

Licensing Sub-Committee

Thursday 10 May 2018
10.00 am

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

Membership

Councillor Sunil Chopra
Councillor Dora Dixon-Fyle MBE
Councillor Renata Hamvas
Councillor Sunny Lambe
Councillor Lorraine Lauder MBE
Councillor Adele Morris
Councillor Sandra Rhule
Councillor Kath Whittam

Reserves

Please note that the membership shall be confirmed on 7 May 2018.

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Andrew Weir on 020 7525 7222 or email: Andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly
Chief Executive
Date: 1 May 2018



Licensing Sub-Committee

Thursday 10 May 2018
10.00 am

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

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: VAPIANO, 2 POTTERS FIELDS, LONDON SE1 2SG	1 - 27
6.	LICENSING ACT 2003: KFC, GROUND FLOOR, 128 BOROUGH HIGH STREET, LONDON SE1 1LB	28 - 49
7.	LICENSING ACT 2003: FOOD AND WINE, 4 CAMBERWELL CHURCH STREET, LONDON SE5 8QU - TRANSFER APPLICATION	50 - 95

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: 1 May 2018

Item No. 5.	Classification: Open	Date: 10 May 2018	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Vapiano, 2 Potters Fields, London SE1 2SG	
Ward(s) of group(s) affected		Riverside	
From		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Vapiano Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Vapiano, 2 Potters Fields, London SE1 2SG.
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 other persons and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 16 of this report deal with the representations submitted and any further correspondence in respect of the application. Copies of the representations submitted are attached as Appendix B.
 - d) Paragraph 19 deals with licensed premises within a 100m radius of the premises. A map of the area is attached as Appendix C.
 - 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 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 9 March 2018, Vapiano Limited applied to this council for the grant of a premises licence in respect of Vapiano, 2 Potters Fields, London SE1 2SG. The premises is described as an Italian restaurant.
9. The application is summarised as follows:
 - Late Night Refreshment (indoors):
 - Sunday to Thursday from 23:00 till 23:30
 - Friday and Saturday from 23:00 till 00:30.
 - The supply of alcohol (on and off the premises):
 - Monday to Thursday from 10:00 till 23:30
 - Friday and Saturday from 10:00 till 00:30
 - Sunday from 11:00 till 23:30.
 - Operating hours:
 - Monday to Thursday from 09:00 till 00:00
 - Friday and Saturday from 09:00 till 01:00
 - Sunday from 11:00 till 00:00.
 - Non standard timings: From the end of permitted hours on New Years Eve until the start of the permitted hours on New Year Day.

10. The proposed designated premises supervisor of the premises is Ermiyas Hiruy Beyene who holds a personal licence issued by Southwark Council.
11. The premises licence application form provides the applicant's operating schedule. Parts I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

Representations from responsible authorities

12. Representations have been submitted by the environmental protection team (EPT), licensing (as a responsible authority) and the planning authority.
13. The EPT representation is based primarily on the risk of nuisance from noise externally. They have offered a number of conditions for consideration by the applicant.
14. The licensing representation is based on the promotion of the licensing objectives of and prevention of noise nuisance and to promote public safety. They have also recommended conditions for consideration by the applicant.
15. The planning authority are concerned that the 01:00 closing times will cause loss of amenity to close residents as there are flats on upper floors in this development.

Representations from other persons

16. There are no representations from other persons.

Conciliation

17. The representations were forwarded to the applicant representative, however issues remain outstanding. The licensing sub- committee will be updated on 10 May 2018 of any developments.

Deregulation of entertainment

18. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live and recorded amplified music is deregulated between 08:00 and 23:00 at on-licensed premises provided the audience does not exceed 500 people, however, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Map of the local area

19. A map of the area is attached to this report as Appendix C. 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.

Off licence

- Sainsbury's Local, Unit 7-1, 1a Queen Elizabeth Street, London SE1 (24 hours)
- Tower Mini Market 188 Tooley Street, London SE1 (Monday to Sunday until 23:00)

Restaurants, public houses/bars

- Ivy Collection, Unit 4 Potters Field Park, London SE1 (Sunday to Thursday until 00:00 and Friday and Saturday until 00:30)
- The Bridge Lounge and Dining Room, 186 Tooley Street, London SE1 (Monday to Saturday until 01:00 and Sunday until 00:30)
- The London Bridge Experience, 2-4 Tooley Street, London SE1 (Monday to Wednesday until 00:30 and Thursday to Saturday until 01:30)
- Bridge Theatre, 3 Potters Fields, London SE1 (Monday to Sunday until 00:00)
- Prosecco House, 1 Crown Square (Sunday to Wednesday until 23:00 and Thursday to Saturday until 00:00)
- The Lalit, 181 Tooley Street, London SE1, (hotel 24 hours) (activities finish at 23:00)
- Toms Place, 2 Still Walk, London SE1 (Monday to Saturday until 23:00 and Sunday until 22:30)
- Potterfields, Tooley Street, London SE1 (24 hours) (activities finish at 00:00)

Southwark council statement of licensing policy

20. 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.
21. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
- Closing time for restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.
22. 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

23. A fee of £100.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

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

Community impact statement

25. 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

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

Principles for making the determination

28. 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.
29. 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.
30. 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

31. 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.

32. The four licensing objectives are:

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

33. 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.

34. 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.

35. 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

36. 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

37. 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.
38. 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

39. 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.
40. 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.
41. 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.
42. 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.
43. 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.

44. 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.

45. 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

46. 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

47. 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 Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Map of area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social regeneration		
Report Author	Dorcas Mills, Principal Licensing Officer		
Version	Final		
Dated	26 April 2018		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	Yes	Yes	
Cabinet Member	No	No	
Date final report sent to Constitutional Team		27 April 2018	

09/03/2018

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

Ref No. 984994

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

	Vapiano Limited
--	-----------------

Premises Details

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

£	0
	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

	Vapiano
--	---------

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

Address Line 1	2 POTTERS FIELDS
Address Line 2	
Town	LONDON
County	
Post code	SE1 2SG
Ordnance survey map reference	
Description of the location	
Telephone number	

Applicant Details

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

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

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	Vapiano Limited
------	-----------------

Address - First Entry

Street number or building name	19-21
Street Description	Great Portland
Town	London
County	
Post code	W1W 8QB
Registered number (where applicable)	05864690
Description of applicant (for example, partnership, company, unincorporated association etc)	Private Limited Company

Contact Details - First Entry

Telephone number	
Email address	

Operating Schedule

When do you want the premises licence to start?

	06/04/2018
--	------------

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)

	An Italian Restaurant.
--	------------------------

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

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

Operating Schedule part 2

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

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

Provision of late night refreshment

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

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)

	We will be selling hot food and drink inside the premises only.
--	---

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

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

--	--

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, (Please read guidance note 5)

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

J - Supply of Alcohol

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

	Both
--	------

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

Day	Start	Finish
Mon	10:00	23:30
Tues	10:00	23:30
Wed	10:00	23:30
Thur	10:00	23:30
Fri	10:00	00:30
Sat	10:00	00:30
Sun	11:00	23:30

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

--	--

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

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

Please upload the consent form completed by the proposed premises supervisor

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Premises Supervisor

Full name of proposed designated premises supervisor

First names	Ermiyas Hiruy
Surname	Beyene

DOB

Date Of Birth	20/04/1984
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Address of proposed designated premises supervisor

Street number or Building name	██████
Street Description	██████████
Town	██████
County	
Post code	████████

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

Personal licence number (if known)	██████
Issuing authority (if known)	London Borough of Southwark

K

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

	None.
--	-------

L - Hours premises are open to public

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

Day	Start	Finish
Mon	09:00	00:00
Tues	09:00	00:00
Wed	09:00	00:00
Thur	09:00	00:00
Fri	09:00	01:00
Sat	09:00	01:00
Sun	11:00	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)

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

M - Steps to promote four licencing objectives

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

	Please see Annex A
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b) the prevention of crime and disorder

	Please see Annex A
--	--------------------

c) public safety

	Please see Annex A
--	--------------------

d) the prevention of public nuisance

	Please see Annex A
--	--------------------

e) the protection of children from harm

	Please see Annex A
--	--------------------

Please upload a plan of the premises

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Please upload any additional information i.e. risk assessments

--	--

Checklist

	<p>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)</p>
--	--

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.

ANNEX A
VAPIANO, 2 POTTERS FIELD PARK, LONDON SE1 2SG

1. That a CCTV system be installed at the premises, be maintained in good working order and be continually recording at all times that the premises are in use under the licence. The CCTV system must be capable of capturing an image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to officers of the police and the council upon request.
3. That clearly legible notices shall be prominently displayed to the satisfaction of the council and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
4. There shall be documented staff training in relation to age restricted sales of alcohol. The documented training shall be made available to officers of the police and the council on request.
5. That the premises licence holder and/or Designated Premises Supervisor join and support a local Pub Watch scheme should there be a Pub Watch scheme in existence for the area in which the premises is located.
6. The management of the premises will ensure that the external area is kept clean and tidy during operating hours.
7. All outside tables and chairs shall be rendered unusable by 22:00 each day.

- EXISTING WALLS TO REMAIN
- NEW INTERIOR WALLS
- BOUNDARY LINE
- LICENSED PREMISES
- 30MIN PROTECTION
- AREAS TO WHICH CHILDREN AND YOUNG WILL HAVE ACCESS (INCL. FIRE ESCAPE ROUTES IN CASE OF EMERGENCY)
- CO2 FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- WATER FIRE EXTINGUISHER
- EL ROOM OR AREA TO BE FITTED WITH ESCAPE LIGHTING TO BS 5266, PART 1
- SD AREA PROTECTED BY SMOKE DETECTION AND ALARM SYSTEM TO BS 5839, PART 1
- FE S/B TYPICAL FIRE EXIT SIGN, CEILING MOUNTED:
- 'FE' DENOTES FIRE EXIT ESCAPE SIGN, DIRECTION ARROW IF NECESSARY
- 'B' DENOTES GRAPHICS ON BOTH SIDES
- 'S' DENOTES SINGLE-SIDED
- SMOKE DETECTOR C/W SOUNDER/STROBE
- HEAT DETECTOR C/W SOUNDER/STROBE
- SMOKE DETECTOR C/W SOUNDER
- HEAT DETECTOR C/W SOUNDER
- SMOKE DETECTOR
- FIRE ALARM INTERFACE
- WALL MOUNTED VISUAL INDICATOR
- FIRE ALARM PANEL
- MANUAL CALL POINT



GENERAL NOTES:
DO NOT SCALE FROM THIS DRAWING
ALL DIMENSIONS TO BE CHECKED ON SITE
ANY OMISSIONS OR DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY
IF IN DOUBT ASK

P3	08.03.18	LICENSING INFORMATION	LB
P2	21.02.18	LICENSING INFORMATION	LB
P1	08.02.18	LICENSING INFORMATION	LB
REV	DATE	NOTES	DR
DRAWING STATUS			

INFORMATION

CLIENT

VAPIANO®
PASTA | PIZZA | BAR

ARCHITECT

FINKERNAGEL ROSS

Third Floor
Unicorn House
221-222 Shoreditch High Street
London E1 6PJ

Tel: 020 7377 5114
info@finkernagelross.com
www.finkernagelross.com

PROJECT

**VAPIANO LONDON
ONE TOWER BRIDGE
LONDON SE1 2AA**

DRAWING TITLE

**PROPOSED GROUND FLOOR
LAYOUT, LICENCE**

DRAWN	DR. DATE	CHECKED	CH. DATE
LB	21.02.18	HM	08.03.18

SCALE	SHEET SIZE
1:50	A1

DRAWING NO

VAP-LON5-110 P3

REVISION

- EXISTING WALLS TO REMAIN
- NEW INTERIOR WALLS
- BOUNDARY LINE
- LICENSED PREMISES
- 30MIN PROTECTION
- AREAS TO WHICH CHILDREN AND YOUNG WILL HAVE ACCESS (INCL. FIRE ESCAPE ROUTES IN CASE OF EMERGENCY)
- CO2 FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- WATER FIRE EXTINGUISHER
- EL

ROOM OR AREA TO BE FITTED WITH ESCAPE LIGHTING TO BS 5266, PART 1
- SD

AREA PROTECTED BY SMOKE DETECTION AND ALARM SYSTEM TO BS 5839, PART 1
- FE S/B

TYPICAL FIRE EXIT SIGN, CEILING MOUNTED:
'FE' DENOTES FIRE EXIT ESCAPE SIGN, DIRECTION ARROW IF NECESSARY
'B' DENOTES GRAPHICS ON BOTH SIDES
'S' DENOTES SINGLE-SIDED
- SMOKE DETECTOR C/W SOUNDER/STROBE
- HEAT DETECTOR C/W SOUNDER/STROBE
- SMOKE DETECTOR C/W SOUNDER
- HEAT DETECTOR C/W SOUNDER
- S

SMOKE DETECTOR
- FIRE ALARM INTERFACE
- WALL MOUNTED VISUAL INDICATOR
- FAP

FIRE ALARM PANEL
- MANUAL CALL POINT



GENERAL NOTES:

DO NOT SCALE FROM THIS DRAWING

ALL DIMENSIONS TO BE CHECKED ON SITE

ANY OMISSIONS OR DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY

IF IN DOUBT ASK

P308.03.18LICENSING INFORMATIONHM

P221.02.18LICENSING INFORMATIONLB

P108.02.18LICENSING INFORMATIONLB

REVDATENOTESDR

DRAWING STATUS

INFORMATION

CLIENT

VAPIANO®

PASTA | PIZZA | BAR

ARCHITECT

FINKERNAGEL ROSS

Third Floor
Unicorn House
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London E1 6PJ

Tel: 020 7377 5114
info@finkernagelross.com
www.finkernagelross.com

PROJECT

VAPIANO LONDON
ONE TOWER BRIDGE
LONDON SE1 2AA

DRAWING TITLE

PROPOSED MEZZANINE,
LAYOUT, LICENCE

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DR. DATE

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08.02.18

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08.03.18

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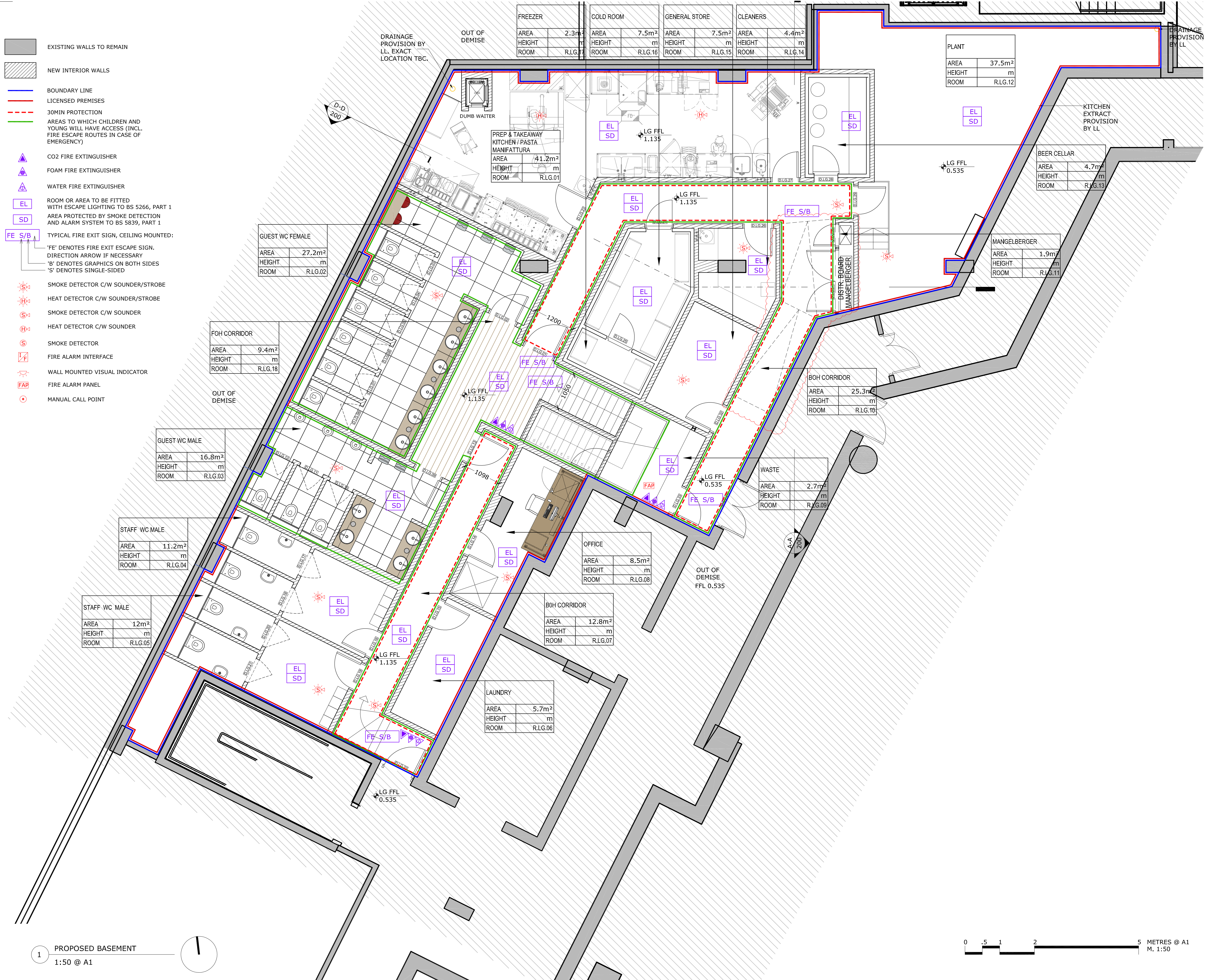
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REVISION

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P3

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GENERAL NOTES:
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ALL DIMENSIONS TO BE CHECKED ON SITE
ANY OMISSIONS OR DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY
IF IN DOUBT ASK

P3 08.03.18 LICENSING INFORMATION HM
P2 21.02.18 LICENSING INFORMATION LB
P1 08.02.18 LICENSING INFORMATION LB
REV DATE NOTES DR
DRAWING STATUS

INFORMATION

CLIENT

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ARCHITECT

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London E1 6PJ

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PROJECT

**VAPIANO LONDON
ONE TOWER BRIDGE
LONDON SE1 2AA**

DRAWING TITLE

**PROPOSED BASEMENT
LAYOUT, LICENCE**

DRAWN	DR. DATE	CHECKED	CH. DATE
LB	07.02.18	HM	08.03.18

SCALE	SHEET SIZE
1:50	A1

DRAWING NO	REVISION
VAP-LON5-112	P3

- EXISTING WALLS TO REMAIN
- NEW INTERIOR WALLS
- BOUNDARY LINE
- LICENSED PREMISES
- 30MIN PROTECTION
- AREAS TO WHICH CHILDREN AND YOUNG WILL HAVE ACCESS (INCL. FIRE ESCAPE ROUTES IN CASE OF EMERGENCY)
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- WATER FIRE EXTINGUISHER
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- SMOKE DETECTOR C/W SOUNDER
- HEAT DETECTOR C/W SOUNDER
- S

SMOKE DETECTOR
- F

FIRE ALARM INTERFACE
- WALL MOUNTED VISUAL INDICATOR
- FAP

FIRE ALARM PANEL
- MANUAL CALL POINT



GENERAL NOTES:

DO NOT SCALE FROM THIS DRAWING

ALL DIMENSIONS TO BE CHECKED ON SITE

ANY OMISSIONS OR DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY IF IN DOUBT ASK

P3	08.03.18	LICENSING INFORMATION	HM
P2	21.02.18	LICENSING INFORMATION	LB
P1	09.02.18	LICENSING INFORMATION	LB
REV	DATE	NOTES	DR
DRAWING STATUS			

INFORMATION

CLIENT

VAPIANO®
PASTA | PIZZA | BAR

ARCHITECT

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PROJECT

**VAPIANO LONDON
ONE TOWER BRIDGE
LONDON SE1 2AA**

DRAWING TITLE

**PROPOSED EXTERNAL
LAYOUT, LICENCE**

DRAWN	DR. DATE	CHECKED	CH. DATE
LB	12.02.18	HM	08.03.18

SCALE	SHEET SIZE
1:100	A1

DRAWING NO	REVISION
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VAP-LON5-113 P3

APPENDIX B

From: Earis, Richard
Sent: Thursday, March 29, 2018 3:23 PM
To: Regen, Licensing
Subject: New license application Vapiano 2 Potters Fields

RE: New license application Vapiano 2 Potters Fields

I have considered the application and I would like to object under the Prevention of Public Nuisance licensing objective. Please could this be passed on to the applicant? No email address has been provided.

The reason for the objection is primarily the risk of nuisance from noise externally. I would be happy to withdraw my objections if the applicant can agree to the following conditions:

- There shall be no more than 20 customers permitted to use the licensed external area at any time.
- No new customers shall be seated externally after 21.00 and the area shall be fully cleared by 22.00 on any day
- Regular checks shall be made of the external area after 19.00 and all necessary steps taken to ensure that there is no public nuisance caused by patrons
- Customers shall not be permitted to take drinks outside the licensable area of the premises at any time, except for alcohol sold for consumption off the premises, which shall not be sold for immediate consumption in the area around the premises and shall be supplied in sealed containers that require a tool such as a bottle opener or corkscrew to be opened.
- Amplified music, song or speech shall not be broadcast in external areas at any time.
- External waste handling, collections and deliveries shall only occur between the hours of 07.00hrs and 20.00hrs.

Kind Regards,

Richard

Richard Earis
Principal Environmental Protection Officer
Environmental Protection Team

020 7525 2469

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

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

MEMO: Licensing Unit

To	Licensing	Date	04 April 2018
Copies	Jayne Tear		
From	David Franklin	Telephone	020 7525 5800
Email	david.franklin@southwark.gov.uk		

Subject Vapiano, 2 Potters Fields, London SE1 2SG

I make this representation with regards to the application for a premises licence by Vapiano Limited for the premises Vapiano, 2 Potters Fields, London SE1 2SG under the licensing objectives of the prevention of public nuisance, prevention of crime and disorder and public safety.

The premises is situated in the the Bankside, Borough, and London Bridge Strategic Cultural & London Bridge District Town Centre Area. The area is a mixed area of commercial and residential premises.

The application seeks the licensing hours as follows:

Sale of alcohol both on and off the premise;

Monday to Thursday from 10:00 to 23:30

Friday & Saturday from 10:00 to 00:00

Sunday from 11:00 to 23:30

Late night refreshment:

Monday to Thursday from 23:00 to 23:30

Friday & Saturday from 23:00 to 00:00

Sunday from 23:00 to 23:30

Opening Hours;

Monday to Thursday from 09:00 to 00:00

Friday & Saturday from 09:00 to 01:00

Sunday from 11:00 to 00:00

The Southwark Statement of Licensing Policy 2016-2020 states the following closing hours for a district town centre are:

For Restaurants & Cafes

Monday to Wednesday 00:00

Friday & Saturday 01:00

Sunday 00:00

Bars and drinking establishments have closing hours of one hour earlier.

I note that the proposed condition 7 states that "all outside tables and chairs shall be rendered unusable by 22:00 hours each day" however the plans for the premises seem not to include an outside area for the sale or consumption of alcohol.

Additionally there is no condition offered to ensure that the premises remains operating as a restaurant rather than a bar. A change of use could have a significant effect on public nuisance and disorder should the premises licence be transferred to an operator who wishes for the premises to operate predominantly as a drinking establishment and a suitable condition would prevent this without an application and public consultation should this be proposed by a future owner.

To promote the licensing objectives and prevent noise nuisance and promote public safety I recommend that the following additional conditions/actions are considered:

1. The premises plans are updated to include the proposed outside area for consumption of alcohol.
2. All patrons in the outside area shall be seated.
3. That all off sales of alcohol shall be in closed containers for consumption away from the premises, except alcohol intended to be consumed by patrons seated in the outside area designated on the premises plans
4. That all sales of alcohol shall be ancillary to the service of a substantial table meal.

David Franklin
Licensing Authority as a Responsible Authority



Chief executive's department

Planning division

5th floor, hub 2

PO Box 64529

LONDON SE1P 5LX

Vapiano Limited
2 Potters Fields
London
SE1 2SG

Your Ref:

Our Ref: 18-CE-00261

Contact: Alison Brittain

Telephone: 020 7525 5427

Fax: 020 3357 3101

E-Mail: planning.enquiries@southwark.gov.uk

Web Site: <http://www.southwark.gov.uk>

Date: 27/03/2018

Dear Sir/Madam

Premises Licensing re:

2 POTTERS FIELDS, LONDON, SE1 2SG

Summary description: PREMISES LICENCE

Date Received: 12/03/2018

Thank you for the licence consultation on the above.

There is a current planning application to agree operating and delivery hours to this proposed restaurant (ref 18ap0656). This was required by condition on application 10AP1935 which approved the wider development of this site.

The proposed hours in the planning application are: Monday to Wednesday 8am to 11pm; Thursday to Saturday 8am to 11.30pm and Sunday and Bank Holidays 8am to 10.30pm. There are more restrictive hours proposed for outdoor areas.

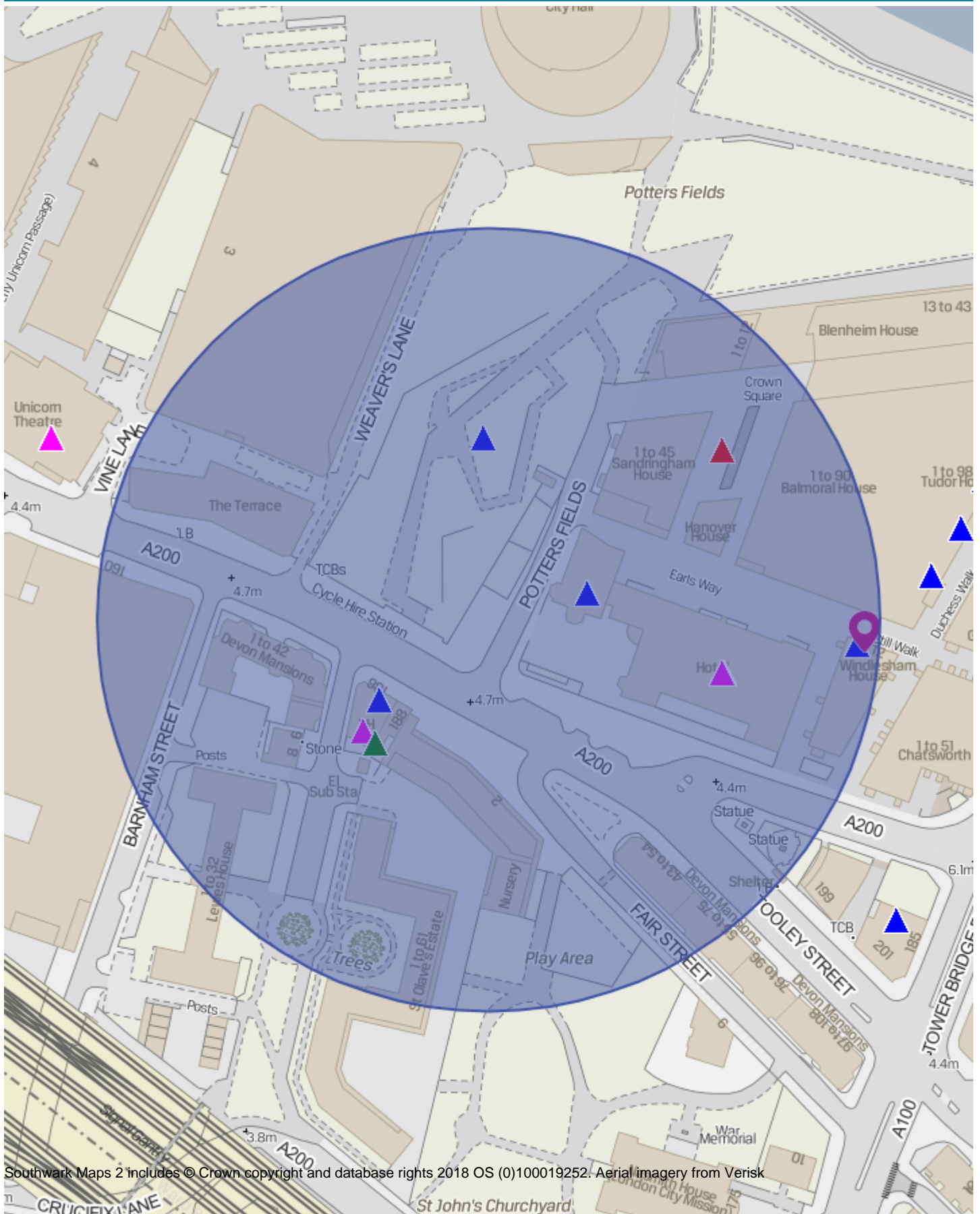
The hours in the licence application are greater than those proposed in the planning application (latest time 1am). This is longer than hours approved under planning applications for other restaurants in this complex.

I have no objections to raise citing licensing objectives to the hours as proposed in planning applications as these are in line with other restaurants. Opening hours to 1am as specified in the licence application may lead to loss of amenity to close residents (there are flats on upper floors in this development).

Yours faithfully

Alison Brittain

DC Group Manager - East -Team 1



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24-Apr-2018

Scale = 1 : 1323.000

Item No. 6.	Classification: Open	Date: 10 May 2018 10am	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: KFC, Ground Floor, 128 Borough High Street, London SE1 1LB	
Ward(s) of group(s) affected		Cathedrals	
From		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by F T Foods Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as KFC, Ground Floor, 128 Borough High Street, London SE1 1LB.
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 other persons 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 12 of this report deal with the representations submitted and any further correspondence in respect of the application. Copies of the representations are attached as Appendix B.
 - d) Paragraph 15 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix C.
 - 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 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 7 March 2018, F T Foods Limited applied to this council for the grant of a premises licence in respect of KFC, Ground Floor, 128 Borough High Street, London SE1 1LB. The premises is described as a KFC 'Small Box' restaurant with service counter and limited customer seating.
9. The application is summarised as follows:
 - Late Night Refreshment (indoors & outdoors):
 - Sunday to Thursday from 23:00 till 00:00
 - Friday and Saturday from 23:00 till 01:00.
 - Operating hours:
 - Sun – Thurs from 10:00 till 00:00
 - Fri & Sat from 10:00 till 01:00.
10. The premises licence application form provides the applicant's operating schedule. Parts I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in the operating schedule will form the basis of conditions that will be attached to any

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

Representations from responsible authorities

11. There are no representations from responsible authorities.

Representations from other persons

12. There are three representations from other persons (consisting of one local councillor and two residents). The concerns are that they are experiencing current problems with existing late-night businesses which already affect the health and well-being of residents in the area, and an additional restaurant opening well past the sleeping hours of surrounding residents will only exacerbate said problems. An increase of late opening hours to KFC (especially to 01:00 on Fridays and Saturdays) will invite the violence and rowdiness to the doorstep of the Maple Building and further impact their well-being.

Conciliation

13. The representations were forwarded to the applicant representative. However, issues remain outstanding. The licensing sub- committee will be updated on 10 May 2018 of any developments.

Deregulation of entertainment

14. 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 and recorded amplified music is deregulated between 08:00 and 23:00 at on-licensed premises provided the audience does not exceed 500 people, however, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Map of the local area

15. A map of the area is attached to this report as Appendix C. 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.

Off licence

- Borough Off Licence, 151 Borough High Street, London SE1 (Monday to Saturday until 23.00 and Sunday until 22:30)
- Nelsons Cafe, 168 Borough High Street, London SE1 (Monday to Saturday until 00.30 and Sunday until 00:00)
- Sainsburys, 116-126 Borough High Street, London SE1 (24 hours)

Restaurants, public house/bars

- Hing Loong, 159 Borough High Street, London SE1 (Monday to Saturday until 23.00 and Sunday until 22:30)
- Belushi's, 161-165 Borough High Street, London SE1 (Sunday to Thursday until 03.00 and Friday and Saturday until 04:00)
- Blue Eyed Maid, 173 Borough High Street, London SE1 (Monday to Thursday until 02.30 and Sunday until 01:00)

Borough & Bankside Cumulative Impact Zone

16. 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.
17. 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.
18. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
19. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

20. 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.
21. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
- Closing time for restaurants and cafes:
 - Sunday to Thursday is 00:00
 - Friday and Saturday is 01:00.
22. 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

23. A fee of £100.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

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

Community impact statement

25. 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

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

Principles for making the determination

28. 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.
29. 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.
30. 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

31. 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.
32. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
33. 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.

34. 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.
35. 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

36. 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

37. 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.
38. 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

39. 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.
40. 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.
41. 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.
42. 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.
43. 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.

44. 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.
45. 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

46. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Map of area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure		
Report Author	Dorcas Mills, Principal Licensing Officer		
Version	Final		
Dated	26 April 2018		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments sought	Comments included
Director of Law & Democracy		Yes	Yes
Strategic Director of Finance and Governance		No	No
Cabinet Member		No	No
Date final report sent to Constitutional Team			27 April 2018

07/03/2018

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

Ref No. 983489

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

	F T Foods Limited
--	-------------------

Premises Details

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

£	62000
	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

	KFC
--	-----

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

Address Line 1	Ground Floor
Address Line 2	128 Borough High Street
Town	London
County	
Post code	SE1 1LB
Ordnance survey map reference	
Description of the location	Ground floor retail premises
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)
--	--

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	FT Foods Limited
------	------------------

Address - First Entry

Street number or building name	████
Street Description	██████████
Town	████
County	London
Post code	████
Registered number (where applicable)	████
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?

	05/04/2018
--	------------

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)

	A KFC 'Small Box' Restaurant with service counter and limited customer seating.
--	---

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

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

Supply of alcohol

--	--

I - Late Night Refreshment

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

	Both
--	------

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

	Provision of hot food and/or drinks after 23:00hrs daily.
--	---

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	00:00	01:00
	23:00	00:00
Sun	00:00	01:00
	23:00	00:00

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

	The applicant reserves the right to provide non-licensable activities at the Premises at any time.
--	--

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)

--	--

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)

	No such entertainment shall be provided
--	---

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	10:00	00:00
Tues	10:00	00:00
Wed	10:00	00:00
Thur	10:00	00:00

Fri	10:00	00:00
Sat	00:00	01:00
	10:00	00:00
Sun	00:00	01:00
	10:00	00:00

State any seasonal variations (Please read guidance note 5)

	<p>Please note - this application has been submitted on behalf of the applicant by</p> <p>Geoffrey Philip Cooper [REDACTED] Compliance Advisory t/a C3C Podium House 61 Chapel Road Worthing West Sussex BN11 1HR</p>
--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

--	--

M - Steps to promote four licencing objectives

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

	<p>The applicant is a KFC Franchise Holder and operates a number of other KFC restaurants.</p> <p>This application seeks to authorise one hour of Late Night Refreshment on Sunday to Thursday and two hours on Friday and Saturdays at this newly commissioned KFC 'small box' restaurant site, in line with the conditions agreed with the Planning Authority.</p> <p>FT Foods Limited Ltd. is committed to supporting the Licensing Objectives in the Licensing Act 2003 and entered into consultation with the Responsible Authorities in advance of this application.</p> <p>The CCTV condition that appears in box (b) below was suggested by the Metropolitan Police.</p>
--	--

b) the prevention of crime and disorder

	<p>That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and cover the main areas including all outside areas and immediately outside the premises.</p> <p>-All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.</p>
--	---

c) public safety

	Incident Recording: An incident book or electronic record shall be kept and maintained at the premises,
--	---

d) the prevention of public nuisance

	Regular litter picks will be carried out. The licensee shall provide sufficient receptacles for the disposals of waste.
--	--

e) the protection of children from harm

	Staff training will be carried out covering the Licensing Act 2003.
--	---

Please upload a plan of the premises

	Borough-High-St-G105A-Licensing-Plan-2707-1-.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

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

Declaration

I agree to the above statement

	<input type="checkbox"/> Yes
PaymentDescription	<input type="checkbox"/>
AuthCode	<input type="checkbox"/>

LicenceReference	
PaymentContactEmail	

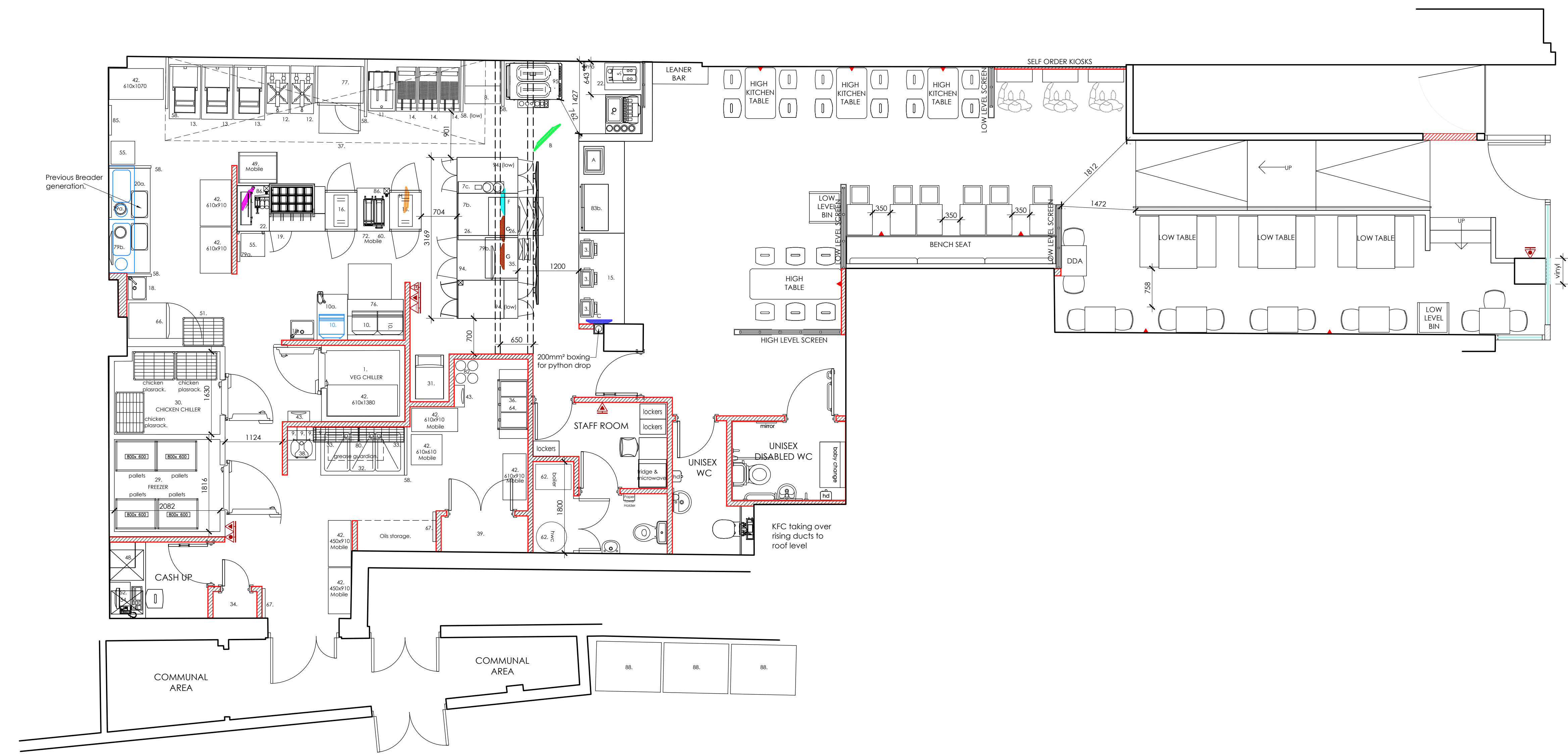
The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

EQUIPMENT SCHEDULE

1. VEG CHILLER.	14c. 14" FRYER (PITCO).	30. COLD ROOM.	53. WORKTOP ON CHROME LEGS.	78a. RAZZLE MACHINE.
2. KREAM BALL MACHINE.	14d. 14" DOUBLE FRYER (PITCO).	31. ICE MACHINE.	54. WALL MOUNTED VIDEO CUPBOARD.	78b. PUMP AND TOPPING MACHINE.
3. TILL.	14e. 14" DOUBLE FRYER (PITCO).	32. 3 BOWL SINK - 2550x750.	55. KITCHEN BIN.	78c. TABLE TOP CARPIAGANI.
3a. SELF SERVICE KIOSK.	14f. 18" FRYER.	32a. SINGLE BOWL SINK.	56. FIRE ALARM INDICATOR PANEL.	78d. BLENDERS & TOPPINGS TABLE.
3b. HANDHELD TERMINAL.	G INDICATES GAS.	32b. 3 BOWL SINK - 1650x950.	57. DISHWASHER.	79a. FOOD QUALITY MANAGEMENT PANEL.
4. POST MIX 6 HEAD DISPENSE.	15. COUNTER.	33. S/S SHELVING.	58. S/S WALL.	79b. FOOD QUALITY MANAGEMENT MONITOR.
4a. POST MIX 7 HEAD DISPENSE.	16. HC900.	34. CHEMICAL CUPBOARD.	59. DUKE HSHU HOT HOLD TO B.S. - 3x2 HIGH.	80. POSITION OF 2nd HOT WATER SUPPLY.
5. COFFEE MACHINE.	16a. HC900 - FLAPS IN PLACE OF DOOR.	35. COLD DRAWERS.	59a. DUKE HSHU HOT HOLD TO HCW- 2x2 HIGH.	81. OIL MANAGEMENT SYSTEM TANK.
5a. COFFEE MACHINE SLIMLINE.	17. BUN TOASTER.	36. POST MIX SYRUPS.	60. STAR GRILL.	82. CO2 STORAGE.
6. HCSS.	18. WHB.	37. EXTRACT HOODS.	61. WATER MAIN.	83a. SINGLE UNDER COUNTER PEPSI FRIDGE.
6a. HCSS BASE.	19. BURGER STATION.	38. MOP SINK.	62. WATER CYLINDER / BOILER LOCATION.	83b. DOUBLE UNDER COUNTER PEPSI FRIDGE.
7. BUN CHUTE.	20. SINGLE BREADING TABLE.	39. ELECTRIC SWITCHGEAR.	63. INTRUDER ALARM PANEL.	83c. UPRIGHT PEPSI FRIDGE.
7a. 2 TIER TRANSFER BIN	20a. LINEAR DOUBLE BREADING TABLE.	40. BAIN MARIE	64. BRITVIC DRINKS COOLER.	84. INTERNAL GREASE TRAP.
7b. 3 TIER TRANSFER BIN	20b. BACK TO BACK DOUBLE BREADING TABLE.	41. UPRIGHT FRIDGE.	65. KEY BOX.	84a. COMBINED GREASE TRAP MOP SINK.
7c. BUCKET CHUTE	20c. SLIMLINE BREADING TABLE.	42. STORAGE SHELVING.	66. THAW CABINET.	85. BRUSH RACK.
8. CHIP DUMP / PASS THRU.	20d. NEXT GEN BREADING TABLE.	43. INSECT KILLER.	67. MOP STORAGE.	86. ELECTRICAL SERVICE COLUMN.
9. DIVERSEY UNIT.	21. UPRIGHT FREEZER.	44. WALL MOUNTED PATCH CABINET.	68. MUSIC PLAYER	87. PDMO HOSE.
10. MICROWAVE.	22. S/S TABLING/BENCH.	44a. FLOOR STANDING PATCH CABINET.	70. COLD FOOD TABLE.	88. BIFFA BIN.
10a. MICROWAVE TABLE.	22a. MOBILE CHICKEN PACKING TABLE.	45. ICE CREAM MACHINE.	71. TWISTER DRAWER.	89. LEARNING ZONE.
11. CHIP FREEZER.	23. HC903.	46. FRIDGE UNIT UNDER.	72. STAR GRILL TABLE.	90. FUSION TIMER.
11a. LARGE CHIP FREEZER.	24. HCW3.	47.	73.	91. AMBIENT DISPLAY.
12. 4 HEAD HENNY PENNY.	24a. HCW3 BASE.	48. SAFE.	74. HCW5.	92. FTU5.
12a. 6 HEAD COLECTROMATIC.	25. LABEL PRINTER.	49. LANDING TABLE.	75. GOODS HOIST.	93. FTU5 FILTER.
13. 8 HEAD HENNY PENNY.	26. HOT DRAWERS.	50. 2 DRAWER FILING CABINET.	76. FREESTANDING COLD DRAWER 1100x700mm.	94. PACKAGING TOWER.
14. 14" FRYER (EVOLUTION ELITE).	27. HEADSET BASE LOCATION.	51. MOBILE BUN DEFROST UNIT.	76a. HCSS COLD DRAWER 1100x700mm.	95. DUAL SOFT SCOOP DISPENSER.
14a. 14" DOUBLE FRYER (EVOLUTION ELITE).	28. BOTTLE STORAGE.	52. PHONE.	77. RATIONALE OVEN.	96. MANITOWOC ES2 OVEN.
14b. 14" TRIPLE FRYER (EVOLUTION ELITE).	29. FREEZER ROOM.			

FIRE SYMBOLS

	Break Glass fire alarm point
	Foam fire extinguisher
	CO2 fire extinguisher
	Wet chemical fire extinguisher
	Fire blanket



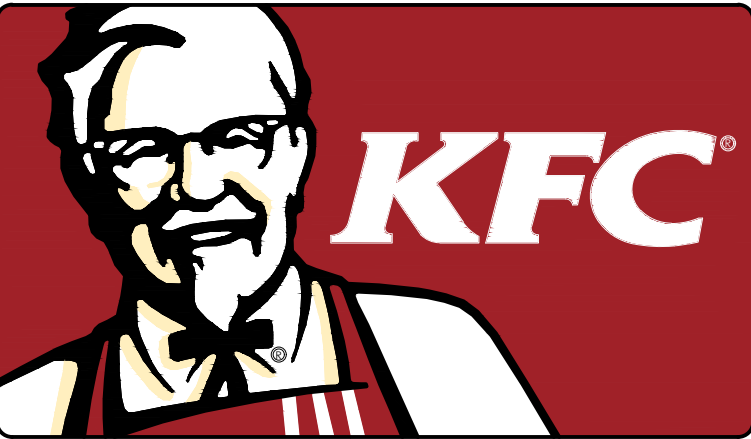
▶ DSSO IN BRUSHED STAINLESS STEEL WITH USB PORTS
DSSO HEIGHTS
WALLS = 600mm
BENCH = 250mm
COUNTER = 1000mm

DRAWING SIGN OFF		Description:
Name / Title	Signature	Date

ALL DIMENSIONS TO BE CHECKED ON SITE. DO NOT SCALE FROM THIS DRAWING EXCEPT FOR THE PURPOSES OF LOCAL AUTHORITY PLANNING		
A	18.12.17	Bin omitted FOH MMLD
rev	date	description

HONE EDWARDS ASSOCIATES
Design Studio
Millars Three
Southmill Road
Bishop's Stortford
Herts. CM23 3DH
email: firstname.lastname@honeedwards.co.uk

Tel: 01279 758545
Fax: 01279 757730



NEW STORE HIGH STREET

store address
BOROUGH
128 BOROUGH HIGH STREET
LONDON BRIDGE
LONDON
SE1 1LB

drawing title
LICENSING PLAN

drawn by	checked	date
IE	JE	APRIL 2017
store no.	scale	
	1:50 @ A1 / 1:100 @ A3	

drawing no.	revision
2017/G105	
HEA drawing no.	revision
2707/G105	A

proposed plan
scale - 1:50 @ A1 /1:100 @ A3



Party 1

From: Noakes, David
Sent: Monday, March 12, 2018 2:51 PM
To: Regen, Licensing
Subject: KFC - Ground Floor, 128 Borough High Street, LDO = 04/04/2018, 862507

Dear Licensing,

KFC - Ground Floor, 128 Borough High Street, LDO = 04/04/2018, 862507

I would like to object to this licence application 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



Party 2

From: [REDACTED]
Sent: Monday, March 12, 2018 10:42 AM
To: Regen, Licensing
Cc: Noakes, David
Subject: Letter of Objection to Premises Application No. 862507: 'Licensing application for a new premises licence at KFC, 128 Borough High Street'

[REDACTED]
 [REDACTED]
 [REDACTED] 8 Borough High Street
 London SE1 1LB

11th March 2018

Letter of Objection Re: 'Licensing application for a new premises licence at KFC, 128 Borough High Street'
Application No. 862507

Dear Licensing Team,

I hereby submit my strong objection to Application No. 862507 by KFC to extend operating hours. As a resident of the multiple flats situated directly above the premises in question, I believe the intention to prolong business hours will cause further noise disturbances, litter and antisocial behaviour. Current problems with existing late-night businesses already affect the health and well-being of residents in the area, and an additional restaurant opening well past the sleeping hours of surrounding residents will only exacerbate said problems.

Since moving into the property in 2015, I have submitted numerous complaints to the council regarding noise disturbances and anti-social behaviour from The Blue Eyed Maid pub, which lies across the street from KFC. The establishment frequently opens until very late at night seven days a week. The majority of the complaints have concerned very loud music and karaoke until 3am, as well as loud and violent behaviour from patrons in the street outside which has often resulted in police presence. In November 2017, there were three incidents alone where police were called in the early hours of the morning to deal with violent patrons. In September 2017, my partner moved in to the property. Her job requires her to wake up early in the morning and since becoming a resident, the frequent sleep disturbances contributed greatly towards a mental health condition, with which she had to seek medical help. My strong belief is that the increase of late opening hours to KFC (especially to 1am on Fridays & Saturdays) will invite the violence and rowdiness to the doorstep of the Maple Building and further impact our well-being.

Our second issue concerns the noise disturbances that have arisen directly from the restaurant since it opened earlier this year. [REDACTED] the restaurant, and after 11pm we are able to hear the dragging of chairs and tables as the employees prepare to close. This looks set to occur an hour later if the new license is granted, well past our waking hours. I deem it unacceptable for businesses in close proximity to residential homes to operate into midnight hours, especially on weekdays. We are also awoken every Sunday morning between the hours of 6am

and 7am by deliveries to the restaurant. Deliveries are transported from the vehicle to the kitchen on what we believe is a trolley that causes very loud vibrations which can be heard throughout the flat. Clearly noise is not a concern for the management of the premises.

Our third concern is the amount of litter left in the doorway of our building, mainly food, food containers and cigarette ends, has greatly increased since the opening of KFC posing a threat to public safety. The workers have also disregarded the fact that they are not allowed to use the bins specifically for the residents of the building. This has resulted in the bin area becoming flooded with commercial waste from the restaurant, often leaving us with nowhere to discard rubbish and preventing access to the bike shed which is blocked by KFC's waste. Our fears are that the negligence by KFC in regards to this issue will only be exacerbated with longer opening hours, which is likely to produce even more waste that is improperly disposed of, plus potentially dangerous waste in front of the building left by intoxicated late-night patrons.

I hope these matters will be considered whilst evaluating the application of KFC, and that the outcome will be to keep current operating hours for the safety and well-being of the long-term residents.

Yours Faithfully,

██████████

Please find signed copy of this letter attached in pdf form.

Party 3

From: [REDACTED]
Sent: Wednesday, April 04, 2018 11:09 AM
To: Regen, Licensing
Subject: licensing application 862507 Kentucky Fried Chicken

[REDACTED]
[REDACTED] Borough High St
London SE1 1LB
4/4/2018

Dear Sir / Madam,

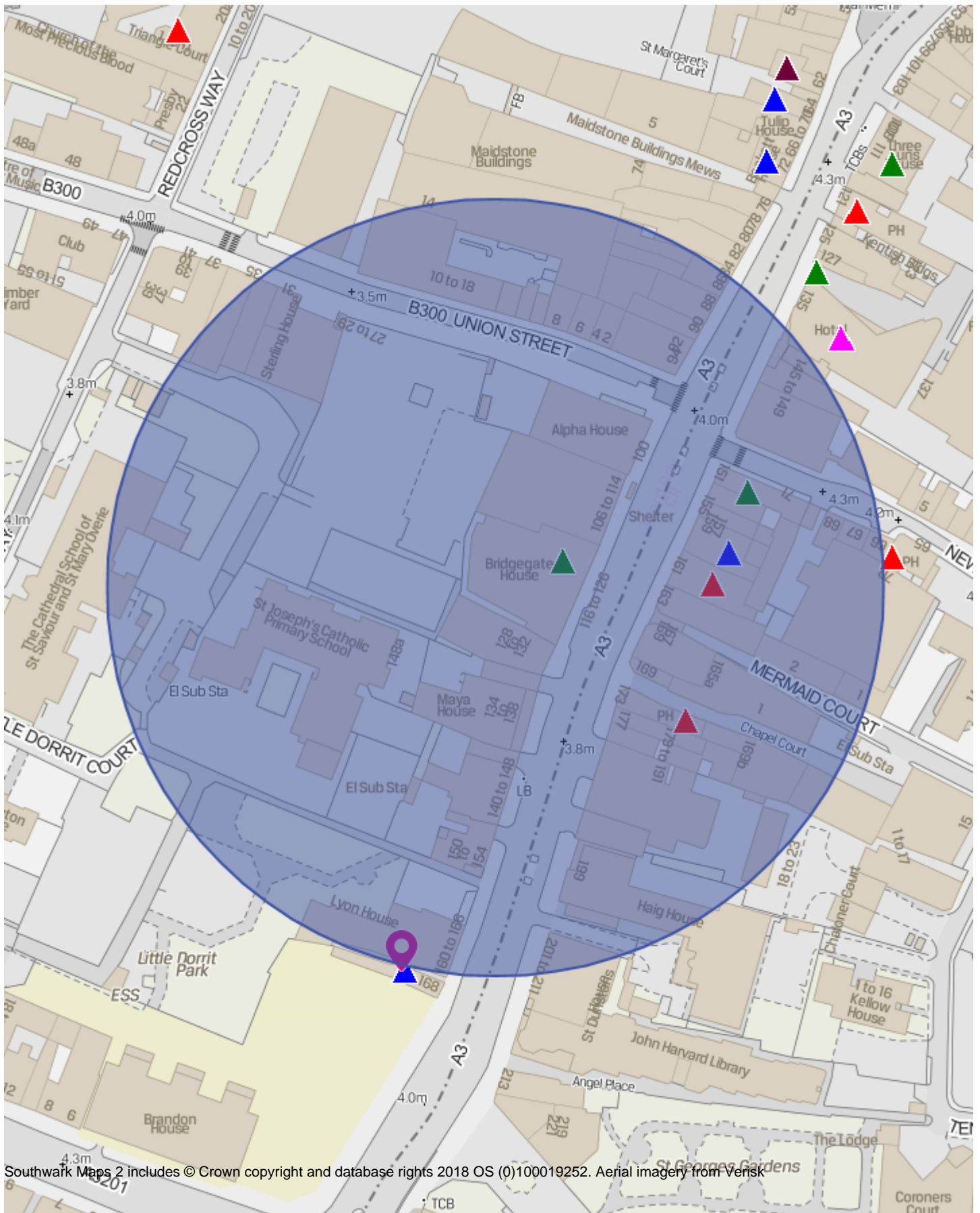
I wish to object to the application of Kentucky Fried Chicken to extend the opening hours to 1am for serving refreshment both indoor and out. The premises is sited in the ground floor of a residential block. The structure of the building is such that sound of a certain frequency, such as tables and chairs being moved carry through to the flats such as ours, immediately above. While these sounds may be tolerable while in waking hours, when they may be masked by the television or music, they are likely to disturb our sleep at these later hours.

Also I would point out that the premises have a frontage immediately adjacent to the residents entrance and that having its customers spilling out onto the pavement eating their late night snacks after the pubs close is likely to cause noise and disturbance for all the flats residents and obstruction to the residents entrance.

Not only would it spoil the quiet enjoyment of the residents, but there has been recent history of violent episodes when people have congregated in Borough High St and we think that providing refreshment outside encouraging more people outside at this time is not appropriate.

Your faithfully

[REDACTED]



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50 m

24-Apr-2018

Scale = 1 : 1323.000

Item No. 7.	Classification: Open	Date: 10 May 2018	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Food and Wine, 4 Camberwell Church Street, London SE5 8QU – Transfer Application	
Ward(s) or groups affected:		Brunswick Park	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Somasundram Ariyaratnam to transfer a premises licence under the Licensing Act 2003 in respect of the premises known as Food and Wine, 4 Camberwell Church Street, London SE5 8QU.
2. This is an application to transfer the premises licence, submitted under Section 42 of the Licensing Act 2003. The application is subject to an objection notice from the Metropolitan Police Service and is therefore referred to the sub-committee for determination.
3. Paragraphs 12 to 14 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.
4. Paragraphs 29 to 33 of this report deals with the police objection notice received to the transfer application. A copy of the relevant police objection notice is attached as Appendix D.
5. 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

6. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
7. Within Southwark, the licensing responsibility is wholly administered by this council.

8. 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.
9. 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.
10. The application to transfer a premises licence involves the provision of all relevant information required under the Act to the licensing authority. If the licensing authority receives a police objection notice that is not withdrawn, it must hold a hearing to consider the objection notice (unless all parties agree that this is unnecessary).
11. The police may submit an objection notice to an application to transfer a premises licence when relevant to the promotion of the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

Premises licence transfer

12. A premises licence transfer application was received on 19 March 2018 to remove Mohammed Imran Ghulam Rasool as the premises licence holder of Food & Wine (a.k.a Superdeals) and to specify Somasundram Ariyarah as the new premises licence holder. On 19 March 2018 consents were also received.
13. The effect of an application to transfer a premises licence is that it will have immediate interim effect unless an objection is received from the Police.
14. A copy of this application and consent is attached as Appendix A.

Premises history

15. A premises licence was issued in respect of the premises on 9 April 2008. The licence was granted to the current licence holders, Mohammed Imran and Ghulam Rasool.
16. On 29 December 2012 a visit by the Night Time Economy Team inspected the premises and found no training records, no personal licence holder on site and

missing notices regarding police, awareness of pickpockets and a contact name for customers. A warning letter was sent out.

17. On 6 April 2014 licensing enforcement officer attended the premises, which was not compliant. No personal licence holder or designated premises supervisor (DPS) was at the premises.
18. On 22 August 2015 a full inspection of the premises was undertaken, despite three staff being present at the time, they were unable to show CCTV footage, so it could not be sure that it was working. In addition, there were no notices in accordance with conditions 341-345 and no full licence available.
19. On 2 November 2015, licensing enforcement officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with the premises licence issued in respect of the premises.
20. During the inspection the officers witnessed the following:
 - It was not possible to ascertain if the CCTV system at the premises has a 31 day recording capacity as required by condition 289 of the premises licence.
 - Footage from the CCTV system could not be made available to the inspecting officers on as required by condition 289.
 - There was no signage displayed, as required by condition 341, informing customers that the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons.
 - There was no signage displayed, as required by condition 342, informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags.
 - There was no signage displayed, as required by condition 343, displaying the name of a contact for customers if they wish to report concerns.
21. Each of the matters listed above potentially constitutes a breach of the licence issued by the council under the Licensing Act 2003.
22. It was apparent that the person left in charge of the premises was not aware of the premises licence issued in respect of the premises or its terms and conditions. All staff employed at the premises must be aware of the terms and conditions of the premises licence and have received training in respect of it.
23. The staff member present at the time of the visit displayed a lack of knowledge as to the acceptable forms of identification that can be accepted as proof of age in regards to the sale of alcohol. All members of staff at the premises must read the training pack and complete the training record included with it.

24. It was recommended that all staff members who do not have a personal licence are authorised in writing by the designated supervisor (DPS) of the premises to make sales of alcohol. Should you require it, please find enclosed a letter of authorisation template. If you use the authorisation template please keep it at the premises.
25. A warning letter was provided to the premises licence holders.
26. On 28 January 2017, a test purchase was carried out at the request of trading Standards further to information received that the Designated Premises Supervisor had departed the business. Alcohol was sold.
27. On 31 January 2017, the premises applied for a vary DPS application, which was deemed as invalid. A letter was sent that day to advise, which is included in the supporting representation made by the licensing authority. A valid application was not received until 14th February 2017.
28. On 20 April 2017 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 Mohammed Imran and Ghulam Rasool in respect of the premises known as Superdeals (Food and Wine), 4 Camberwell Church Street, London SE5 8QU. The premises was visited by trading standards and the review documents were delivered. A non-personal licence holder was found to be working alone in the shop; he continued to sell alcohol despite being advised that it was an offence under the terms of the premises licence. The employee was also unable to operate the CCTV.
29. The review application was submitted in respect of the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and/or taken place at the premises:

Prevention of crime and disorder

- Sale of alcohol when there was no designated premises supervisor (breach of condition 100) - various dates.
- Sale of alcohol to a child (an offence under Section 146 Licensing Act 2003)
- Numerous breaches of premises licence conditions regarding CCTV, notices, age verification, personal licence holder not on premise (various dates), untrained staff.
- Offer and Sale of alcohol below duty price (breach of mandatory condition 491).
- Failure to make available copy of premises licence (an offence under Section 57 Licensing Act 2003).
- Failure to produce traceable invoices for super strength beers (an offence under the General Food Hygiene Regulations 2013).

Public Safety

- Breaches of premises licence conditions (conditions 100, 341, 342 343, 344 and 2470 - lack of notices regarding personal safety, CCTV (condition 289).

Protection of children from harm

- Sale of alcohol to a child (an offence under Section 146 Licensing Act 2003).
 - Failure to adopt an age verification scheme (breach of condition 334).
 - Failure to operate a refused sales register (breach of condition 340).
 - Failure to display notices detailing restrictions on sales to children (breach of condition 344) and at each point of sale stating "No proof of age - no sale" (breach of condition 347).
30. On 26 April 2017, the premises was visited by trading standards, the Metropolitan Police Service and the licensing authority. There was a man running the store alone, selling alcohol. He claimed to have a personal licence with Tower Hamlets, however, he had only just made an application, which has not yet been granted. Additionally, he was a failed asylum seeker and therefore should not have been working; he is appealing this ruling. His failed asylum application would therefore affect his ability to hold a personal licence.
 31. The licence was revoked at licensing sub-committee on the 15 June 2017. A copy of the licensing sub committee decision is attached as Appendix B. A copy of the revoked premises licence is available for Members' information at Appendix C.
 32. A premises licence transfer application was received on 19 March 2018 to remove Mohammed Imran Ghulam Rasool as the premises licence holder of Food and Wine and to specify Somasundram Ariyarah as the new premises licence holder. On 19 March 2018 consents were also received.
 33. The Licensing Authority received an appeal dated 4 July 2017. A copy of the appeal document is available in Appendix D.
 34. The licensing appeal hearing was due to be heard on 18 April 2018 at Camberwell Green Magistrates' Court. However, the day before the appeal, the Magistrates' Court listed the case on its own motion. On being informed of this transfer application, the District Judge was of the opinion that the transfer application should be determined by the licensing sub-committee. The appeal was therefore adjourned to 29 June 2018.

The police objection

35. The police upon receipt of the application to transfer the premises licence holder submitted an objection notice on 29 March 2018. A copy of the representation is available in Appendix E.
36. The representation considers that on the 27 March 2018, officers from Southwark's trading standards office conducted a test purchase at the premises. The person in charge of the shop at the time made an underage sale of cigarette's without challenging the young person.
37. Enquiries were made with the person in charge at the time as to the identity of the current premises licence holder. This person knew the manager to be Mr Ghulam

Rasool. There was no mention of the new premises licence holder as detailed above.

38. The Metropolitan Police are of the view that this transfer is another tactic used to circumvent the provisions and objectives of the Licensing Act and one Southwark's licensing policy seeks to address. No documentation has been supplied to indicate the business is now under new management control and the police continue to be seriously concerned over the operation of the premises, following the recent test purchase failure.
39. It is for this reason that the police are of the opinion that there are exceptional circumstances on this occasion to object to the transfer of this premises licence.

Consideration by the sub-committee

40. It has not been possible to reach a negotiated outcome of this matter and the sub-committee is asked to consider whether the police objection notice is upheld under the necessity to promote the licensing objective of crime and disorder and refuse the application to transfer.

The local area

41. A map of the local area is attached as Appendix F. There are a number of licenced premises in the local area namely:

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

- The sale of alcohol to be consumed both off the premises:
 - Monday to Sunday from 08:00 to 03:00 (the following day).

The Tiger , 18 Camberwell Green, London SE5 7AA licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Sunday to Thursday from 09:00 to 01:30 (the following day)
 - Friday and Saturday from 09:00 to 03:30 (the following day).
- The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 01:30 (the following day)
 - Friday and Saturday from 23:00 to 02:30 (the following day).
- The provision of regulated entertainment in the form of recorded music, live music, and performance of dance (indoors):
 - Monday to Thursday from 09:00 to 02:00 (the following day)
 - Friday and Saturday from 09:00 to 04:00 (the following day)
 - Sunday from 09:00 to 01:00 (the following day).

Golden Grill, 20 Camberwell Green London SE5 7AA licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday from 11:00 to 02:00 (the following day)
 - Sunday from 13:00 to 22:30.
- The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 02:00 (the following day)
 - Friday and Saturday from 23:00 to 04:00 (the following day).

Hermits Cave, 28 Camberwell Church Street, London SE5 8QU licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Thursday from 10:00 to 00:00 (midnight)
 - Friday and Saturday from 10:00 to 02:00 (the following day)
 - Sunday from 10:00 to 01:00 (the following day).
- The provision of late night refreshment (indoors):
 - Monday to Thursday from 23:00 to 00:00 (midnight)
 - Friday and Saturday from 23:00 to 02:00 (the following day)
 - Sunday from 23:00 to 01:00 (the following day).
- The provision of regulated entertainment in the form of recorded music, live music, films, and performance of dance (indoors):
 - Monday to Thursday from 10:00 to 00:00 (midnight)
 - Friday and Saturday from 10:00 to 02:00 (the following day)
 - Sunday from 10:00 to 01:00 (the following day).

Chicks Peri Peri Chicken, 5 Camberwell Church Street, London SE5 8TR licensed for:

- The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 01:30 (the following day)
 - Friday and Saturday from 23:00 to 02:30 (the following day)

Bolu Kebab Restaurant, 7 Camberwell Church Street, London SE5 8TR licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Thursday from 09:00 to 03:00 (the following day)
 - Friday and Saturday from 09:00 to 04:00 (the following day)
 - Sunday from 12:00 to 03:00 (the following day).

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

**Portuguese Café Deli, 11 Camberwell Church Street, London SE5 8TR
licensed for:**

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday from 08:00 to 00:00 (midnight).
- The provision of late night refreshment (indoors):
 - Monday to Saturday from 23:00 to 00:00 (midnight)
 - Sunday from 23:00 to 23:30

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

- The sale of alcohol to be consumed on and off the premises:
 - Sunday to Thursday from 12:00 to 23:00
 - Friday and Saturday from 12:00 to 01:00 (the following day)
- The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 01:00 (the following day)

Cannon and Cannon Fine Foods, 17-21 Camberwell Church Street, London SE5 8TR licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday 11:00 to 23:00

Stormbird, 25 Camberwell Church Street, London SE5 8TR licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Wednesday from 10:00 to 00:00 (midnight)
 - Thursday from 10:00 to 02:00
 - Friday and Saturday from 10:00 to 03:00 (the following day)
 - Sunday from 10:00 to 00:00 (midnight).
- The provision of late night refreshment (indoors):
 - Monday to Wednesday from 23:00 to 00:00 (midnight)
 - Thursday from 23:00 to 02:00
 - Friday and Saturday from 23:00 to 03:00 (the following day)
 - Sunday from 23:00 to 00:00 (midnight).

- The provision of regulated entertainment in the form of recorded music, live music, films, and performance of dance (indoors):
 - Monday to Wednesday from 10:00 to 00:00 (midnight)
 - Thursday from 10:00 to 02:00
 - Friday and Saturday from 10:00 to 03:00 (the following day)
 - Sunday from 10:00 to 00:00 (midnight).

Community impact statement

42. Members are advised that under the Act, the only matter to which consideration may be given in this instance is the pursuit of the crime and disorder objective.
43. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

Southwark council statement of licensing policy

44. Council assembly approved Southwark's Statement of Licensing Policy 2011-14 on 12 October 2011. Sections of the statement that are considered to be of particular relevance to this application 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.
45. 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

46. A fee of £23.00 has been paid by the applicant in respect of this application being the statutory fee payable for the transfer of a premises licence.

Consultations

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

48. The sub-committee is asked to determine the application for the transfer of a premises licence under Section 42 of the Licensing Act 2003.
49. The principles which sub-committee members must apply are set out below.

Principles for making the determination

50. The general principle is that applications for the transfer of a premises licence must be granted unless a police objection notice is received. This is subject to the proviso that the applicant has complied with regulations in submitting the application.
51. An application to transfer a premises licence under section 42 shall be in the form and shall contain the information set out in the application and accompanied by the prescribed fee.
52. If a relevant police objection notice is received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives.

Reasons

53. If the sub-committee determines that it is necessary to refuse the application to transfer the premises licence, it must give reasons for its decision.

Hearing procedures

54. Subject to the licensing hearing regulations, the licensing sub-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.
55. This matter relates to the determination of an application for a premises licence under section 42 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

56. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

57. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
58. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
59. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
60. The sub-committee can only consider matters within the application that have been raised through the objection notice submitted by the police. This will be decided on a case to case basis.
61. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
62. All interested parties have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

64. The head of 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 DCMS 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

No.	Title
Appendix A	Copy of the transfer application and consent form
Appendix B	Sub-committee notice of decision from 15 June 2017
Appendix C	Premises licence
Appendix D	Appeal document
Appendix E	Police representation
Appendix F	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment & Social Regeneration		
Report Author	Andrew Heron, Principal Licensing Officer		
Version	Final		
Dated	26 April 2018		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments sought	Comments included
Director of Legal Services		Yes	Yes
Strategic Director of Finance and Corporate Services		Yes	Yes
Cabinet Member		No	No
Date final report sent to Constitutional Team			27 April 2018

APPENDIX A

19/03/2018

Application to transfer premises licence to be granted under the Licensing Act 2003

Ref No. 992145

Please enter the name/s who wishes to apply to transfer the premises licence under the section 42 of the Licensing Act 2003

Full name	Somasundram Ariyarajah
Full name (2nd Applicant if appropriate)	

Premises licence number

	857877
--	--------

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

Address Line 1	4
Address Line 2	CAMBERWELL CHURCH STREET
Town	LONDON
County	London
Post code	SE5 8QU
ordnance survey map reference	

Telephone Numbers (at premises)

Telephone number	
------------------	--

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

	General grocer and the supply of alcohol by retail.
--	---

Name of current premises licence holder

	Mohammed Imran, Ghulam Rasool
--	-------------------------------

In what capacity are you applying for the premises licence to be transferred to you?

	a) an individual or individuals
--	---------------------------------

If you are applying as a person described in the above question: Please confirm:

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

Personal Details

Title	Mr
If other, please specify	
Surname	Ariyarajah
First Names	Somasundram
I am 18 years old or over	Yes

Current Postal address if different from Premises address

Address Line 1	
Address Line 2	
Town	
County	
Post code	

Contact Details

Daytime contact telephone number	
Email Address	

Do you wish to add a second individual applicant?

	No
--	----

Are you the holder of the premises licence under an interim authority notice?

	No
--	----

Do you wish the transfer to have an immediate effect?

	Yes
--	-----

If not, when would you like the transfer to take effect?

--	--

I have submitted the consent form signed by the existing premises licence holder

	Click here to download consent form which must be signed by the previous licence holder and then scanned and upload here
Upload consent form	consent-form.-re-soma..pdf

I cannot provide the consent form - please give the reasons why? What steps have you taken to try and obtain the consent?

--	--

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

	Yes
--	-----

I will post the existing Premises Licence back

	Yes
--	-----

If you unable to post us the original premises licence referred to above please give the reasons why not.

	Unable to upload. Will be sent in the post.
--	---

Checklist

	I have posted the premises licence or relevant part of it or explanation I understand that if I do not comply with the above requirements my application will be rejected I have submitted the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
--	--

I confirm the Information I have submitted is true and accurate

	I agree
PaymentDescription	Application to Transfer a Premises Licence
PaymentAmountInMinorUnits	
AuthCode	
LicenceReference	

Please tick to indicate agreement

	I am not a company or limited liability partnership
--	---

I agree to the above statement

	Yes
--	-----

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

19/03/2018

Consent of premises licence holder to transfer

Ref No. 992143

Please confirm the following:-

	We
Full name	Mohammed Imran
Full name (2nd Applicant if appropriate)	Ghulam Rasool

The premises licence holder of premises licence number

Enter premises licence number	857877
-------------------------------	--------

Relating to: Name and address of premises to which the application relates

Name of Premises	
Address Line 1	4 CAMBERWELL CHURCH STREET
Address Line 2	
Town	LONDON
County	
Post code	SE5 8QU

Hereby give my consent for the transfer of premises licence number

Enter premises licence number	857877
-------------------------------	--------

To

full name of transferee	Somasundram Ariyarajah
-------------------------	------------------------

I can confirm all the Information submitted is true and accurate

	I confirm
--	-----------

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

APPENDIX B



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 15 JUNE 2017

LICENSING ACT 2003: SUPERDEALS (FOOD AND WINE), 4 CAMBERWELL CHURCH STREET, LONDON SE5 8QU

1. That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by the council's trading standards service for the review of the premises licence issued in respect of the premises known as Superdeals (Food and Wine), 4 Camberwell Church Street, London SE5 8QU and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Revoke the licence

- 2 **Reasons for the Decision.**

The reasons for this decision are as follows:

The licensing sub-committee heard from the Trading Standards Officer, the applicant for the review. On Friday 6 January 2017, Trading Standards carried out a test purchase using a person who was under the legal age to purchase alcohol. At 20.15 the youth was observed entering the shop and took a bottle of Stella lager to the counter, gave the man behind the till a £5 note and received change of £3.70 having been charged £1.30. Nothing was said to him and the shop was not busy. The officer observing the youth bought a can of Special Brew for £1.50. After this, a trading standards officer attended the premises. The same man ("the seller") who had made the sales was still behind the counter and was a personal licence holder, accepted he should have checked the age of the youth.

Conditions on the licence were then checked for compliance and numerous breaches were identified, namely: condition 289 (CCTV footage was being retained 20 days and not the required 31 days), condition 293 (no evidence of staff training), condition 334 (no evidence of an age identification scheme), condition 340 (no refusals book), conditions 341, 342, 343, 344 and 347 (concerning notices), condition 100 (no designated premises supervisor - DPS). The seller was asked about the named individuals on the licence and advised that he had never met the DPS ("the absent premises licence holder") in the 15 months that he had worked at the shop. He said he only dealt with the premises licence holder who had another shop, in Lambeth. The officer spoke with that premises licence holder on the telephone who advised that his joint premise licence holder and DPS was on holiday. When challenged that the seller had not see the joint licence holder in 15 months, the premises licence holder said that he was at the Cash and Carry. Both were advised it was a further breach of the premise licence conditions to continue to supply alcohol when there was no DPS. Trading Standards have never been able to speak to the absent premises licence holder, despite numerous attempts to do so.

On 10 January 2017 at 13:50 a further visit was conducted by Trading Standards and Licensing officers. The only person in the shop was a man who did not hold a personal licence, had a limited command of English and did not know the basic requirements about the sell of alcohol ("the 2nd seller"). He was told he could not sell alcohol as it would breach the premise licence. He said the seller from 6 January was his boss and that he was at the Cash and Carry. One of the officers spoke the seller who said that the DPS would come to the shop in the next hour in order to speak to the officers. Whilst that conversation took place the 2nd seller continued to sell alcohol to customers. A breach of condition 336 therefore took place.

The prices of the super strength beers were noted. Special Brew and Skol Super (both 8% ABV) were priced at £1.50 this being 35 pence above the duty price. Karpackie (9% ABV) was priced at £1.20. Trading standards advised that the duty and VAT price for this brand in 2016-2017 was £1.29. This was a breach of condition 491 (alcoholic drinks to be sold above the duty plus VAT price)

Officers later met with the seller who was the only person present. He presented officers with two refused sales logs. The first log showed a list of entries relating to refused sales for about once a month, the last entry dated 5 September 2016. The second log showed one entry dated "6-2-2017", some 31 days after the date of the visit. The 2nd seller was reminded again about the condition for there to be a DPS and that in the absence of one, alcohol could not be sold.

Trading standards returned later that day (10 January) at 22:35. Trading standards made a test purchase where a can of Karpackie beer was bought for £1.20. This seller ("the 3rd seller") said he did not have any forms of identification on him to substantiate that name but he did not have a personal licence and was alone in the shop. He stated his boss was the 1st seller and that he had never heard of the premises licence holder or the absent licence holder. He was not aware of any age checks (condition 100) or any refusals book (condition 336). The officer advised that he was in breach of the licence and alcohol could not be sold.

Whilst the officer was in the shop, the 3rd seller continued selling alcohol to customers. Further warnings were also ignored. Of concern was that the 3rd seller sold a can of Super Brew to a man with obvious alcohol dependency problems. This man put a £5 note on the counter and the 3rd seller gave him £3.00 change. The man thought he had been short changed and aggressively demanded the "correct" change. He was told the price was £2.00. The man was extremely unhappy about this, saying the price was £1.50 in Camberwell and demanded his money note back, threw the can back at the seller and retrieved his £5 note. It is believed that the higher price was being charged for the benefit of Trading Standards who were in the shop and that the real price to customers was still £1.50. The shelf prices for the Skol Super and Special Brew was still £1.50 though these price stickers had been removed when a further visit was made two days later on 12 January.

Super strength beers and ciders are almost exclusively consumed by people who have serious alcohol dependency problems and contain a high number of units of alcohol per can. H.M. Government seeks to use price as part of its strategy to reduce consumption of these super strength beers, and introduced the mandatory condition 491. All the super strength beers were being sold nominally above the duty rate. Suspicious that these drinks were also subject to some form of evaded duty or other illegality, Trading Standards required the premise licence holder to produce his purchase invoices for the super strength beers. Trading standards advised that it is completely unrealistic and unbelievable that such a legally sourced and duty paid beer can be sold by an independent retailer for anything less than at least £2.20. Retailing products, in the case of the Karpackie, 9 pence below the duty price also completely undermines any government public health strategy and of course gives the retailer an unfair commercial advantage over its legitimate competitors. This illegal practice has been identified as a widespread and real problem in Southwark which officers are seeking to address.

Trading Standards returned on 12 January 2017 and a further purchase was made and yet again £1.20 was the amount charged. In view of this and the test purchase two days before, 261-cans (130.5 litres) of Karpackie were seized from the shop. Condition 491 was breached again. The man behind the counter ("the 4th seller) was unable to give an address and did not produce any identification to substantiate his name. He said he did not work there but was the only person working in the shop. Conditions 336 and 100 were therefore breached again. Despite warnings not to, he continued to sell alcohol. He later said he worked for the boss who was the premises licence holder. The 4th seller left the shop unmanned. A few minutes later the 1st seller arrived at the shop. The seizure was explained to him and was asked for contact details for the DPS and absent licence holder, but advised he said he did not have it.

On 1 February Trading Standards visited the shop when the 1st seller supplied an invoice dated 14 January 2017, being 2 days after the seizure of Karpackie, showing a purchase price for super strength beers to be barely above the duty price. Kestrel Super (8% ABV) was purchased at £1.00 per can. The name of the seller is not stated, rendering such an apparent invoice untraceable.

On 8 February the Premises Licence Holder was interviewed under caution, during which he confirmed that he was the sole owner of the business and that he had stopped selling alcohol since 1 February, despite test purchases being made on 1 and 4 February.

On 26 April 2017 Trading Standards and Licensing Officers returned to the shop with the Police and made a test purchase of a can of Skol Super alcohol. In the shop was a man (5th seller) who accepted that he did not hold a personal licence though said he had applied to Tower Hamlets for one. An enquiry indicated him to be a failed asylum seeker and he was not permitted to work. Since the 5th seller did not have a Personal Licence he was advised he could not sell alcohol.

The officer representing Licensing as a responsible authority addressed the Sub-Committee and stressed her concerns of the number and diversity of alleged criminal offences witnessed by Trading Standards officers. Furthermore, the Premises Licence Holder was associated with other premises, both in and outside Southwark where a plethora of breaches of licence conditions and similar criminal acts had occurred.

The Metropolitan Police Service representative advised that when granting an individual/company a premises licence, the Licensing Committee must have trust in that individual/company that they will run the premise well and comply with the operating schedule as agreed when the premises licence was applied for. The conditions are there for the promotion of the licencing objectives. The premises had operated in contravention of these conditions, but also committed acts of criminality. In the circumstances, there is no place for a premises that is operated in such a way, that is putting the public's health at risk and quite likely to have a negative impact on anti-social behaviour and crime and disorder. The police recommended that the licence be revoked.

The Licensing Sub-Committee noted the representations from the Public Health Authority supporting the review and also recommended that the premises licence be revoked. The premises are located in an area where there is a serious problem with alcohol abuse. The premises are close to Kings College Hospital where there are alcohol dependency treatment facilities and premises abusing their licence conditions in the way described, undermined the licensing objectives.

The representative for the licensee of the premises addressed the Sub-Committee. They advised that the Premises Licence Holder shared the obvious concerns that the Sub-Committee would have about the conduct of the premises. His client had been the freeholder to the premises, and premises licence holder since 2005 and a trawl of the premises records showed that there had been no breaches between 2005 and 2010. The recent infractions commenced in January 2017, when there had been a break of the chain of causation as the 1st seller had been granted a licence to occupy the premises on 1 January 2017. Despite this, he chose not to transfer the licence or the DPS to the 1st seller. The representative for the premises licence holder stated that the 1st seller was not in breach of his licence to occupy, so was unable to evict him. He had however, started to take remedial steps, by replacing the DPS, who ultimately would take over the management from the 1st seller. The representative was unable to explain how this would be done and no documentation concerning the licence to occupy was available at the meeting. The representative stated that a period of closure would assist and that the premises licence holder would be agreeable to give an undertaking to resolve the issues.

The licensing sub-committee considered all of the oral and written representations before it and found that the breaches of licence conditions and level of criminality completely unacceptable. The premises licence holder demonstrated he was unwilling to cooperate with authorities in their criminal investigations and quite clearly undeterred by previous enforcement action at premises in Lambeth (between 2008-1014). There had been a catalogue of breaches over a period, by at least 5 different members of staff, all of whom continued to sell alcohol in officer's presence, despite being warned not to. He showed a total disregard to the consequences of selling alcohol responsibly and to adhering to premises licence conditions or promoting licensing objectives. The licensing sub-committee were unanimously of the opinion that the premises licence holder was not capable of running a licensed premises and promoting the licensing objectives and that the premises will continue to operate contrary to the terms and conditions of their premises licence.

Consideration was given to a suspension of the licence and removal of the premises licence holder as DPS, but the Committee felt that in this case this is not option; given that he is the owner of the premises, he therefore will have a controlling factor over a new DPS. If this licensing sub-committee had the jurisdiction, it would have revoked the premises licence holder's personal licence. It is fortunate for him, that this Sub-Committee do not have such power. In the circumstances, the only appropriate and proportionate option is revocation.

3 **Appeal Rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either

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

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 15 June 2017

NOTICE OF DECISION - LICENSING SUB-COMMITTEE – 15 JUNE 2017

Licensing Act 2003 Premises Licence



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

Premises licence number

857877

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Food and Wine 4 Camberwell Church Street London SE5 8QU Ordnance survey map reference (if applicable), 176728532621	
Post town London	Post code SE5 8QU
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

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

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

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

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises

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

Part 2

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

Mohammed Imran

[REDACTED]

Ghulam Rasool

[REDACTED]

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

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

Mahesh Mhatre

[REDACTED]

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

[REDACTED]

Licence Issue date 23/02/2017

[REDACTED]

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

Annex 1 - Mandatory conditions

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

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

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

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. The permitted hours in part 1 of this licence:

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.

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

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

293 A recognised training scheme for all staff supplying intoxicating liquor

334 That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

336 A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

340 A refusal book to record every instance that sales of alcohol and any other age-restricted goods are refused shall be maintained. The refusal book shall be available for inspection by an authorised officer of the licensing authority, trading standards officers or the police

341 Notices shall be strategically and prominently placed throughout the premises informing customers that the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons.

342 Notices shall be strategically and prominently placed throughout the premises informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags.

343 Notices shall be strategically and prominently placed throughout the premises displaying the name of a contact for customers if they wish to report concerns

344 Notices shall be strategically and prominently placed on or immediately outside the premises detailing the normal hours under the terms of the premises licence at which licensable activities are permitted to take place.

345 Notices shall be strategically and prominently placed on or immediately outside the premises detailing the restrictions on sales to children

346 Liquor shall be stored in a suitable secure location

347 A sign shall be displayed at each point of sale stating "No proof of age - no sale"

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

Annex 4 - Plans - Attached

Licence No. 857877

Plan No. 00521/L01

Plan Date 6 August 2005

APPENDIX D

Ghulam Rasool


Your Ref: 826929

Our Ref:

Kirby Read
Southwark Licensing Team
Community Safety EHTS
3rd Floor Hub 2
160 Tooley Street
P O Box 64529
London
SE1 5LX

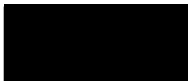
Email: kirby.read@southwark.gov.uk

4th July 2017

Re: Food and Wine 4 Camberwell Church Street SE5 8QU – Appeal against revocation of premises licence

I am the premises licence holder for the above-mentioned retail shop. Please find enclosed an appeal against the decision the Licensing Sub-Committee on the 15th June 2017. I have served a copy on Camberwell Green Magistrates Court. I would be grateful if you would acknowledge service on behalf of the licensing authority.

Yours faithfully



Ghulam Rasool

**IN THE CAMBERWELL GREEN MAGISTRATES COURT
IN THE MATTER OF THE LICENSING ACT 2003**

**IN THE CAMBERWELL GREEN MAGISTRATES COURT
IN THE MATTER OF THE LICENSING ACT 2003**

**Appeal against Revocation of
Premises Licence: 4 Camberwell Church Street**

Grounds of Appeal

1. This is an appeal against the decision of the Licensing Sub-Committee of the London Borough of Southwark on the 15th June 2017 to revoke the premises licence relating to premises located at Food and Wine 4 Camberwell Church Street SE5 8QU Licence No: 826929.

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2. The premises known as Food and Wine 4 Camberwell Church Street SE5 8QU was granted on 9th April 2008. The licence permits the following licensable activities:

Licence type:	Premises
Date granted:	April 09 2008
Opening hours:	Monday 24hrs. Tuesday 24hrs. Wednesday 24hrs. Thursday 24hrs. Friday 24hrs. Saturday 24hrs. Sunday 24hrs.
Granted licensable activities:	Sale by retail of alcohol to be consumed off premises Monday 24hrs. Tuesday 24hrs. Wednesday 24hrs. Thursday 24hrs. Friday 24hrs. Saturday 24hrs. Sunday 24hrs.

3. The Appellant has held a licence at the premises continuously since 2008. In nearly a decade of stewardship the appellant has seen few infractions of the licence conditions at the relevant premises. The Respondent relies upon events which have arisen this year since a newly arrived personal licence holder made a putative application to take over responsibility for the premises. The application by the Personal Licence holder was not entertained by either the Local Authority or the appellant.

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Burden of Proof

The Magistrates Court sitting as Licensing justices are required to conduct a re-hearing of the facts whilst considering relevant licensing law. The proper approach to the burden of proof in licensing appeals was set out in ***Kaivanpor v Director of Public Prosecutions (2015) [2015] EWHC 4127 (Admin)*** by Wilkie J who says,

“looking at the two statutory schemes, it is clear that they reflect the same dichotomy between on the one hand those who apply for a licence, and on the other hand where once they have a licence, the circumstances in which that licence may be revoked or suspended or not renewed. There is a clear and principled dichotomy between the application stage where the onus of proof is sensibly, properly and clearly on the applicant to satisfy the statutory requirements. Once that person has a licence then the schemes, again sensibly and on the basis of proper principle, require the licensing authority which wishes to revoke or suspend a licence or not renew the licence to be satisfied of certain matters. The burden is therefore on the licensing body to establish to its satisfaction that those changes of circumstance or prohibited circumstances have arisen; it is not for the licence holder endlessly to prove that they continue to be a fit and proper person or a person of good repute.

4. The appellant respectfully submits that the decision of the Licensing Sub-Committee was wrong in law in that they failed to give adequate consideration to the appellant's lengthy and proper stewardship of the licenced premises situated at 4 Camberwell Church Street.
5. At the meeting of the Licensing Sub-Committee on the 15th June 2017 the Respondent sought to rely upon the to the following points:
 - i) The Respondent admitted that the breaches of the licence conditions at the premises first arose on the 6/1/2017 as set out on page 1 of the Notice of decision where the Respondent says

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On Friday 6 January 2017, Trading Standards carried out a test purchase using a person who was under the legal age to purchase alcohol. At 20.15 the youth was observed entering the shop and took a bottle of Stella lager to the counter, gave the man behind the till a £5 note and received change of £3.70 having been charged £1.30. Nothing was said to him and the shop was not busy. The officer observing the youth bought a can of Special Brew for £1.50. After this, a trading standards officer attended the premises. The same man ("the seller") who had made the sales was still behind the counter and was a personal licence holder, accepted he should have checked the age of the youth.

- ii) Four days later on the 10th January 2017 officers representing the Respondent returned to the premise as set out on Page 2 of the Notice of decision where the Respondent says,

"On 10 January 2017 at 13:50 a further visit was conducted by Trading Standards and Licensing officers. The only person in the shop was a man who did not hold a personal licence, had a limited command of English and did not know the basic requirements about the sale of alcohol ("the 2nd seller"). He was told he could not sell alcohol as it would breach the premise licence. He said the seller from 6 January (Mohamed Awais Khan) was his boss and that he was at the Cash and Carry. One of the officers spoke the seller who said that the DPS would come to the shop in the next hour in order to speak to the officers. Whilst that conversation took place the 2nd seller continued to sell alcohol to customers. A breach of condition 336 therefore took place.

- iii) Later the same day (10th January 2017 at 22:35pm) officers representing the Respondent returned to the premises for third visit in a less than a week. The Respondent's notice of decision at page 2 says

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“Trading standards returned later that day (10 January) at 22:35. Trading standards made a test purchase where a can of Karpackie beer was bought for £1.20. This seller (lithe 3rd seller”) said he did not have any forms of identification on him to substantiate that name but he did not have a personal licence and was alone in the shop. He stated his boss was the 1st seller and that he had never heard of the premises licence holder or the absent licence holder. He was not aware of any age checks (condition 100) or any refusals book (condition 336). The officer advised that he was in breach of the licence and alcohol could not be sold.

- iv) Officers representing the Respondent returned to the premises two days later on the 12th January 2017. As set out at page 3 of the Respondents notice of decision,

“Trading Standards returned on 12 January 2017 and a further purchase was made and yet again £1.20 was the amount charged. In view of this and the test purchase two days before, 261-cans (130.5 litres) of Karpackie were seized from the shop. Condition 491 was breached again. The man behind the counter (“the 4th seller) was unable to give an address and did not produce any identification to substantiate his name. He said he did not work there but was the only person working in the shop. Conditions 336 and 100 were therefore breached again. Despite warnings not to, he continued to sell alcohol. He later said he worked for the boss who was the premises licence holder. The 4th seller left the shop unmanned. A few minutes later the 1st seller arrived at the shop. The seizure was explained to him and was asked for contact details for the DPS and absent licence holder, but advised he said he did not have it.

6. On the 28th January 2017 the Personal Licence holder Awais Khan was interviewed in respect of the alleged breaches of the licence conditions. Subsequent to that interview the following alleged breaches of the licence conditions were recorded:

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7. On the On 1st February 2017 the Respondent returned to the premises as set out at page 3 of the notice of decision where the Respondent says,

“Trading Standards visited the shop when the 1st seller supplied an invoice dated 14 January 2017, being 2 days after the seizure of Karpackie, showing a purchase price for super strength beers to be barely above the duty price. Kestrel Super (8% ABV) was purchased at £1.00 per can. The name of the seller is not stated, rendering such an apparent invoice untraceable.

8. On the 8th February 2017 the Respondent interviewed the Appellant. For the benefit of the Licensing Committee the Respondent summarised the Record of Taped Interview in the following terms,

“On the On 8 February Premises Licence Holder was interviewed under caution, during which he confirmed that he was the sole owner of the business and that he had stopped selling alcohol since 1 February, despite test purchases being made on 1 and 4 February.

9. The officer’s report to the Licensing Sub-Committee failed to particularise the statement under caution made by the Appellant in the same interview in which he said,

“I make this statement of my own free will. I understand that I do not have to say anything, but that it may harm my defence if I do not mention when questioned, something which I later rely on in court. This statement may be given in evidence.

- 1. I purchased the premises at 4 Camberwell Church Street in 2002, prior to the Licensing Act 2003 coming into force. My name appears on the***

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premises licence under the grandfather rights scheme. I made no application under the Licensing Act 2003.

- 2. I do not understand how Mr Imran can be listed as a joint premises licence holder as he has no interest in the lease or freehold title of the premises.***
- 3. As both my name and Mr Imran's name appears on the online version of the licence next to the words 'Designated Premises Supervisor', I genuinely believed we shared responsibility for the licence. Now this misunderstanding has been pointed out to me, I am happy to nominate Mr Mahesh Mahatri as a replacement premises licence holder/designated premises licence holder as appropriate. Regarding Mr Khan's licence infractions, he has only been at the premises for two to three months. I was shocked to discover what had happened and I have taken disciplinary action. I have taken the following steps to ensure that such licence infractions do not recur.***
 - i) I have drafted a licence to occupy (rather than a sublease) with covenants which mirrors the licence conditions.***
 - ii) I have recruited additional personal licence holders who will operate a stock control system preventing the sale of any (un)authorised products. I have included this as a condition of the licence to occupy.'***

10. In their evidence to the Licensing Sub-Committee the officers acting for the Respondents failed to acknowledge the closure of the premises during the period from 22nd February 2017 to 2nd March 2017. On the 22nd February 2017 the Licensing Authority wrote to the Appellant and his erstwhile Premises Licence holder acknowledging receipt of an application to vary the Designated Premises Supervisor for the premises. The premises did not re-open until the 2nd March 2017 following advice from an LBS Licensing Officer Miss Sarah Tahir who said in an email dated the same day,

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“The DPS application has been processed and can be viewed online using our licensing register.

<http://app.southwark.gov.uk/Licensing/LicenseRegister.asp> Licence number 857877

11. On the 26/4/2017 an officer acting for the Respondent returned to the premises. At page 3 of the Respondent notice of decision the Respondent says,

“On 26 April 2017 Trading Standards and Licensing Officers returned to the shop with the Police and made a test purchase of a can of Skol Super alcohol. In the shop was a man (5th seller) who accepted that he did not hold a personal licence though said he had applied to Tower Hamlets for one. An enquiry indicated him to be a failed asylum seeker and he was not permitted to work. Since the 5th seller did not have a Personal Licence he was advised he could not sell alcohol.

12. The Respondent claims that failing to hold a personal licence prohibits that individual from selling alcohol. That statement does to reflect the true statutory regime. In October 2012 the Home Office issued AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003 which says at paragraph 4.3

"Any premises at which alcohol is sold or supplied where the requirement for a personal licence holder does apply may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence. However, the requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to attend or oversee each sale; it is sufficient that such sales are authorised. It should be noted that there is no requirement to have a DPS in relation to a Temporary Event Notice (TEN) or club premises certificate, and sales or supplies of alcohol authorised by a TEN or club premises certificate do not need to be authorised by a personal licence holder"

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13. This was supplemented by Revised Guidance issued under section 182 of the Licensing Act 2003 issued by the Home Office in April 2017 - Authorisations or permissions which says at paragraph 1.14

"The 2003 Act provides for four different types of authorisation or permission, as follows:

- ***Premises licence – to use premises for licensable activities.***
- ***Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.***
- ***Temporary event notice – to carry out licensable activities at a temporary event.***
- ***Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.***

14. The specific power is to be found at Section 111 of the Licensing Act 2003 - Personal licence which says,

(1) In this Act “personal licence” means a licence which—

- (a) is granted by a licensing authority to an individual, and***
- (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.***

15. It is a moot point what form that authorisation should take. A personal licence holder could undertake the authorisation in writing in the following terms but there is no statutory guidance as to the form that the authorisation should take. Appendix A to the grounds of appeal sets out the Form utilised by the appellant for recording the

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authorisation. This may also be given verbally by either the Premises Licence holder, the Designated Premises Supervisor or the Personal Licence holder.

16. In the Appellant's respectful submission the Respondent failed to give adequate consideration to the following points

- i) The statement under caution made by the appellant on the 8/2/2017.
- ii) The efforts made by the new Designated Premises Supervisor to institute a new management regime designed to correct the practices of Mohamed Awais Khan.

17. The officers acting for the Respondent relied upon evidence of eight minor breaches of licence conditions over a five year period by the appellant at an unconnected premises situated in the London Borough of Lambeth. These matters have no bearing upon the stewardship of the Premises Licence at 4 Camberwell Church Street. The quote Wilkie J in ***Kaivanpor v Director of Public Prosecutions (2015) [2015] EWHC 4127 (Admin)*** again,

“it is not for the licence holder endlessly to prove that they continue to be a fit and proper person or a person of good repute”

Notwithstanding that matters in neighbouring licencing authority have no bearing on the current appeal it is worthy of note that none of the alleged breaches warranted action. Furthermore in the officers submission to the Licensing Sub-Committee no further breaches are recorded beyond 2014 for a licence which is currently in operation. It may be appropriate therefore to infer therefore that the neighbouring licensing authority did not regard any of the breaches as so serious that they would warrant either a review or revocation of the premises licence.

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18. The Respondent requested copies of CCTV from the Swann DVR8-3260 8 Chanel Digital Video Recorder Serial No: 024240410140088. They specifically sought footage from the 17th February 2017 as it was claimed that a purchase was made by an officer acting on behalf of the Respondent. The alleged breach is denied and the Respondent is asked to admit that the alleged breach did not occur and that as a result the Licensing Sub-Committee were inadvertently misled in regard to the events of the 17th February 2017.



APPENDIX E

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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/3112/18

Date: 29th April 2018

Dear Sir/Madam

Re: 4 Camberwell Church Street SE5 8QU

Police are in possession of an application from the above to transfer the premises licence ref 857877.

The above premises was subject of an application for a review of the premises licence under the licensing act 2003 submitted by Southwark Trading standards. Following the review hearing and considering all the facts, the licensing sub committee decided it was appropriate to revoke the premises licence.

This is now subject of an appeal by the premises licence holders, due to heard at the magistrate's court on 18th April 2018.

On the 19th March 2018 Somasundram Ariyarahaj submitted an application to transfer the premises licence, this transfer was to take effect immediately. So effectively as of the 19th March 2018 Somasundram Ariyarahaj was claiming to be the new premises licence holder.

On the 27th March 2018, officers from Southwark's Trading Standards office conducted a test purchase at the premises. The person in charge of the shop at the time made an underage sale of Cigarette's without challenging the young person.

Enquiries were made with the person in charge at the time as to the identity of the current premises licence holder. This person knew the manager to be Mr Ghulam Rasool. There was no mention of the new premises Licence holder as detailed above.

Considering they have been the PLH since the 19th March 2018, I would expect anyone working at the premises to be familiar with the management structure.

The Metropolitan Police are of the view that this transfer is another tactic used to circumvent the provisions and objectives of the Licensing Act and one Southwark's Licensing Policy seeks to address. I refer to paragraphs 89 and 90

Applications for transfer of a premises licence following application for a review

89. This authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made immediately following an application for a review of that same licence being lodged.

90. Where, such applications are made, this authority will require documented proof of transfer of the business / lawful occupancy of the premises, to the new proposed licence holder to support the contention that the business is now under new management control.

No documentation has been supplied to indicate the business is now under new management control and the Police continue to be seriously concerned over the operation of the premises, following the recent test purchase failure.

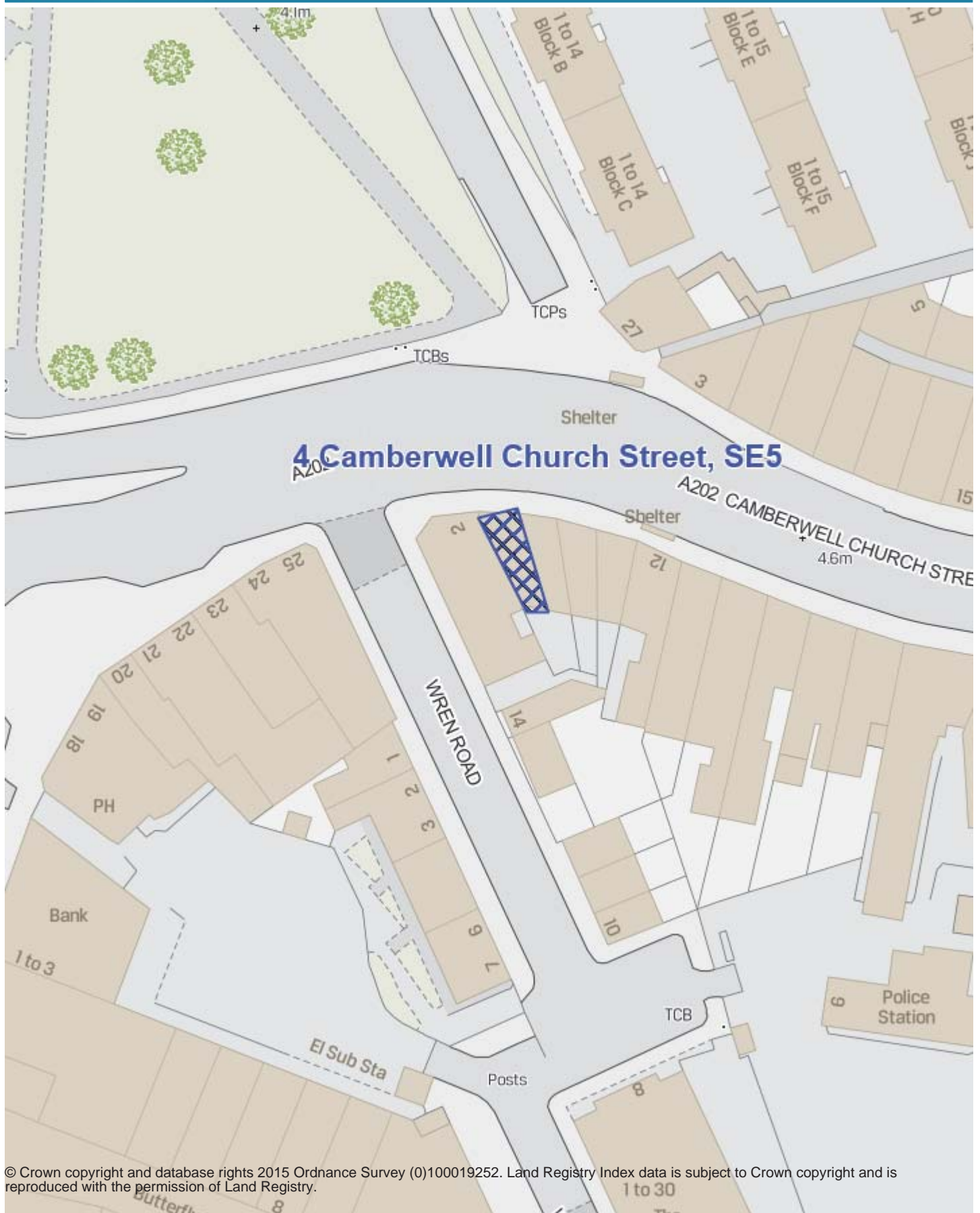
It is for this reason that the police are of the opinion that there are exceptional circumstances on this occasion to object to the transfer of this premises licence.

Submitted for consideration

PC Ian Clements 362MD
Licensing Officer

Southwark Police Licensing Unit

APPENDIX F



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12-May-2017

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

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