# Open Agenda



# **Licensing Sub-Committee**

Wednesday 6 June 2018 10.00 am Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

#### Membership

#### Reserves

Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Adele Morris

Councillor Lorraine Lauder MBE

#### INFORMATION FOR MEMBERS OF THE PUBLIC

#### Access to information

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#### Contact

Andrew Weir on 020 7525 7222 or email: <a href="mailto:andrew.weir@southwark.gov.uk">andrew.weir@southwark.gov.uk</a>

Members of the committee are summoned to attend this meeting **Eleanor Kelly** 

Chief Executive
Date: 29 May 2018





# **Licensing Sub-Committee**

Wednesday 6 June 2018 10.00 am Ground Floor Meeting Room G02B - 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: BATCH, 56A PECKHAM RYE, LONDON SE15 1 - 35 4JR

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: 29 May 2018

Item No. 5.	Classification: Open	<b>Date:</b> 6 June 2018	Meeting Name: Licensing Sub-Committee	
Report title:		Licensing Act 2003: Batch, 56a Peckham Rye, London SE15 4JR		
Ward(s) or groups affected:		Rye Lane		
From:		Strategic Director Regeneration	of Environment and Social	

#### **RECOMMENDATION**

1. That the licensing sub-committee considers an application made by Twist London Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Batch, 56a Peckham Rye, London SE15 4JR.

#### 2. Notes:

- The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Batch, 56a Peckham Rye, London SE15 4JR, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting.
- Paragraph 8 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
- Paragraphs 10 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix D.
- Paragraphs 14 to 16 of this report deal with the representations submitted in respect of the application by the responsible authority and are attached in Appendix C.

#### **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 current premises licence

- 8. The current licence was issued on 8 September 2017. The current premises licence is issued to Twist London Limited trading as Batch, 56a Peckham Rye, London SE15 4JR. The licence permits the following:
  - The sale of alcohol to be consumed on or off the premises:
    - Monday to Thursday from 17:00 to 22:30
    - Friday from 17:00 to 23:30
    - Saturday from 12:00 to 23:30
    - Sunday from 12:00 to 22:30
  - The provision of regulated entertainment in the form of regulated music (indoors):
    - Monday to Thursday from 17:00 to 23:00
    - Friday from 17:00 to 00:00
    - Saturday from 12:00 to 00:00
    - Sunday from 12:00 to 23:00
  - Opening hours:
    - Monday to Thursday from 16:30 to 23:30
    - Friday from 16:30 to 00:30
    - Saturday from 11:30 to 00:30
    - Sunday from 11:30 to 23:30
- 9. A copy of the existing premises licence is attached as Appendix A.

#### The variation application

- 10. On 10 April 2018 Twist London Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises trading as Batch 56a Peckham Rye, London SE15 4JR.
- 11. The application for variation is described as:
  - To extend the opening hours of the premises until 02:30 on Fridays and Saturdays.
  - To extend the licensed activity times until 02:00 on Fridays and Saturdays.
  - To include a new licensed activity of live acoustic music on Fridays from 17:00 to 01:00 and Saturdays from 12:00 to 01:00.
- 12. The application seeks the following hours:
  - The sale of alcohol to be consumed on or off the premises:
    - Monday to Thursday from 17:00 to 23:00
    - o Friday from 17:00 to 02:00
    - Saturday from 12:00 to 02:00
    - Sunday from 12:00 to 23:00.
  - The provision of regulated entertainment in the form of regulated music (indoors):
    - Monday to Thursday from 17:00 to 23:00
    - Friday from 17:00 to 02:00
    - Saturday from 12:00 to 02:00
    - Sunday from 12:00 to 23:00.
  - The provision of regulated entertainment in the form of live music (indoors)
    - o Friday from 17:00 to 01:00
    - Saturday from 12:00 to 01:00.
  - Opening hours:
    - Monday to Thursday from 16:30 to 23:30
    - Friday from 16:30 to 02:30
    - Saturday from 11:30 to 02:30
    - Sunday from 11:30 to 23:30.
  - Additional Non-Standard Timings are outlined in the application as:
    - A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each: May Bank Holiday, Spring/whitsun Bank Holiday and August Bank Holiday weekend.
    - A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

 A further additional hour each: Christmas Eve, Boxing Day, New Years Eve, and New Years Day.

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

#### **Designated premises supervisor**

13. The designated premises supervisor (DPS) under the existing premises licence is Timothy Charles Robinson holding a personal licence with the London Borough of Brent.

#### Representations from responsible authorities

- 14. Southwark licensing authority (LA) has made representation requesting that the applicant draw back its hours to be in line with the Southwark licensing policy. No additional potential conditions have been offered in the operating schedule that would negate concerns over the additional hours.
- 15. A representation has also been made by Southwark's public health department again raising issues with the hours in regards to the Southwark licensing policy, furthermore the consideration of protection of the children from harm; neither of which are addressed in the application
- 16. Both representations are available in Appendix C.

#### Representations from other persons

17. No representations were received from other persons.

#### Conciliation

18. All representations were sent to the applicant on 11<sup>th</sup> May with a reminder sent on 18 May. Return correspondence was received to advise that they had been passed to their legal representative. At the time this report was sent to be published, no response had been received.

#### **Operating history**

- 19. This is the first amendment requested to be made to the premises licence since it was issued in September 2017.
- 20. Two temporary event notices (TENs) have been applied for by the premises in that time, both granted. One for licensable activities until 04:00 on New Year's Day, the second for 16 and 17March until 01:00.
- 21. No complaints have been received by the council's licensing department in relation to this premises.

#### Map

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

#### Peddler Peckham Rye, 58 Peckham Rye, London SE15 4JR, licenced for:

- The sale by retail of alcohol (both on and off sales):
  - Monday to Sunday from 09:00 to 01:00.
- The provision of late night refreshment (indoors and outdoors):
  - Monday to Sunday from 23:00 to 01:00.
- The provision of regulated entertainment in the form of recorded music (indoors):
  - o Monday to Sunday from 09:00 to 01:00.

#### Pizza Pick Up, 64 Peckham Rye, London SE15 4JR, licenced for:

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

#### The Rye, 31 Peckham Rye, London SE15 3NX, licenced for:

- The sale by retail of alcohol (both on and off sales):
  - Monday to Friday from 11:00 to 00:00
  - Friday and Saturday from 11:00 to 01:00
  - Sunday from 12:00 to 23:30.
- The provision of late night refreshment (indoors and outdoors):
  - Monday to Friday from 23:00 to 00:00
  - Friday and Saturday from 23:00 to 01:00
  - Sunday from 23:00 to 23:30.
- The provision of regulated entertainment in the form of recorded and live music and similar (indoors):
  - Monday to Friday from 11:00 to 00:00
  - Friday and Saturday from 11:00 to 01:00
  - Sunday from 12:00 to 23:30.

#### Rye News, 32 Peckham Rye, London SE15 4JR, licenced for:

• The sale by retail of alcohol (off sales):

- Monday to Saturday from 08:00 to 23:00
- Sunday from 10:00 to 22:30.

## Alpha Off Licence – 24 Peckham Rye, SE15 4JR, licenced for:

- The sale by retail of alcohol (off sales):
  - Monday to Sunday from 06:00 to 23:00.

## Tesco Express – 249-267 Rye Lane, SE15 4UR, licenced for:

- The sale by retail of alcohol (off sales):
  - Monday to Sunday from 06:00 to 23.00.

#### Mr Bao – 293 Rye Lane, licenced for:

- The sale by retail of alcohol (both on and off sales):
  - o Monday to Sunday from 10:00 to 23:00.

#### Southwark council statement of licensing policy

- 23. Council assembly approved Southwark's statement of licensing policy 2016 2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the subcommittee's consideration are:
  - Section 3 Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
  - Section 5 Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.

- Section 11 The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective
- 24. The 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.
- 25. Within Southwark's statement of licensing policy, the premises are identified as being outside of a cumulative impact policy area, but within the Peckham major town centre. Relevant times recommended in the statement of licensing policy for licensed premises in this area are as follows:
  - Closing time for restaurants and cafes:
    - Sunday to Thursday 00:00
    - Friday and Saturday 01:00.
  - Closing time for Public Houses Wine bars or other drinking establishments:
    - Sunday to Thursday 23:00
    - Friday and Saturday 00:00.

#### **Resource implications**

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

#### Consultation

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

#### **Community impact statement**

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

#### SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

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

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

#### Principles for making the determination

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

#### **Conditions**

- 35. 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.
- 36. The four licensing objectives are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
- 37. 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.
- 38. 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.
- 39. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions came into force: age verification policy and smaller measures for alcoholic drinks.

40. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

#### Reasons

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

#### **Hearing procedures**

- 42. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
  - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - o If given permission by the committee, question any other party
    - o In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
  - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
- 43. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the subcommittee to make its determination at the conclusion of the hearing.

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

44. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

- 45. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
- 46. As a quasi-judicial body, the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
- 47. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
- 48. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
- 49. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
- 50. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
- 51. 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

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

# **Strategic Director of Finance and Governance**

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

#### **BACKGROUND DOCUMENTS**

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

#### **APPENDICES**

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copy of representations from Responsible Authorities
Appendix D	Map of the local area

## **AUDIT TRAIL**

Lead Officer	Deborah Collins,	Strategic	Director	of I	Environment	and	Social
	Regeneration						
Report Author	Andrew Heron, Prir	ncipal Lice	ensing Off	icer			
Version	Final						
Dated	22 May 2018						
Key Decision?	No						
CONSULTATION	CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER						
Officer Title		Comme	nts soug	ht	Comment	s inc	luded
Director of Law and Democracy			Yes		Yes		
Strategic Director of Finance and			Yes		Yes		
Governance							
<b>Cabinet Member</b>		No		N	lo		
Date final report sent to Constitutional Team					24 May 201	8	

#### APPENDIX A

# Licensing Act 2003 Premises Licence



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

#### Premises licence number

858588

#### Part 1 - Premises details

Postal address of premises, or if r	none, ordnance survey map reference or description
Twist London Limited	
56 Peckham Rye	
Ordnance survey map reference (if applicable): 175789534384	
Post town	Post code
London	SE15 4JR
Telephone number	

#### Where the licence is time limited the dates

#### Licensable activities authorised by the licence

Recorded Music - Indoors

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

#### The opening hours of the premises

For any non standard timings see Annex 2

Monday 16:30 - 23:30 Tuesday 16:30 - 23:30 Wednesday 16:30 - 23:30 Thursday 16:30 - 23:30 Friday 16:30 - 00:30 Saturday 11:30 - 00:30 Sunday 11:30 - 23:30

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

Sale by retail of alcohol to be consumed on premises

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

#### **Recorded Music - Indoors**

Monday 17:00 - 23:00 Tuesday 17:00 - 23:00 Wednesday 17:00 - 23:00

Thursday	17:00 - 23:00
Friday	17:00 - 00:00
	12:00 - 00:00
· ·	12:00 - 23:00
Sale by retail	of alcohol to be consumed on premises
Monday	17:00 - 22:30
Tuesday	17:00 - 22:30
Wednesday	17:00 - 22:30
Thursday	17:00 - 22:30
Friday	17:00 - 23:30
Saturday	12:00 - 23:30
Sunday	12:00 - 22:30
Sale by retail	of alcohol to be consumed off premises
Monday	17:00 - 22:30
Tuesday	17:00 - 22:30
Wednesday	17:00 - 22:30
Thursday	17:00 - 22:30
Friday	17:00 - 23:30
Saturday	12:00 - 23:30
Sunday	12:00 - 22:30

#### Part 2

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

Twist London Limited 7 Plaza Parade Maida Vale London NW6 5RP

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

Timothy Charles Robinson

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

Licence Issue date: 8 September 2017

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

#### **Annex 1 - Mandatory conditions**

- 100 No supply of alcohol may be made under the Premises Licence -
- (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- **101** Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.
- **485** (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- **487** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 489 The responsible person shall ensure that -
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,
- **491** 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purpose of the condition set out in paragraph (1):
- (a) "duty" is to be construed in accordance with the Alcoholic Liqour 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

- **340** That all bar staff shall be trained in the prevention of crime and disorder. A record of such training shall be kept. The training record shall include the trainee's name (in block capitals) and the date(s) of training.
- **341** That a minimum of 3 SIA staff will be employed from 19:00 hours until the close of business on Fridays, Saturdays to ensure that the accommodation limit at the premises is adhered to, that age restrictions are complied with and to manage any drunk, disorderly or anti-social behaviour at the premises.
- **342** That a CCTV system shall be installed at the premises, be maintained in full working order and be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
- **343** That all CCTV footage shall be kept for a period of 31 days and shall be made immediately available to officers of the police and / or the council on request.
- **344** That the maximum number of persons permitted on the premises at any one time (the accommodation limit) is 80 persons not including staff.
- **345** That customers shall not be permitted in any external area of the premises after 22:00 hours other than those customers who temporarily leave the premises to smoke and whose number shall not exceed more than 5 persons at any one time. After 22:00 hours any customers permitted to temporarily leave and re-enter the premises shall be directed to the smoking area.
- **346** That customers shall not be permitted to consume alcohol in any external area of the premises at any time.
- **347** That any off sales of alcohol shall be sold in closed sealed containers only.
- 348 That a challenge 25 policy shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card, any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card or any age identification card validated by the Secretary of State.
- **349** That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- **350** That a written dispersal policy shall be devised. All relevant staff (including managers, supervisors, stewards, SIA personnel & bar staff) shall be trained in respect of the policy. The dispersal policy shall be kept / be accessible at the premises at all times and shall be made available for immediate inspection on the request of police and / or council officers.
- 351 That persons under 18 years old shall not be permitted on the premises.

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

## Annex 4 - Plans - Attached

Licence No. 858588

Plan No. n/a
Plan Date n/a

### **APPENDIX B**

09/04/2018

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

Ref No. 1003309

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises decribed in Part 1 below

	Twist London Limited
Premises licence number	858588

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

£	12,250
	,

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

Address Line 1	56A PECKHAM RYE
Address Line 2	
Town	LONDON
County	
Post code	SE15 4JR
Ordnance survey map reference	
Description of the location	
Telephone number	

#### Part 2 - Applicant details

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

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

Please tick	Yes

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

(DD/MM/YYYY)			
Please describe briefl	y the nature of the proposed variation ( see guidance note 2 )		
	,		
	To extend the opening hours of the Premises until 02:30 on Fridays and Saturdays.		
	To extend the licensed activity times until 02:00 on Fridays and Saturdays.		
	To include a new licenced activity of live acoustic music on Fridays from 17:00 - 01:00 and Saturdays from 12:00 - 01:00		
If your proposed varia one time please use t	tion would mean that 5,000 or more people are expected to attend the premises at any he drop down below to select the number		
Discourse	1		
Please select number from range	Less than 5000		
Provision of regulated	entertainment (Please see guidance note 3) Please tick all that apply		
	e) Live music (If ticking, fill in box E)		
	f) Recorded music (If ticking, fill in box F)		
Provision of late night	refreshment (if ticking fill in box I)		
0	alter Cuttal and N		
Supply of alcohol (if ti	cking till in box J)		
	j) Supply of alcohol		
Will the performance	of live music take place indoors or outdoors or both? ( Please read guidance note 4 )		
	Indoors		
	1		
Diococ aire fromber de	Please of a Catherine late the Lanc C Please are the Clause of E.		
Please give further de	etails here ( Please read guidance note 5 )		
	Live acoustic (non-amplified) music would be played.		

Standard days and timings for Live Music ( Please read guidance note 8 )

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	17:00	01:00
Sat	12:00	01:00
Sun		

Sat		12:00	01:00
Sun			
State any seasonal va	ariations for the	performance of live music ( Please re	ead guidance note 6)
Non standard timings. times to those listed. (	Where you int Please read g	end to use the premises for the perforuidance note 7)	rmance of live music at different
	May Bank Ho A further addi Easter Bank I A further addi	tional hour into the morning following liday, Spring/whitsun Bank Holiday ar tional hour into the morning following Holiday weekend. tional hour into the morning following e, Boxing Day, New Years Eve, and N	nd August Bank Holiday weekend. every Friday and Saturday for the every Friday and Saturday for
Will the playing of reco	orded music tal	ke place indoors or outdoors or both?	( Please read guidance note 4 )
	Indoors		
Please give further de	tails here ( Ple	ase read guidance note 5)	
		music background music will be playe e atmosphere).	ed, but not as main entertainment

Standard days and timings for Recorded Music ( Please read guidance note 8 )

Day	Start	Finish
Mon	17:00	23:00
Tues	17:00	23:00
Wed	17:00	23:00
Thur	17:00	23:00
Fri	17:00	02:00
Sat	12:00	02:00
Sun	17:00	23:00

Business - Application to vary a premises licence under th24icensing Act 2003 State any seasonal variations for playing recorded music ( Please read guidance note 6 ) Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. (Please read guidance note 7) A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each: May Bank Holiday, Spring/whitsun Bank Holiday and August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour each: Christmas Eve, Boxing Day, New Years Eve, and New Years Day. Will the supply of alcohol be for consumption (Please read guidance note 9) **Both** Standard days and timings for Supply of alcohol (Please read guidance note 8) Day Start Finish 17:00 23:00 Mon Tues 17:00 23:00 Wed 17:00 23:00 Thur 17:00 23:00 Fri 02:00 17:00 02:00 Sat 12:00

State any seasonal variations for the supply of alcohol ( Please read guidance 6 )

12:00

Sun

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 7 )

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each: May Bank Holiday, Spring/whitsun Bank Holiday and August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour each: Christmas Eve, Boxing Day, New Years Eve, and New

23:00

Years Day.

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

	None		
Hours premises are	open to the public ( standard timings	Please read guidance note 8)	
Day	Start	Finish	
Mon	16:30	23:30	
Tues	16:30	23:30	
Wed	16:30	23:30	
Thur	16:30	23:30	
Fri	16:30	02:30	
Sat	11:30	02:30	
Sun	11:30	23:30	
Non standard timings	s. Where you intend to use the prem	ises to be open to the public at different times from	
those listed. Please I	ist, ( Please read guidance note 7 )		
	A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each: May Bank Holiday, Spring/whitsun Bank Holiday and August Bank Holiday weekend.  A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.  A further additional hour each: Christmas Eve, Boxing Day, New Years Eve, and New Years Day.		
Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.			
	None		
a) General - all four licensing objectives (b,c,d,e) ( Please read guidance note 11 )			
	None other than those set out in t	ne original premises licence application.	
b) the prevention of crime and disorder			
	None other than those set out in t	ne original premises licence application.	
c) public safety			

None other than those set out in the original premises licence application.

d) the prevention of public nuisar
------------------------------------

None other than those set out in the original premises licence application.	
---	--

#### e) the protection of children from harm

None other than those set out in the original premises licence application.
1

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

Upload proposed plans	Venue-Plans-PS-iv.pdf
Upload existing plans	Venue-Plans-PS-iv.1.pdf

#### Checklist

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

#### I agree to the above statement

	I agree
PaymentDescription	
AuthCode	
LicenceReference	
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If completing on behalf of the applicant, please state in what capacity.

Full name	Oliver-James Wilson Topping
Date (DD/MM/YYYY)	01/03/2018
Capacity	Solicitor

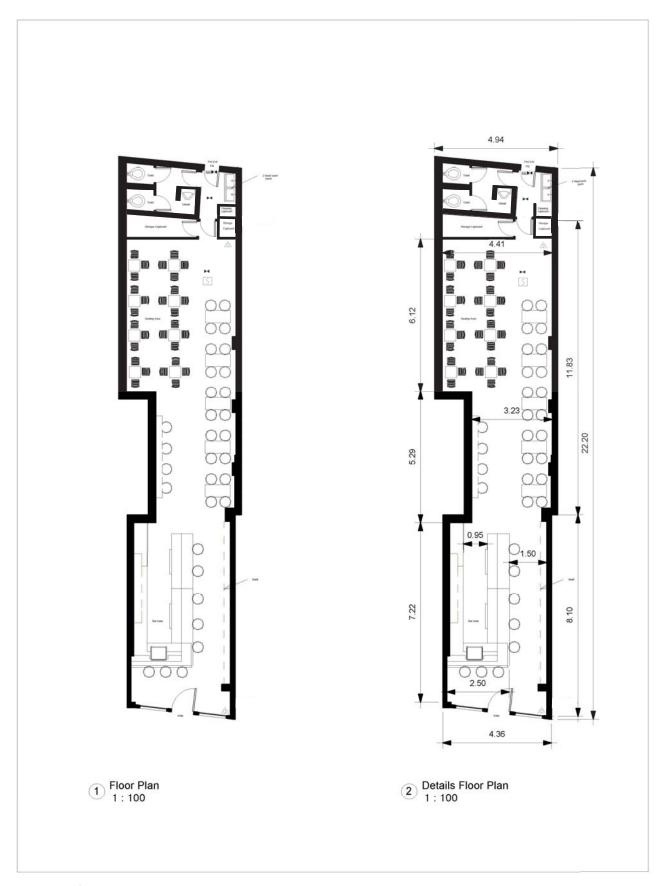
Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 14). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	

Business - Application to vary a premises licence u2der the Licensing Act 2003

Capacity				
Contact name (where (please read guidance	not previously given) an address for correspondence associated with this application e note 15)			
Contact name and address for correspondence	Oliver-James Topping Sun Buildings 35-37 Princes Street Ipswich IP1 1PU			
Telephone No.				
If you prefer us to correspond with you by e-mail, your email address (optional)				
Please tick to indicate agreement				
	I am a company or limited liability partnership			
I agree to the above statement				
	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.



BATCH 56 Peckham Rye London SE15 4JR

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#### **APPENDIX C**

# **MEMO: Licensing Unit**

To Licensing Unit Date 10 May 2018

Copies

From Jayne Tear Telephone 020 7525 0396 Fax

Email jayne.tear@southwark.gov.uk

Subject Re: Twist London Limited, 56 Peckham Rye, London, SE15 4JR

Application to vary a premises licence

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

- To add live music (indoors) on Friday from 17:00 to 01:00 the following day and Saturday from 12:00 to 01:00 the following day
- To increase recorded music (indoors) on Friday and Saturday from 00:00 to 02:00 the following day
- To increase supply of alcohol (on and off the premises) on Friday and Saturday from 23:30 to 02:00 the following day
- To increase the opening times on a Friday and Saturday from 00:30 to 02:30 the following day.

#### Non standard timing asked for are as follows:

For live music, recorded music; supply of alcohol and opening times –

- A further additional hour into the morning following every Friday and Saturday for each: May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday weekend.
- A further additional hour into the morning following every Friday and Saturday for the Easter Bank Holiday weekend
- A further additional hour each into the morning following every Friday and Saturday for Christmas Eve, Boxing Day, New Years Eve and New Years Day

On the original application for the premises licence the premises was described as premises 'The property is currently being used for storage of non-perishable disposables for the next door café. We will be cleaning it up and converting it into a bar with 2 distinct areas: at the front of the property will be an L shaped bar along the left hand wall with a small space for a small number of guests to sit at the bar. The rear of the space will be set up with low tables and chairs along the left, and high tables and stools along the right (total seating appx. 60). A passage way between the two sections leads to the rear of the building where there is a storage room/office at the back with toilet facilities'.

This premises is situated in **Peckham Major Town Centre**.

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

Under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for public houses, wine bars or other drinking establishments in this area are on **Sunday to Thursday 23:00** and on **Friday and Saturday 00:00**.

The operating schedule is lacking and the applicant has not provided any controls measures to address any of the four licensing objectives should the premises open later. The later operation and of people leaving the premises later at night could impact upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises if it were allowed to open later and the possible impact of any rowdy and anti-social behavior or crime and disorder.

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

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

http://www.southwark.gov.uk/downloads/download/4399/licensing act 2003 - southwark statement of licensing policy 2016 - 2020

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

#### Heron, Andrew

From: Jerrom, Charlie
Sent: 10 May 2018 16:40
To: Heron, Andrew

**Subject:** FW: Consultation - Major Variation for 56 Peckham Rye

From: Sharpe, Carolyn On Behalf Of Public Health Licensing

Sent: Thursday, May 10, 2018 4:06 PM

To: Regen, Licensing

Cc: May, Cheyenne; Public Health Licensing

Subject: RE: Consultation - Major Variation for 56 Peckham Rye

To whom it may concern:

#### Re: Twist London Limited, 56 Peckham Rye, London, SE15 4JR

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

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

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

The applicant requests a major variation of their current license for the sale of alcohol on the premises between the hours:

Monday – Thursday: 17:00 – 23:00 Friday: 17:00 – 02:00 Saturday: 12:00 – 02:00 Sunday: 12:00 – 23:00

#### Requested opening hours:

Monday – Thursday: 16:30 – 23:30 Friday: 16:30 – 02:30 Saturday: 11:30 – 02:30 Sunday: 11:30 – 23:30

The applicant also requests for a further additional hour for the supply of alcohol into the morning following every; Friday – Monday for each May Bank Holiday, Spring Bank Holiday and August Bank Holiday weekend, Thursday – Monday for the Easter Bank Holiday weekend and Christmas Eve, Boxing Day, New Years Eve and New Years Day.

I have concerns regarding the hours for alcohol sales requested. This premises is located close to local residents and therefore the dispersal from events going on until the early morning hours, daily, has the potential to result in public nuisance and disturb local residents. According to the World Health Organisation (WHO) (2011), fragmented sleep can result in short and long term health implications including; cognitive dysfunction, abnormal growth hormone release, increase of diastolic BP and increased

risk of accidents. Certain groups of people are more vulnerable to noise including children, chronically ill and elderly people and shift workers – please see the attached evidence review for more information.

Furthermore, this premises is located within a 10 minute walking distance from four schools; Bellenden Primary School, St Mary Magdalene Church of England Primary School, St Johns and St Clements Church of England Primary School and Rye Oak Primary School. It is very likely that children will live locally to this premises. The applicant has not considered this in their operating schedule under 'protection of children from harm'.

Southwark's Statement of Licensing Policy states that public houses, wine bars or other drinking establishments are closed by 23:00 Thursday – Sunday and 00:00 Friday – Saturday.

Given the premises licence already permits alcohol sales until 22:30 Sunday-Thursday and until 23:30 on Fridays and Saturdays and opening times until 23:30 Sunday-Thursday and 00:30 on Friday and Saturday, this premise is already operating with a permissible licence. I therefore recommend this application is rejected.

An additional hour to opening times and the sale of alcohol on public holidays is likely to cause further harm to those who work bank holidays and therefore feel this is not appropriate within a residential area.

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

Yours sincerely,

Carolyn Sharpe

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

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025 | 07927563567 | Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

#### <u>Licensing Act 2003 – Protection of Children from Harm</u>

The impact opening hours has on night time noise is important to take into account when considering new licensing applications. Noise from events in premises and the dispersal of those leaving an event will contribute to the disturbance of residents in surrounding areas, particularly at night. Therefore, applications requesting hours outside those stated in the Southwark Licensing Policy, within residential areas, may considerably contribute to night time noise and negatively impact sleep.

According to the World Health Organisation (WHO) (2011), fragmented sleep can result in short and long term health implications including; cognitive dysfunction, abnormal growth hormone release, increase of diastolic BP and increased risk of accidents. Certain groups of people are more vulnerable to noise including children, chronically ill and elderly people and shift workers (WHO, 2011). Naturally, children spend more time in bed than adults and are more exposed to night time noise (WHO, 2011). Sleep is a vital part of daily life and children in particular need uninterrupted sleep for growth and cognitive development (Kamp, 2013). Disturbances during the night result in fragmented sleep and chronic partial sleep deprivation induces tiredness, lower vigilance and reduces daytime performance and overall quality of life (O"hrstro"m & Griefahn, 1993; Passchier-Vermeer, 2003a; WHO, 2011). This can have a detrimental impact on early childhood development and education, which negatively affects lifelong achievement and health (WHO, 2011).

Sleep is an essential part of a healthy lifestyle and is recognised as a fundamental right under the European Convention on Human Rights (European Court of Human Rights, 2003). Night noise guidelines for Europe, set out by WHO, suggest the best protective measures to reduce sleep disturbance include the reduction of events or noise levels, or both (WHO, 2011). Children have no control over where they live. It is the council's obligation to take measures against negative impacts of night time noise in residential areas, to provide a healthy and supportive environment which maximises the health and wellbeing of children in the local area. To ensure night time noise is kept to a minimum, new licensing applications within residential areas should be restricted to hours within the recommended guidelines in Southwark's Licensing Policy.

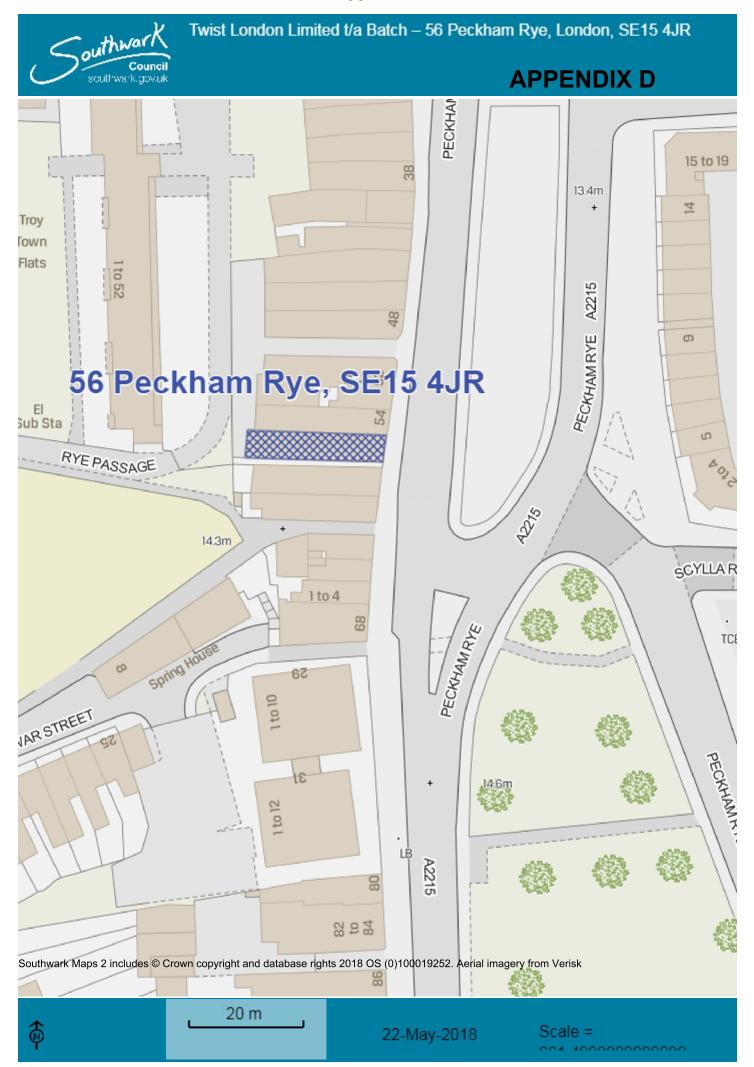
#### References:

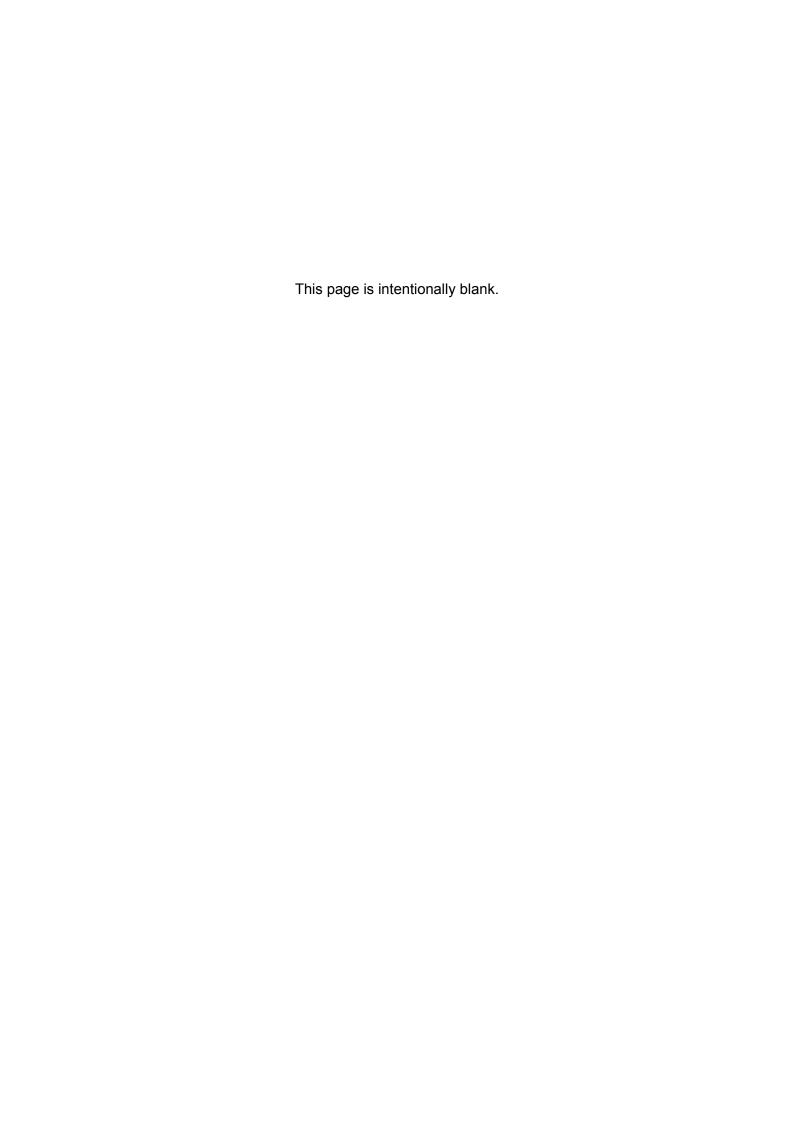
Passchier-Vermeer, W. (2003) Night-time noise events and awakening. TNO report 2003-32, Delft, The Netherlands.

Van Kamp, I.; Gidlof-Gunnarsson, A.; Persson Waye, K. (2013). The effects of noise disturbed sleep on children's health and cognitive development. *Journal of the Acoustical Society of America*, 133, 3506-3506.

World Health Organisation (WHO) Europe. (2009). Night noise guidelines for Europe.

World Health Organisation (WHO) Europe. (2011). Burden of disease from the environmental noise: quantification of healthy life years lost in Europe.





# LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2018-19

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		Andrew Weir (spares)	4
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