and Nuisance Team.

Yours sincerely,

[REDACTED] Team Leader  
 Noise and Nuisance Team

NOTICE REF. NO.: 872200/hk

**ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80****Abatement Notice in Respect of Statutory Nuisance****To: The Licence Holder** [REDACTED]**Of: Lokma Turkish Grill & Bar Restaurant / 11 Bermondsey Square London SE1 3UN**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the London Borough of Southwark being satisfied of the Occurrence of a statutory nuisance under section 79(1)(g) of that Act caused by noise emanating from the premises known as: **11 Bermondsey Square London SE1 3UN**

within the district of the said Council arising from : The playing of amplified music or Live music at an excessive level.

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

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

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

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine together with a further fine of an amount equal to one-tenth of the greater of £5000 or level 4 on the standard scale for each day on which the offence continues after conviction. The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

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

Signed: [REDACTED]

Noise &amp; Nuisance Officer

I CERTIFY THAT THIS IS A TRUE COPY

Dated: 19 February 2018.

Please address any correspondence to: Noise & Nuisance Team, Southwark Council  
132 Queens Road, London SE15 2HP  
Tel: 020 7525 2450 Fax: 020 7525 2378

SIGNED

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

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

2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
  - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
  - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
  - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) of the 1990 Act, the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
  - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ('the 1974 Act'), or
  - (ii) any consent given under section 61 or 65 of the 1974 Act, or
  - (iii) any determination made under section 67 of the 1974 Act;
- (g) that in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the schedule relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in the streets or roads),
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
  - (i) the person responsible for the nuisance, or
  - (ii) the person responsible for the vehicle, machinery or equipment, or
  - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
  - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
  - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
  - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
  - (i) a person also responsible for the nuisance,
  - (ii) a person who is also an owner of the premises, or
  - (iii) a person who is also an occupier of the premises,
 and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in connection with any copy of the abatement notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of an appeal the court may-

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit-

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court-

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

### SUSPENSION OF NOTICES

3. (1) Where -

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
- (b) either-
  - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
  - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

- (a) the nuisance to which the abatement notice relates-
  - (i) is injurious to health, or
  - (ii) is likely to be of a limited duration such that suspension of the notice would render of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance,

(3) Where paragraph (2) applies the abatement notice -

- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



**PARTY A****APPENDIX C****Heron, Andrew**

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**From:** [REDACTED]  
**Sent:** 07 March 2018 07:28  
**To:** Heron, Andrew  
**Subject:** Fw: Application for review of licence - ref no: 976530  
**Attachments:** IMG\_3532.JPG; IMG\_3533.JPG; IMG\_3534.JPG

Hi Andrew

I was given your details and informed that it might be useful to send my email below to you directly (I have been having some problems with the correct email address for Southwark).

Best, [REDACTED]

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**From:** [REDACTED]  
**Sent:** 06 March 2018 21:42  
**To:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)  
**Subject:** Application for review of licence - ref no: 976530

Dear Sirs

I refer to application no. 976530 for a review of the premises licence for Lokma Limited, 11 Bermondsey Square, London SE1 3UN.

I am a resident of [REDACTED] Bermondsey Square and I live on the [REDACTED] in the block above this restaurant (although I do not live directly above the restaurant). This application has been brought to my attention, and I wanted to confirm that I also am disturbed by the noise in the restaurant, despite not being a direct neighbour.

I understand that a number of requests to lower the noise in the restaurant have been made, the restaurant briefly responds but with noise levels unfortunately quickly reverting.

I have been particularly disturbed by the restaurant's behaviour over the summer months, where I am more likely to have my balcony door open so I hear the noise very directly and where the restaurant significantly expands its physical presence into the square. In particular, find it very disturbing that the restaurant deems it acceptable, in the summer months, to:

- (i) take over a large area in the square, including the centre of the square which is a designated public area, and the entrance area to the residential area, to set out tables and sofas for its customers. Please note that this is a matter of public safety since on some occasions these tables have blocked or taken over what should be fire escape routes for the residential block;
- (ii) play music extremely loudly, to the extent that I have in the past been wary of holding social engagements on my balcony since it is simply not pleasurable to be outside with guests;
- (iii) provide entertainment (in the form of belly dancers) which is presumably intended for their customers, but which takes over the square including the entrance to the residential block, to the extent that

residents are expected to negotiate these dancers when trying to access the building. This behaviour very much prevents me from peacefully enjoy my home. I have attached some photos of the entrance to the residential block that were taken in July 2017 at around 9pm one week day evening.

In your assessment of this application, I should be grateful if you would take into account the fact that the Bermondsey Square development was permitted to take place on the grounds that it would be a community centred build and very strict requirements were placed on the developers to ensure that the development fostered community. The terms of the build are publicly documented and information concerning this is widely available by way of a basic internet search. My view is that Lokma's behaviour restricts the fostering of local community and also causes unnecessary disruption and offence to local residents.

In addition, I suspect that Lokma is not adhering to the terms of that build in that, it was a requirement that the remains of Bermondsey Abbey (which were found underneath the site of the restaurant) remained permanently on public display because of their historical significance. When I last went inside the restaurant the glass that displays the ruins of the Abbey had not been properly maintained and they were not available for viewing. I suspect Lokma may be in breach of its licence in this respect also.

If withdrawal of Lokma's licence in its totality is being considered, I should be grateful if the concerns raised could be highlighted to any new proprietor so that the issue is not repeated.

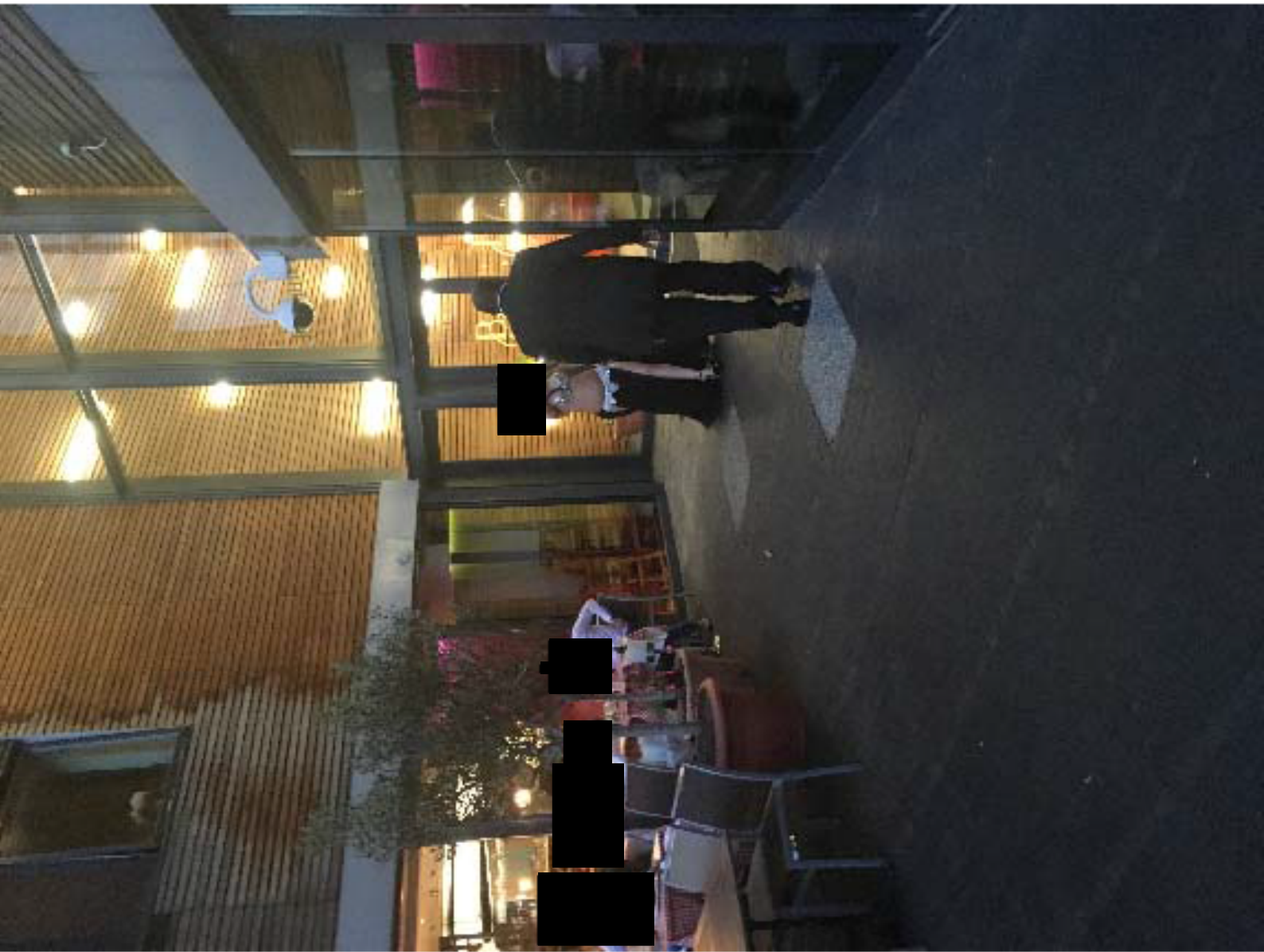
Kind regards,

A large black rectangular redaction box covering the signature area.









**PARTY B****Heron, Andrew**

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**From:** Regen, Licensing  
**Sent:** 13 March 2018 15:30  
**To:** Heron, Andrew; Tahir, Sarah  
**Subject:** FW: LOKMA RESTAURANT , 11 Bermondsey Square

**From:** [REDACTED]  
**Sent:** Tuesday, March 13, 2018 3:05 PM  
**To:** Regen, Licensing  
**Subject:** LOKMA RESTAURANT , 11 Bermondsey Square

Dear Sirs

pls review and the revoke the licensing of the above restaurant as they keep playing music too loud and outside acceptable hours.

The anti-social level of noise is particularly evident at week ends.

Best regards  
[REDACTED]

**PARTY C****Heron, Andrew**

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**From:** Tahir, Sarah  
**Sent:** 15 March 2018 11:08  
**To:** Heron, Andrew  
**Subject:** FW: Application for license review Ref. 976530

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**From:** Regen, Licensing  
**Sent:** Thursday, March 15, 2018 8:13 AM  
**To:** Tahir, Sarah  
**Subject:** FW: Application for license review Ref. 976530

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**From:** [REDACTED]  
**Sent:** 14 March 2018 19:09  
**To:** Regen, Licensing  
**Subject:** Application for license review Ref. 976530

Dear Sir/Madam,

We are writing to you in support of an application for a review of the premises licence of Lokma Limited, 11 Bermondsey Square, London SE1 3UN Ref. N. 976530. The initial application has been made by Christian Dass.

Since the end of last year (November and December) and up to few weekends ago there has been a constant noise disturbance until the early hours of the morning especially over weekends, furthermore once the loud music and the party ends we have to put up with the restaurant guest leaving the square without having any consideration for the residents.

We are aware of the difficulties that a restaurant faces every day from attracting new customers to high cost of overheads but being a good neighbour and trying to solve matters in a friendly way, so far has not proved to be effective therefore,

We strongly support the review of Lokma's licence on the grounds of the prevention of crime and disorder and the prevention of public nuisance as in our opinion, the management has failed to act responsibly in terms of noise nuisance.

Regards

[REDACTED]

They have no consideration of their neighbours and perhaps they have forgotten that above them there are our homes.

The main incidents have always occurred towards the end of the week Fridays and Saturdays. We have refrained from contacting the Council as we thought that it would have affected the restaurant trading in a bad way and tried to liaise with them through our concierge and then with the managing agents but so far without success.

Given the fact that the restaurant owner and management have no consideration of their neighbours we are only left with the opportunity of supporting the application for a review of the premises licence of Lokma made by [REDACTED]



**PARTY D****Heron, Andrew**

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**From:** [REDACTED]  
**Sent:** 03 March 2018 23:26  
**To:** Regen, Licensing  
**Cc:** Heron, Andrew; [REDACTED]  
**Subject:** Support for licence review (Lokma Limited - Ref No. 976530)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir / Madam

We are writing to you in support of an application for a review of the premises licence of Lokma Limited, 11 Bermondsey Square, London SE1 3UN. The initial application has been made by [REDACTED].

We have previously contacted you regarding our concerns, most recently in an email dated 30 December 2017.

Over the past few months there has been significant noise disturbance until the early hours of the morning on repeated occasions, meaning that we are unable to sleep in our flat (loud music, shouting and chanting from within the restaurant and, later, patrons leaving the restaurant and arguing, shouting etc. on the street outside our window). The noise is loudest in our bedroom which disturbs sleep but, as you can imagine, it is also unpleasant to be subjected to this noise whilst we are trying to live in the property as a whole. We have lived in our flat for three years and have never previously experienced problems with this premises (when operating under the name of Del Aziz - although we understand ownership has remained the same now that the restaurant has been rebranded as Lokma).

I set out below a list of recent incidents:

**Saturday 18 / Sunday 19 November:**

The restaurant was hosting a party and extremely loud music was audible in our flat, such that we were unable to sleep. At around midnight I went down to speak to the manager of the restaurant and the night porter for 12 Bermondsey Square. Following our conversation, the manager did turn the music down slightly for around 20 minutes, after which time it was back to the original volume until the party ended at just past 0100. We called Southwark council to complain about the noise and the reference number for the complaint raised on this evening is SWK970288.

**Friday 1 December / Saturday 2 December:**

The restaurant hosted another event and, once again, very loud music was audible in our flat. I went down to speak to the manager of Lokma and again, he did turn the music down for a brief period. However, as before, it was turned back to full volume after this time and continued until just after 0110 on Saturday morning. After the music was turned off, we were still able to hear shouting, chanting and singing from visitors to the restaurant. This continued until 0200. I would also like to note that upon my visit to the restaurant to raise my concerns (and in contrast to our previous exchange), the manager refused to engage with me and told me to "get over it, it's Friday night".

We called Southwark council and two officers came to investigate. The reference number for this complaint is SWK974313z1v0 (and subsequently 974330 and 974344, as we liaised with them several times).

**Saturday 23 December / Sunday 24 December:**

At c.1.15am we called Southwark Council's noise and antisocial behaviour team to report excessive noise. Council employees attended at our property at c.1.45am and agreed that the level of noise constituted a statutory nuisance. The restaurant was then served with an abatement notice to that effect and ceased playing the loud music shortly thereafter. At that point we were able to get to sleep but were subsequently re-awoken from c.2.45-3.15am when there was a lot of very loud noise from people departing the venue, including shouting in the street due to what appeared to be some people having an altercation. We had similar experiences on 18/19 November and 1/2 December.

The reference for the council's visit on 23/24 December is 980046, and the reference for our ongoing correspondence with the noise and antisocial behaviour team in respect of Lokma restaurant is 980254.

**Saturday 17 February / Sunday 18 February:**

Again, very loud music was audible in our property. We made the first call to Southwark council at around 11pm, and understand that they responded to a call out from one of our neighbours later that evening. The reference number for this complaint is 997753.

We are in strong support of a review of Lokma's licence on the grounds of the prevention of crime and disorder and the prevention of public nuisance. In our view, the proprietor has failed to act responsibly in terms of noise nuisance. Lokma is situated in a residential block of flats and on regular occasions at the weekends is effectively operating as a nightclub. Our flat is situated directly above the premises and, as a result, we are significantly impacted by the level of noise and the use of the restaurant in this way. Even after the restaurant closes in the early hours of the morning, we are able to hear customers leaving noisily via Abbey Street for a significant period.

We believe that Lokma has repeatedly breached the following term of its licence:

344 - That sound insulation will be installed

We have attempted to engage with the manager of Lokma on two occasions and, furthermore, often try to telephone the restaurant to ask them to reduce the noise (calls are never answered).

Please do let us know if we can do anything further in support of this licence review.

Many thanks

[REDACTED]

[REDACTED]

**PARTY E****Heron, Andrew**

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**From:** Tahir, Sarah  
**Sent:** 13 March 2018 11:34  
**To:** Heron, Andrew  
**Subject:** FW: Lokma restaurant complaint - licence 861669

[Logged onto CMU = 873495](#)

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**From:** Regen, Licensing  
**Sent:** Tuesday, March 13, 2018 11:18 AM  
**To:** Tahir, Sarah  
**Subject:** FW: Lokma restaurant complaint - licence 861669

[Log in cmu for the officer for Llc](#)

thanks

**From:** [REDACTED]  
**Sent:** Tuesday, March 13, 2018 10:39 AM  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** Fwd: Lokma restaurant complaint - licence 861669

I live above the restaurant called Lokma which is situated at 11 Bermondsey Square. Lokma has had a number of loud events over the last few months. These events have prevented me from sleeping. The events have cause disruption into the early hours of the morning. This type of event is not appropriate for a business located in a mixed use development. The restaurant is in a building which also contains over 70 flats.

The licence has a condition that soundproofing should be installed (condition 344) and a sound limiting device be installed and used (condition 309) these does not appear to have been done. The licence also states that the outside space should not be used after 10 pm (condition 312). This condition has been ignored on a number of occasions. In the summer months people are regularly sitting outside being served until between 11pm and midnight.

The recent late night events have caused a public nuisance. I have reported the events to the council noise team on a number of occasion although I have not reported them all as the time the council team take to respond can be a disturbance.

I understand one of my neighbours has made an application for the review of the premises licence which I support. This is reference number 976530.

Please let me know if you need more information or if I need to do anything else to progress this complaint.

Regards

[REDACTED]

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 23 April 2018	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: KG2P Convenience Store Unit 2, Northchurch, Dawes Street, London SE17 2AQ	
<b>Ward(s) or groups affected:</b>		Faraday	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by this council's Trading Standards service under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Murugesu Kunapalan in respect of the premises known as KG2P Convenience Store – Unit 2, Northchurch, Dawes Street, London SE17 2AQ.
2. Notes:
  - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix A.
  - b) The review application is supported by a representation submitted public health in their role as responsible authorities. A copy of the representation is attached as Appendix B. Details of the representation are provided in paragraphs 16 – 18.
  - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C. A map of the area that the premises are located in is attached as Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:

- The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
7. The applications 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. 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.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The premises licence allows the provision of licensable activities as follows:
- The sale of alcohol to be consumed off the premises:
    - Monday to Saturday from 08:00 to 23:00
    - Sunday from 10:00 to 22:30
  - There are also no restrictions in respect of the premises' standard opening times (it can therefore be open 24hours a day).
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix C.

### **Designated premises supervisor (DPS)**

11. The current Designated Premises Supervisor (DPS) named on the licence is Murugesu Kunapalan. Murugesu Kunapalan is also the licensee of the premises.

### **The review application**

12. On 27 February 2018, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Murugesu Kunapalan in respect of the premises known as KG2P Convenience Store, Unit 2, Northchurch, Dawes Street, London SE17 2AQ.
13. The review application was submitted in respect of the prevention of crime and disorder and public safety licensing objectives and in summary states that the following has been witnessed and / or taken place at the premises:

- Keeping of smuggled spirits on premise – s144 Licensing Act 2003
  - Offer and sale of duty evaded super strength beer and liquor – Customs and Excise Management Act
  - Possession, offer and sale of unstamped (not bearing duty stamp) alcoholic liquor – Schedule 2A Alcoholic Liquor Duties Act 1979 (as amended)/ Duty Stamps Regulations 2006.
  - Offering for sale super strength beers and liquors which could not be legally sold – Consumer Protection from Unfair Trading Regulations 2008
  - Sale of super strength beers & liquors below duty plus VAT price in breach of mandatory licence condition 491 – Section 136 Licensing Act 2003
  - Failure to display sale price of “super strength” beers, lagers and ciders – Price marking Order 2004
  - Failure to purchase alcohol from an HMRC “approved” wholesaler – Alcoholic Liquor Duties Act 1979 (as amended)
  - Failure to produce traceable invoices for all super strength beers/liquors purchased – General Food Hygiene Regulations 2013.
14. It is understood that whilst the premise has a 24/7 licence the current owner does not operate on a 24 hour basis, though of course is currently able to do so if he so wishes.
  15. Trading standards are seeking either a revocation of the alcohol licence, or if members are minded to retain the licence, a significant swathe of stronger, enforceable conditions to be added to the operating schedule.
  16. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as Appendix A.

#### **Representations from responsible authorities**

17. There is one supporting representation submitted in support of the review application by public health.
18. Public health’s representation is submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation expresses concerns over the offences alleged in the review application and fully supports that the premises licence be reviewed by the licensing sub-committee.
19. A copy of the representation is attached as Appendix B.

#### **Representations from other persons**

20. No representations have been received by other persons.

#### **Operating history**

21. A premises licence was issued in respect of the premises on 5 October 2005, it was then known as ‘Lee’s Newsagents’. Murugesu Kunapalan was the premises licence holder and DPS.
22. In October 2010, a vary DPS application was received and subsequently granted into the name of Noris Nagarajah.
23. In November 2017, a new vary DPS application was received and granted back into the name of Murugesu Kunapalan.

24. No TEN's have been submitted in regards to the premises.
25. There is no history of founded complaints regarding the premises.
26. On 27 February 2018, an application was submitted by this council's trading standards service, for the review of the premises licence. At the time of writing the premises licence holder has not submitted a response to the review application and representation, any submissions received prior to the hearing will be circulated.

### **The local area**

27. A map of the local area is attached as Appendix D. There is only one similarly licensed premises in the immediate vicinity, namely:

#### **Chris Convenient Store – 100 Dawes Street, London SE17 2EB:**

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

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

28. Council assembly approved Southwark's statement of licensing policy 2016 - 20 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.

29. 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.
30. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being outside of a cumulative impact policy (CIP) area and within a residential area. Under the Southwark Statement of licensing policy 2016 - 2020 the local CIP applies to night clubs, public houses and bars, off-licences, supermarkets and grocers. The closing time recommended in the statement of licensing policy for off licences, and grocers or supermarkets with off sales of alcohol in this area is 23:00 daily.

### **Resource implications**

31. There is no fee associated with this type of application.

### **Consultation**

32. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

### **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, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
35. The principles, which sub-committee members must apply, are set out below.

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

36. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
37. The four licensing objectives are:
  - The prevention of crime and disorder
  - The protection of public safety
  - The prevention of nuisance
  - The protection of children from harm.
38. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
  - Modify the conditions of the licence by altering, omitting or adding any condition



- Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence.
39. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
  - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
  - Have not been withdrawn
  - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
40. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
41. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
42. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
43. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

44. Where the authority takes interim steps an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
  - The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

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

- The committee shall disregard any information given by a party which is not relevant:
    - To the particular application before the committee
    - To the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
46. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

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

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

52. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
53. Under the Human Rights Act 1998. The sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
54. There is no right of appeal to a magistrates' court against the licensing authority's decision regarding the setting of interim steps at this Stage.

### Guidance

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

### Strategic Director of Finance and Governance

56. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

### BACKGROUND DOCUMENTS

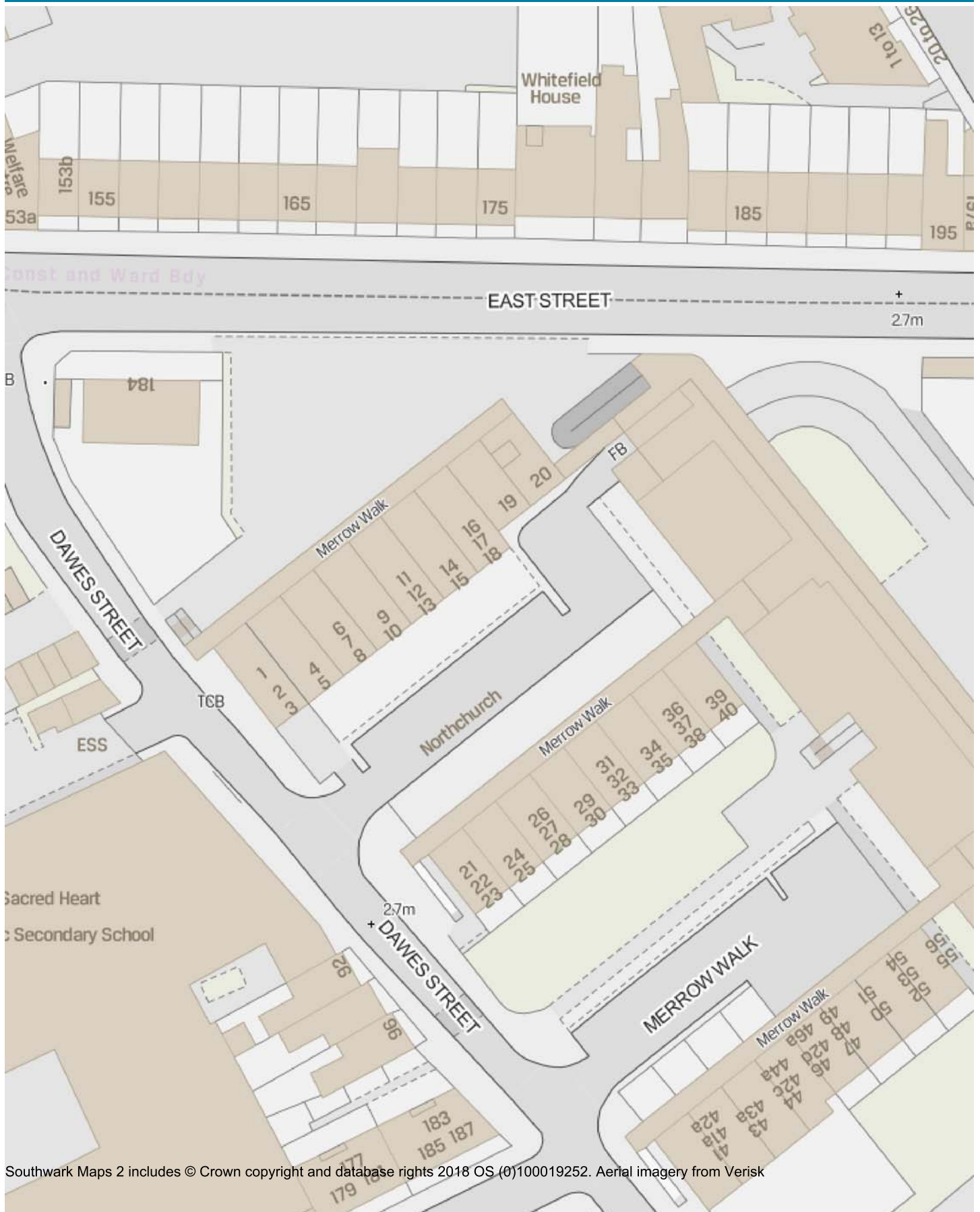
Background papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirby Read Phone number: 020 7525 5748

### APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copy of the supporting representation from Public Health
Appendix C	Copy of the premises licence
Appendix D	Map of local area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration		
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer		
<b>Version</b>	Final		
<b>Dated</b>	5 April 2018		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	Yes	Yes	
<b>Cabinet Member</b>	No	No	
Date final report sent to Constitutional Team		10 April 2018	



Southwark Maps 2 includes © Crown copyright and database rights 2018 OS (0)100019252. Aerial imagery from Verisk



20 m

4-Apr-2018

Scale = 1 : 661.500

**APPENDIX A**

*[Insert details including name and address of licensing authority and application reference if any (optional)]*

**Application for the review of a premises licence or club premises certificate 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 Bill Masini (On behalf of Trading Standards)

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> KG2P Convenience Store Unit 2 Northchurch Dawes Street	
<b>Post town</b> London	<b>Post code (if known)</b> SE17 2AQ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
---

<b>Number of premises licence or club premises certificate (if known)</b>
---

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- |   |                          |
|---|--------------------------|
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Southwark Council – Trading Standards  Bill Masini Trading Standards Officer Regulatory Services 3 <sup>rd</sup> Floor Hub 1 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)**Prevention of Crime and disorder –**

- Keeping of smuggled spirits on premise – s144 Licensing Act
- Offer and sale of duty evaded super strength beer and liquor – Customs and Excise Management Act
- Possession, offer and sale of unstamped (not bearing duty stamp) alcoholic liquor – Schedule 2A Alcoholic Liquor Duties Act 1979 (as amended)/ Duty Stamps Regulations 2006.
- Offering for sale super strength beers and liquors which could not be legally sold – Consumer Protection from Unfair Trading Regulations 2008
- Sale of super strength beers & liquors below duty plus VAT price in breach of mandatory licence condition 491 – Section 136 Licensing Act 2003
- Failure to display sale price of “super strength” beers, lagers and ciders – Price marking Order 2004
- Failure to purchase alcohol from an HMRC “approved” wholesaler – Alcoholic Liquor Duties Act 1979 (as amended)
- Failure to produce traceable invoices for all super strength beers/liquors purchased – General Food Hygiene Regulations 2013



On 22 November 2017 Trading Standards together with a Licensing Officer and officers from "Southwark's" Metropolitan police night time economy team carried out a routine visit to this premise.

It became clear the person named as the Designated Premises Supervisor on the Premises Licence no longer had any involvement with the running of this shop and that the business was run by Murugesu Kunapalan. A transfer of the DPS was done later that day.

Displayed on the wall was a A4 size notice in large font above the drinks shelves stating each of the following drinks were £10. The drinks included:

- 75cl bottles of Alomo "bitter" (40% ABV). Duty including VAT is £10.35.
- 75cl bottles of Joy Dodi "bitter" (42% ABV). Duty including VAT is £10.86
- 75cl bottles of Agya Appiah "bitter" (35% ABV). Duty including VAT is £9.05

Since 1 January 2007 it has been a requirement of The Duty Stamps Regulations 2006 that retail bottles of alcohol with a proof of 30% ABV or higher and packaged in sizes of 35cl and larger have to carry a duty stamp to be legal for sale. On examination, none of these drinks bore any duty stamps and had no details of any importer, indicating such products had been smuggled in to the UK. Knowingly keeping or allowing to be kept on licensed premises such products which have been imported without payment of duty or which have otherwise been unlawfully imported are offences under section 144 of The Licensing Act and Trading Standards say the circumstances around their purchase and display in the shop (behind the counter) give very strong reason to believe Mr Kunapalan knew the products on sale were illegal.

The lack of duty stamps for these drinks were also offences under The Alcoholic Liquor Duties Act 1979 as amended/The Duty Stamps Regulations 2006. In addition, the offering of these drinks for sale were offences under The Consumer Protection from Unfair Trading Regulations 2008 because it is a banned practice to state or otherwise create the impression (i.e. displaying for sale) that these drinks could be legally sold when they could not.

In relation to the Alomo and Joy Dodi bitters, because they were being sold below the duty plus VAT price there was also a breach of the mandatory condition 491 of the premises licence.

Seven bottles of Alomo bitter, ten bottles of Joy Dodi bitter and ten bottles of Agya

Appiah were seized. All apart from one of these were in two boxes behind the counter. The only bottle displayed (Agya Appiah) was on the top shelf mixed up with the vodkas.

Whilst officers were in the shop talking to the person working in the shop, [REDACTED] one customer sought to buy a can of Karpackie beer and another a can of oranjeboom and both were told it was £2.00. Both challenged [REDACTED] saying, the right price was £1.20. Eventually they left the shop.

In view of these interactions with customers, Trading Standards decided to carry out some test purchases. This was done three days later on 25 November. Mr Kunapalan was working behind the counter and sold a can of Karpackie for £1.20. The duty plus VAT on such a drink at 9% ABV is £1.34. The officer left but returned five minutes later. He sought to buy a can of Special Brew but was told it was £1.50. Asked what other beers he had for £1.20, Mr Kunapalan said Oranjeboom and Kestrel Super. The Oranjeboom on offer has an inclusive duty price of £1.27 (8.5% ABV) and the Kestrel Super an inclusive price of £1.34 (9% ABV).

The officer announced himself and seized a total of 137 cans (31 cans of Karpackie, 30 cans of Oranjeboom and 76 cans of Kestrel Super.

When asked about invoices for the purchases of these three drinks Mr Kanapalan he said he didn't have the invoices there and wouldn't be able to produce them. He said he got the Karpackie from the "Beer shop" in East London but could not be more specific and give any address. He said he had paid £19 per tray (24 cans) which equates to 79p per can – some 55 pence below duty. By selling it for £1.20 a can he was still able to make 41 pence per can or a mark up of 52% though of course this ignores the fact that there was no purchase invoices relating to this and thus would not "go through the books".

With a duty of £1.34 Trading Standards would expect a retail price to be well over £2 a can, or about a £1 more than Mr Kunapalan was charging.

Super strength beers and ciders are almost exclusively consumed by people who have severe alcohol dependency problems; they are not bought for the taste! A key part of the Public Health strategy to reduce consumption is, like tobacco, to use price. This is why a typical beer with an ABV of 5% attracts a duty of 57 pence per 500ml can and a beer of 7.5% ABV 86 pence per can whereas a 7.6% ABV attracts duty of £1.13 – a 27 pence difference as a result of 0.1% increase in ABV. By such buying beers for 79 pence and selling them for significantly below the duty plus "on costs" completely undermines this strategy as well as making it unfair on other traders which run a legitimate business.

On 1 December 2017 Mr Kunapalan was interviewed under caution. That interview lasted for just over an hour.

Before the interview started Mr Kunapalan supplied an invoice purporting to relate to the "African Bitters". A copy of that invoice is produced with this report and marked "1". It is headed "JAP EXOTIC PRODUCTS" with an address of 32 East Street, North Church SE17 2SV" and dated 19/11/17.

At 32 East Street, which has an actual postcode of SE17 2DN, there is a bookmakers, William Hill, with private accommodation above. It is no more than 2-3 minutes walk from this premise.

The Wholesaling of Controlled Liquor Regulations 2015 introduced the Alcohol Wholesaler Registration Scheme to tackle alcohol fraud. From 1 April 2017 it is a requirement for retailers to purchase alcohol from approved wholesalers, that is to say HMRC approved wholesalers who are required to inform retailers of their unique reference number (URN). It is a very simple process for a retailer to check that their supplier is a bona fide wholesaler. The Association of Convenience Stores provided their members with their "best practice" guidance which is attached with this application marked "2" It is an offence under The Alcoholic Duties Liquor Act 1979 (as amended) not to comply.

To summarise the interview Mr Kunapalan said;

- He was a sole trader.
- Apart from a short break he had run the shop since 2005.
- Customers had asked him for drinks like Alomo bitters but he did not have it and could not get it from cash and carry's. Then a man came into the shop offering it for sale.
- He carried out no checks on the seller and accepted it was not wise to buy such goods in these circumstances.
- He made all day to day decisions and bought all the stock for the shop
- He knew that paying £19 per tray for the beer was wrong
- He did not know the address for The beer Shop in East London but would supply it [he has not done so].
- He accepted the invoice for the African bitters was not genuine.

- He accepted that by selling cheap high strength beers it perpetuated the problem and made it more difficult for people stop their alcohol dependency problems.

The sub-committee is invited to consider all options available to it including revocation. However, should the sub-committee decide to deal with this matter by way of suspension and/or extra conditions on the Premises Licence Trading Standards would propose the following conditions since there are very few conditions currently on that licence and the removal of condition 125 [this being more comprehensively worded in proposed condition number 6 below]:

- 1. No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises.
- 2. 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.
- 3. 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.
- 4. 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 in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- 5. 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

- 6. Alcohol shall not be sold in an open container or be consumed in the licensed premises and no container of an alcoholic drink shall be opened by anyone on the premises.
- 7. An approved CCTV system shall be installed at the premises that records clear images in all light conditions of the interior of the premises as well as a clear facial image of every person who enters the premises. It shall also be positioned to capture the sale of alcohol and tobacco products. It shall be designed, installed and maintained in compliance with The Information Commissioner's Office (ICO) Code of Practice relating to Closed Circuit Television (CCTV).
- 8. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premises is in use under the licence. There shall be prominent signage displayed on the premises to this effect. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council subject only to The Data Protection Act 1998 (or subsequent legislation) and the premises licence holder's duties as a Data Controller
- 9. All staff working at the premises shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council. Such staff shall be able to download images to a removable device on immediate request by The Police and/or Authorised officers from Southwark Council subject only to The Data Protection Act 1998 (or subsequent legislation) and the premises licence holder's duties as a Data Controller

**Please tick yes**

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

21

**If you have made representations before relating to this premises please state what they were and when you made them**

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature  
.....

Date        27 February 2018  
.....

Capacity    Trading Standards Officer acting on behalf of Southwark Council  
.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 27 February 2018

Capacity Trading Standards Officer acting on behalf of Southwark Council

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
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3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



# JAP EXOTIC PRODUCTS ①

## Receipt/Invoice

Customer

K92P Store

DATE: 19/10/2017

Number: JAP [REDACTED]

Qty	Description	Unit Price £	Total £
1	Alomo 12X	96	96
1	Joy dachy 12X	96	96
1	Agyle Appiah 12X	96	96
Total £:			
Paid £:			288
Balance £:			

Customer Signature

Adviser Signature

## Exotic Products and More

ADDRESS: 32 East Street | North Church | SE17 2SV



## ACS|best practice

**ALCOHOL WHOLESALER REGISTRATION SCHEME (AWRS)**

An ACS best practice guide for retailers

From 1 April 2017, if you buy alcohol from a UK wholesaler, you'll also need to check that whoever you buy from is registered with HMRC and has an AWRS Unique Reference Number (URN).

If you buy alcohol from a non-registered wholesaler, you may be liable to a criminal or civil penalty, your alcohol may be seized, or you could lose your alcohol licence.

**How to check if a wholesaler is registered?****Before April 2017**

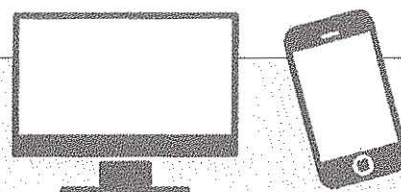
Before April 2017, we recommend that you ask your wholesaler(s) if they have applied for HMRC registration, but bear in mind that they may not have their registration number yet as they don't need to use it until April 2017. We also recommend you review your processes and supply chains to make sure that you are only sourcing legitimate alcohol.

**After April 2017**

You can check if your wholesaler is registered by following the three steps below.

**Step 1 - Use online look up service**

You will be able to use an online look-up service to check if your wholesaler is registered. This will be available on HMRC's website from 1 April 2017.

**Step 2 - Check unique reference number**

You will find the AWRS URN on wholesaler invoices from 1 April 2017. Retailers will be able to enter the AWRS URN of the wholesaler and the look up service will confirm whether that wholesaler is approved.

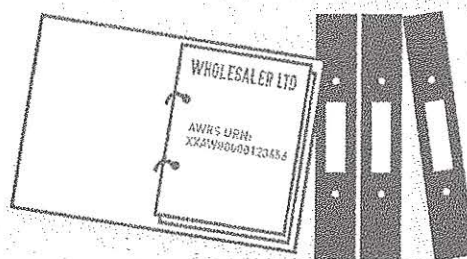
The format for the URN will be made up of four alpha characters and 11 numeric characters, such as: XXAW00000123456.

If a wholesaler has been approved, but has since ceased trading, the look-up will return the dates that the wholesaler was approved.

**Step 3 - Due diligence and record keeping**

You must be able to demonstrate to HMRC that you requested a wholesaler's URN and checked its authenticity. You can do this by printing off the webpage after checking your wholesaler's URN.

HMRC have not prescribed any additional record-keeping requirements for retailers who are not wholesalers. However, to prove you have checked your wholesalers' URN, we recommend you keep record of checks you perform on the online look-up service for a similar period to your tax returns (five years).

**If you find out your wholesaler is not approved**

If you find that a wholesaler you are purchasing from is not approved, you **should not purchase alcohol** from them until they can provide further clarification and you must **notify HMRC immediately**.

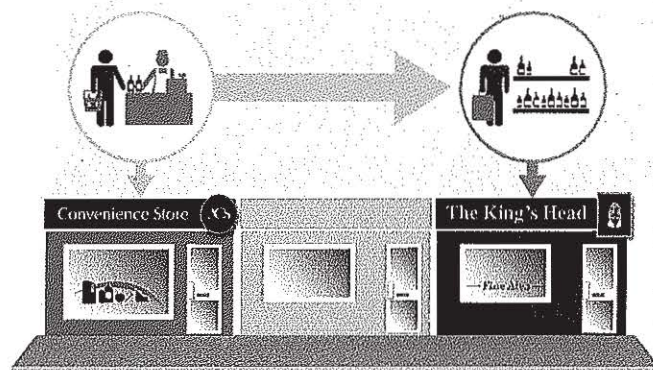


## AWRS EXEMPTIONS

Authorised retailers are exempt from registering for AWRS if the only wholesale sales they make are incidental. A wholesale sale is generally a business to business transaction, not a sale to a consumer or end user.

An 'incidental sale' is a wholesale sale that is not made knowingly or intentionally by a retailer. For example, an 'incidental sale' could be when a small convenience store that does not set out to make wholesale sales but is aware that a local pub landlord may run out of a particular line and call in the shop to make an ad-hoc purchase.

Businesses are also exempt from AWRS if they only sell alcohol between members of the same corporate group.



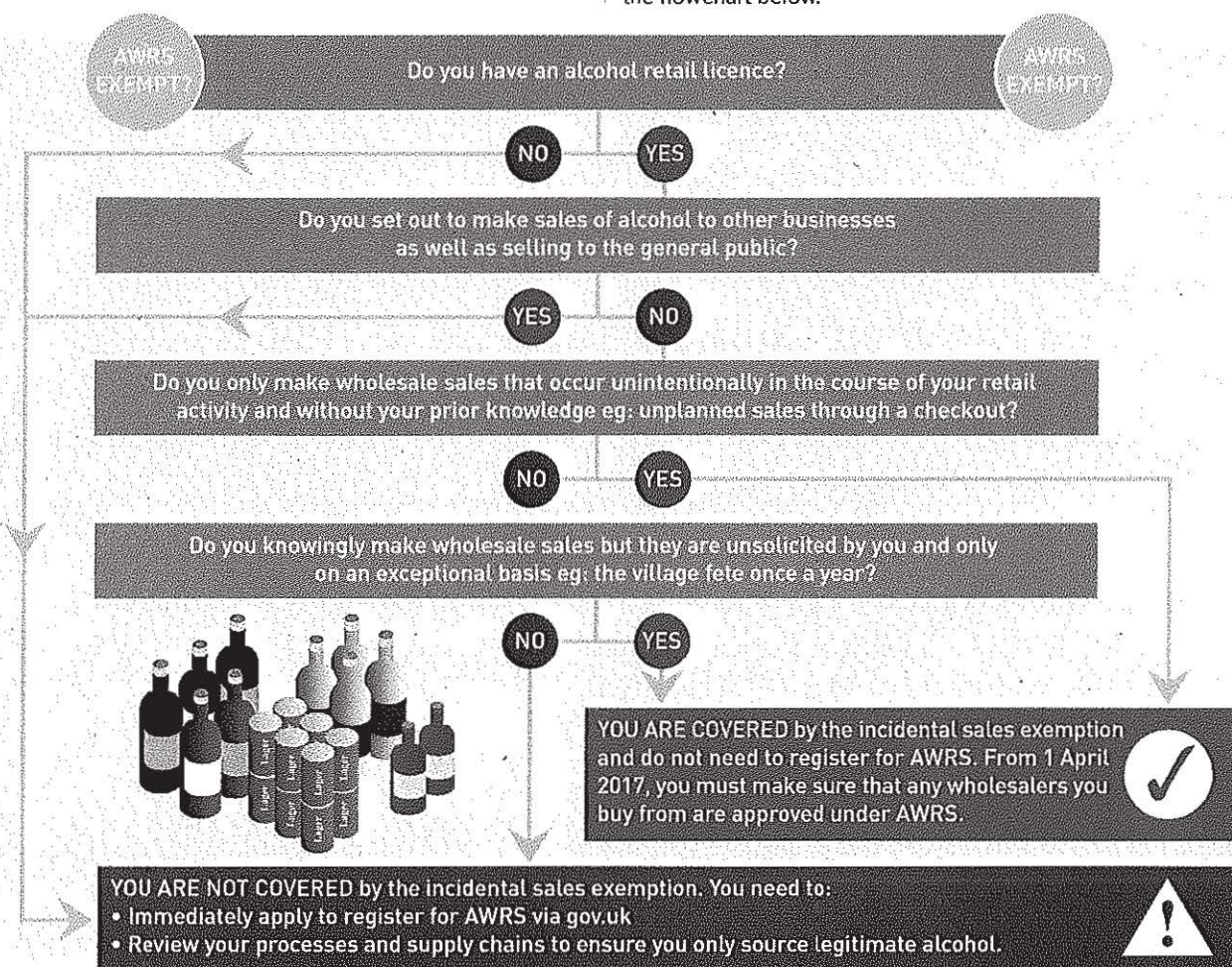
## HOW TO CHECK IF YOU NEED TO REGISTER AS A WHOLESALER

All alcohol wholesalers were required to apply online to HMRC by 31 March 2016, as part of the Alcohol Wholesaler Registration Scheme.

Retailers that sell alcohol to other businesses on a regular basis will need to register.

If you have missed the application window and need to apply to become a registered wholesaler, HMRC suggest that you apply as soon as possible to reduce any potential fines.

However, if you are a retailer who only makes incidental wholesale alcohol sales, you may be exempt from AWRS. You can determine if you are exempt from AWRS by following the flowchart below.



## CONTACT

For more details on this report, contact a member of the ACS Team on 01252 515001.

For more details on ACS: Visit: [www.acs.org.uk](http://www.acs.org.uk) Call: 01252 515001

Follow us on Twitter: @ACS\_Localshops

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**ACS** | the voice of  
local shops

## APPENDIX B

**Heron, Andrew**

---

**From:** Jerrom, Charlie  
**Sent:** 23 March 2018 11:57  
**To:** Heron, Andrew  
**Subject:** FW: RE: Review - KG2P Convenience Store - Unit 2, Northchurch, Dawes Street, LDO = 27/03/2018, 862426

fyi

---

**From:** Jerrom, Charlie **On Behalf Of** Regen, Licensing  
**Sent:** Friday, March 23, 2018 11:30 AM  
**To:** Jerrom, Charlie  
**Subject:** FW: RE: Review - KG2P Convenience Store - Unit 2, Northchurch, Dawes Street, LDO = 27/03/2018, 862426

---

**From:** Sharpe, Carolyn **On Behalf Of** Public Health Licensing  
**Sent:** Friday, March 23, 2018 11:28 AM  
**To:** Regen, Licensing  
**Cc:** Public Health Licensing  
**Subject:** RE: RE: Review - KG2P Convenience Store - Unit 2, Northchurch, Dawes Street, LDO = 27/03/2018, 862426

To whom it may concern:

**Re: KG2P Convenience Store, Unit 2, Northchurch, Dawes Street, London, SE17 2AQ**

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

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

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to express my concerns over the alleged issues with the management of the above premises. These include:

- Keeping of smuggled alcohol on the premises
- Offer and sale of duty evaded alcohol
- Breach of premises licence not to sell super strength beers, lagers and ciders
- Failure to purchase alcohol from an HMRC "approved" wholesaler

Further, this premises is located within close proximity to a large alcohol recovery hostel housing extremely vulnerable people with alcohol misuse issues;

- Manor House Place – 34 Beds, located 12 minutes' walk away

Public Health feels it would be irresponsible to continue to allow a poorly operated premises to continue to operate in this location. It is my opinion that the premises is currently being operated in a way that puts the public health at risk and is likely to be having negative impacts on anti-social behaviour as well as crime and disorder.

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

Yours faithfully,

Carolyn Sharpe

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

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# Licensing Act 2003 Premises Licence



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

Premises licence number

861157

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
KG2P Convenience Store Unit 2, Northchurch Dawes Street London SE17 2AQ  Ordnance survey map reference (if applicable), 178418532808	
<b>Post town</b> London	<b>Post code</b> SE17 2AQ
<b>Telephone number</b> [REDACTED]	

<b>Where the licence is time limited the dates</b>
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<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol to be consumed off premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>

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

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

**Part 2**

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

Murugesu Kunapalan



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

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

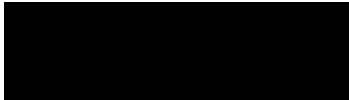
Murugesu Kunapalan



**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 23/11/2017



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.

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

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

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

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

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

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

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

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

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

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

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

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



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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax; (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the operating Schedule**

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

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

The above restrictions do not prohibit:

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

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

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

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

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

**Annex 4 - Plans - Attached**

Licence No. 861157

Plan No. N/A

Plan Date August 2005

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

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Andrew Weir - Tel: 020 7525 7222

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