

Licensing Sub-Committee

Friday 24 August 2018
10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Sandra Rhule

Reserves

Councillor Maria Linforth-Hall

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

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: 14 August 2018



Licensing Sub-Committee

Friday 24 August 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: UNDERDOG GALLERY, RAILWAY ARCH 6, CRUCIFIX LANE, LONDON SE1 3JW	1 - 62
6.	LICENSING ACT 2003: PULSE, 1 INVICTA PLAZA, LONDON SE19 UF - TEMPORARY EVENT NOTICES	To Follow

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: 14 August 2018

Item No. 5.	Classification: Open	Date: 24 August 2018	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Underdog Gallery, Railway Arch 6, Crucifix Lane, London SE1 3JW	
Ward(s) or groups affected:		London Bridge and West Bermondsey	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by an 'other person' under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Underdog Art Company Limited in respect of the premises known as Underdog Gallery, Railway Arch 6, Crucifix Lane, London SE1 3JW.
2. Notes:
 - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the review application is attached as Appendix A.
 - b) 'Other persons' have submitted representations in respect of the application. Copies of the representations are attached as Appendix D. Details of the representation are provided in paragraph 17.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B. A map of the area that the premises are located in is attached as Appendix E.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

- The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
- **The sale of alcohol to be consumed on premises:**
 - Monday to Thursday from 11:00 to 23:00
 - Friday and Saturday from 11:00 to 00:30 the following day
 - Sunday from 11:00 to 22:30.
 - **Plays, Films, Live music and recorded music:**
 - Monday to Thursday from 09:00 to 23:00
 - Friday and Saturday from 09:00 to 00:30 the following day
 - Sunday from 09:00 to 22:30.
 - **Late night refreshment:**
 - Friday and Saturday from 23:00 to 00:30 the following day.

- **Opening times:**

- Monday to Thursday from 09:00 to 23:30
- Friday and Saturday from 09:00 to 01:00 the following day
- Sunday from 09:00 to 23:00.

10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix B.

Designated premises supervisor

11. The current designated premises supervisor (DPS) named on the licence is Sammy James Forway.

The review application

12. On 15 June 2018 an application was submitted by an 'other person', under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Underdog Art Company Limited in respect of the premises known as Underdog Gallery, Railway Arch 6, Crucifix Lane, London SE1 3JW.
13. The review application was submitted in respect of the prevention of public nuisance licensing objective and in summary states:
 - That excessive noise nuisance is caused as a result of the operation of the premises. The sources of the noise nuisance are extremely loud music emanating from the premises and the premises' customers congregating at and in the vicinity of the premises. The customers engage in noisy activities such as shouting and jeering.
 - That the premises operate outside of permitted hours sometimes hosting 'club nights' that allegedly finish between 04:00 and 05:00 hours.
 - That condition 844 of the premises licence issued in respect of the premises has allegedly been breached on numerous occasions. Condition 844 states: "*That the premises shall not operate as a night club.*"
 - That staff at the premises have acted aggressively to or not been receptive to residents when residents have sought to address directly with premises' staff noise nuisance emanating from the premises.
14. Full details of the grounds for the review are provided within the review application. Further evidence was also provided by the review applicant in a letter and compact disk. The licensee submitted a letter in reply to the review application addressing the allegations in the review application and containing a copy of the rules for hirers of the premises. Copies of the review application, the letter from the review applicant with further evidence in support of the review application and the letter from the licensee in reply to the review application are attached as Appendix A.

Representations from responsible authorities

15. The licensing responsible authority has submitted, a representation in support of the review application in relation to the prevention of public nuisance and the prevention of crime and disorder licensing objectives. The representation contends that it seems that the premises are now operating as a nightclub. The representation notes that there have been several complaints made to the licensing unit in regards to noise, that licensing officers have witnessed the premises being operated in breach of the conditions of the premises licence issued in respect of the premises and that a warning has been issued regarding breaches of the premises licence. Further evidence, relating to TENs submitted in respect of the premises and also visits to the premises by police and council officers has been submitted by the licensing responsible authority.
16. Copies of the representation submitted by the licensing responsible authority and further evidence in relation to the representation are attached as Appendix C.

Representations from other persons

17. Four representations have been submitted by 'other persons' (referred to as parties 1 to 6). All of the representations support the review application and all relate to similar allegations as put forward in the grounds for the review application in paragraph 13 above.
18. Copies of the representations submitted by the other persons are attached as Appendix D.

Operating History

19. On 2 October 2014 a premises licence was issued in respect of the premises to Underdog Art Company Limited. The DPS of the premises was specified as Sammy James Forway.
20. On 15 June 2018 an application was submitted by an 'other person', under Section 51 of the Licensing Act 2003, for the review of the premises licence issued in respect of the premises.
21. Details of Temporary Event Notices (TENs) submitted in respect of the premises are attached in Appendix C as part of evidence in support of the representation submitted by the Licensing Responsible Authority.
22. Details of complaints received by the licensing unit, in respect of the premises, are attached in Appendix C as part of evidence in support of the representation submitted by the licensing responsible authority.

The local area

23. A map of the local area is attached as appendix E. The following premises are shown on the map and are licensed as stated below.

Suchard Free House, 2 Crucifix Lane, London SE1 3JW, licensed for:

- The sale of alcohol:
 - Monday to Sunday from 10:00 to 01:00.
- Late night refreshment:
 - Monday to Sunday from 23:00 to 01:00.

Tanner & Co, 50 Bermondsey Street, London SE1 3UD licensed for:

- The sale of alcohol:
 - Monday to Sunday from 10:00 to 02:00.
- Plays, films, live music, recorded music & performances of dance:
 - Monday to Friday from 17:00 to 02:00
 - Saturday and Sunday from 15:00 to 02:00.

The Hide, 39-45 Ground Floor Bermondsey Street, London SE1 3XF licensed for

- The sale of alcohol:
 - Monday and Tuesday from 08:00 to 01:00
 - Wednesday to Friday from 08:00 to 02:00
 - Saturday from 08:00 to 02:00
 - Sunday from 08:00 to 00:00.
- Recorded music:
 - Monday and Tuesday from 08:00 to 01:00
 - Wednesday to Friday from 08:00 to 02:00
 - Saturday from 11:00 to 02:00
 - Sunday from 11:00 to 00:00.
- Late night refreshment:
 - Monday and Tuesday from 23:00 to 01:00
 - Wednesday to Friday from 23:00 to 02:00
 - Saturday from 23:00 to 02:00
 - Sunday from 23:00 to 00:00.

Globe House, 37 Bermondsey Street, London SE1 3XF licensed for:

- The sale of alcohol:
 - Monday to Sunday from 12:00 to 00:00.

International Wine and Spirit Centre, 39-45 Bermondsey Street, London SE1 3XF licensed for:

- The sale of alcohol:
 - Monday to Sunday from 08:00 to 21:00.

The Bermondsey Yard Cafe, 40 Bermondsey Street, London SE1 3UD licensed for

- The sale of alcohol:
 - Monday to Sunday from 11:00 to 01:00 the following day.
- The provision of late night refreshment:
 - Monday to Sunday from 23:00 to 01:00 the following day.
- Recorded music:
 - Monday to Sunday from 07:00 to 01:00 the following day.

Southwark council statement of licensing policy

24. Council assembly approved Southwark's Statement of Licensing Policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
- Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.

- Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
25. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
26. Within Southwark’s statement of licensing policy 2016 - 2020 the premises are identified as being within Bankside, Borough & London Bridge strategic cultural area. Closing times are recommended in the Statement of licensing policy for different types of licenced premises in this area as below:
- Public houses, wine bars or other drinking establishments:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00.
 - Nightclubs:
 - Monday to Thursday: 01:00
 - Friday and Saturday: 03:00
 - Sunday: 00:00.

Resource implications

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

Consultation

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

Community impact statement

29. 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 Legal Services

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

31. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

32. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.

33. The four licensing objectives are:

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

34. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:

- Modify the conditions of the licence by altering, omitting or adding any condition
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence.

35. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:

- Are relevant to one or more of the licensing objectives
- Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
- Have not been withdrawn
- If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.

36. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

37. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.

38. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

39. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

40. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The applicant
 - Any person who made relevant representations
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

41. 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.
42. 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

43. 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.

44. 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.
45. 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.
46. 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.
47. 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.
48. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
49. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
50. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix A	Copy of the review application, letter from the review applicant with further supporting, evidence and a letter from the licensee in response to the review application
Appendix B	Copy of the premises licence
Appendix C	Copies of the licensing responsible authority's representation and supporting evidence
Appendix D	Copies of the representations submitted by other persons
Appendix E	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment & Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	FINAL	
Dated	9 August 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		10 August 2018



Southwark Licensing Team

Community Safety EHTS,
3rd Floor Hub 2
160 Tooley Street
PO Box 64529
London SE1 5LX

E-mail: licensing@southwark.gov.uk

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I



(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

RAILWAY ARCH C, CRUCIFIX LANE
LONDON SE1 3JW

Post town

LONDON

Post code (if known)

SE1 3JW

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

UNDERDOG ART COMPANY LTD

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

845 813

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)



2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

[Redacted area]

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

[Redacted area]

Post town

Daytime contact telephone number

[Redacted area]

E-mail address (optional)

[Empty text box]

(B) DETAILS OF OTHER APPLICANT

Name and address

[Empty text box]

Telephone number (if any)

[Empty text box]

E-mail address (optional)

[Empty text box]

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

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

SEE ATTACHED SHEET

Please provide as much information as possible to support the application (please read guidance note 3)

SEE ATTACHED GROUNDS AND USB
FLASH DRIVE

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N.A.

Please tick ✓

yes

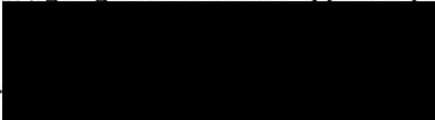
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

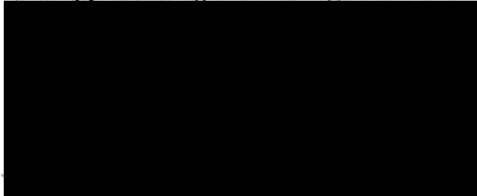


Date

15/6/18

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)



Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

LICENCE HOLDER:

UNDERDOG ART COMPANY LIMITED
Railway Arch 6 Crucifix Lane SE1 3JW

DESIGNATED PREMISES SUPERVISOR NAME: Sammy James Forway

GROUND FOR REVIEW OF LICENCE

As a resident of Crucifix Lane I hereby apply for the review of the Premises Licence granted to Underdog Art Company Limited trading as The Underdog ('Underdog') situated at Arch 6 Crucifix Lane, SE1 3JW.

The section of Crucifix Lane in question is a narrow road approximately 10 meters wide and includes pavements on both sides. It is bordered to the north by railway arches and to the south by residential dwellings, save a pub and an office block further along to the east. The furthest residential dwelling from the Underdog is approximately 45 metres away as the crow flies. Underdog occupies arch number 6, neighbouring arches 7-11 are vacant and small offices and businesses occupy the remainder.

I live in a third floor flat, situated 15 m as the crow flies from the Underdog entrance, therefore 60 degrees down the road with respect to the normal of Underdog's facade. One of our bedrooms and the living room look out to the Underdog's entrance.

Underdog has been granted a licence to remain open from 09:00 till 23:30 from Monday to Thursday, till 01:00 on Friday and Saturday and till 23:00 on Sunday. The licence permits the performance of live music and the playing of recorded music indoors which is supposed to end half an hour before closing time.

Late club nights are routinely held at Underdog mainly but not only at the weekends. The Underdog also hosts club nights till 04:00 or 05:00 in the morning, outside its permissible licensed hours, sometimes on consecutive nights.

We have long been experiencing persistent nuisance as a result of the noise from both live and recorded music played at the Underdog. Crowds of revellers shouting and jeering in the venue compound this disturbance.

Underdog is usually hired out to third party organisers who charge fees for entry to the event. It is a venue that is favoured by heavy metal, psychedelic and stoner rock bands that rely heavily on loud percussion. The inordinate use of base drums and cymbals and generally being loud are an especially disturbing pre-requisite to the sorts of performances that are hosted at venue.

The the flyer of the 'Retribution Alive' night held at the Underdog on the 19th May 2018 (attached) boasts: 'The Retribution club night keeps the neighbours awake until 1AM!' It is a promise delivered.

In addition to the nuisance caused from within the venue there is also the sound of loud talking, laughing and shouting from people, often 15 or more, loitering and smoking outside the premises all through the evening that causes further disturbance. Closing time subjects us to the sound of noisy boisterous people leaving the club, which can take anything up to 45 minutes. This is often followed by band members and groupies noisily and drunkenly packing their vehicles with their instruments. This involves triggering car alarms and slamming doors and also often occurs far later than the advertised end of the gig, since they hang around in the venue for some time once the general public have left.

Additionally, the Underdog strives to assume a distinctly aggressive attitude towards residents. The anti-establishment values that it seeks to uphold instead has resulted in a hostile environment and the enactment of anti-social behaviour from the organisers and staff.

On one occasion when Mr [REDACTED] attempted to take a photograph of the premises from the pavement as an event was going on he was threatened and chased into our building where he had to take refuge against an aggressive bouncer threatening to delete footage. Other residents have similarly experienced antagonistic behaviour when they have approached staff and management at Underdog. They have been warned off and refused access to Mr. Forway when they have sought to complain about the noise disturbance.

The Underdog frequently and fragrantly acts outside the terms and conditions of the licence:

- 1 In hosting music/ cub nights at the Underdog it is operating as a night club.

This is demonstrated by the facts:

1. there is door security,
2. there are scheduled nights with a line-up of bands and DJs,
3. dancing occurs,
4. there is a door charge,
5. there is an age limit
6. the premises are hired out to third parties.

The above are criteria used by Southwark Planners in previous cases to determine whether activities of an establishment are that of a bar or a nightclub. Furthermore club nights held at the Underdog are often listed on the Resident Advisor website which is the foremost directory of club events in the country. Under Condition 844 of the Licence Underdog is expressly barred from operating as a night club. These activities should be immediately stopped and enforcement proceedings taken.

2 An event took place on the 27th January 2018 night with blaring music till 05:00 on 28th morning. A crowd of some 25-30 stood around on the pavement till 05:40 talking loudly, smoking and waiting for taxis as they dispersed. On checking the register I saw that a TEN that was not served.

3 Another late night event was held on the 11th/12th May 2018 until at least 05:00 wherein loud music and shouting was heard all night. Checking the register I find that no notice for a TEN was served. Several residents have confirmed this noise but Mr. Forway denies that any event took place at all. A short clip (IMG_0404.mov, attached) taken from our 3rd floor bedroom window at 05.01 on Saturday 12th May records the loud music and cheering and shouting emanating from Underdog and confirms that it did. An online programme for 'RA:kabuki. All nighter at Arch Gallery' listed on the Resident Adviser website is further attached as evidence.

I list below other occasions in May 2018 when we have been disturbed and robbed of the right to enjoy our lives and sleep uninterrupted by raucous music and loud people on the street:

- i) Saturday 12th May 2018 Nosepicker Peace Off Album Launch. An extract from Nosepicker's Facebook page 'A huge CHEEEERRSS to everyone who made it through the rains to our album launch last night. You were the few, but you were the LOUD - which kinda sounds familiar!!' Loud music and cheers accompanied by loud talking and clamour outside the venue during the event and after till 12:00.
- ii) Saturday 19th May 2018. Retribution Alive Event – described as 'a celebration of everything doom, sludge, stoner, groove'. A copy of the online event leaflet is attached. Blaring music continued till after 12:00. Groups of up to 10 people outside the premises talking loudly and smoking intermittently till 12:50.
- iii) Saturday 26th May 2018. Lacertilia, Derelics & Green Lung – In it's own words: 'fully stacked bar, loud live music, 3 nutty bands', 'Lacertilia are a throbbing psychosonic groove rock colossus'. A copy of the online event leaflet is attached. Recordings and photographs taken from out 3rd floor bedroom window are sent with this application.

IMG.0288.JPG/ IMG.0286.JPG photo taken at 21:53 – some 20 people congregated outside Underdog

IMG.0581.mov film taken at 21:53 – at least 15 people standing talking loudly outside Underdog

IMG.0582.mov film taken at 21:56- loud talking and loitering continues

IMG.0583.mov film taken at 22:09 - blaring music and large congregation outside laughing and chatting.

IMG.0573.mov film taken at 22:37 - music, loud drums and cymbals blaring as well as at least five people talking loudly outside the venue.

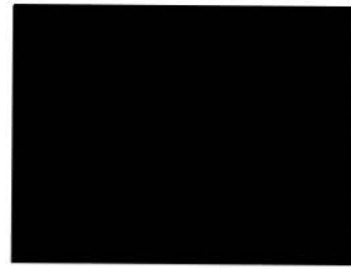
IMG.0433 is a photo taken at 23:46 showing at least 10 people standing around and talking at the Underdog doors can be heard.

Mr Forway has long been aware of the noise complaints by the residents against the Underdog, this he acknowledges. He has chosen to ignore them. As late as December 2016 he assured Mr Orton, Southwark Council Licensing Officer, of his plans to install double doors at the entrance. This was not done. On 18th May when once again confronted with further complaints by a member of the Licensing Team, a sound reduction curtain was proposed; of which we assume either nothing has been effected or is grossly ineffective.

My complaints gain specificity with respect to events held on the 19th and 26th May. These were both subsequent to the last visit by the Licensing Officer, following which no attempt has been made by the proprietor to keep the music or disturbance down and is evidenced by the film and photographs provided.

The music events at Underdog result in an unacceptable noise nuisance to the local residents and negatively impact our ability to sleep and to enjoy our daily life in our homes. In granting the licence to Underdog to play live and recorded music the Council fails to protect its residents and fulfil its 'prevention of public nuisance objective'.

I call for the exclusion of live and recorded music, by way of an additional condition to the licence if necessary, as an activity that the Underdog is authorised to undertake. Further, the licensed opening hours should be restricted to 09:00 to 23:00 on all days of the week.



The Licensing Unit
Hub 1, 3rd Floor
Tooley Street
London SE1 2TZ

10 July 2018

LICENCE HOLDER: Underdog Gallery, Railway Arch 6, Crucifix Lane, London, SE1 3JW

Review Application Reference: 863705

Dear Sirs,

I refer to my application for review of licence granted in respect of the above premises.

Additional evidence in support of my representations that I would like to be considered by the Licencing Sub-Committee and the Responsible Authorities is sent with this letter.

The evidence is in respect of two events held at Underdog.

1 Breaking Convention 2017 – Official After Party held on Sunday 2 July 2017.

The evening was uncontrolled chaos from the outset. The description given below is not of an isolated incident but the state of affairs that prevailed without break all evening till at least 01:00. Photographs and short film clips taken at random points during the evening are sent with this letter, files are chronologically numbered and annotated with the time they were taken.

Large crowds, at their height 100-125 strong, were milling around outside Underdog all evening, sitting on the pavement, drinking, loudly

talking and laughing and generally spilling out on the road, across the street by the houses and flats and on Shand Street under the arches.

Crucifix Lane and Shand Street were both blocked to by 40-50 people standing in the middle of the road unmindful of the traffic. Vehicles had to honk and slowly push their way through sometimes having to reverse out. This created an extremely unsafe environment with a high risk of an accident and injury.

The licensed hours for music at the Underdog on Sunday are till 22:30. The event and music continued long after this. An hour later at 23:32 (17 BC 2017 23.32) and at 00:29 (18 BC 2017 00.29) 2 hours later 40-50 people can be seen partying and crowding the pavement and road. There were more people under the arch on Shand Street that are not in the photograph.

An extract of the Facebook comments on The Breaking Convention After Party 2017 page (attached) are revealing. They support the above account of events and expose the willingness of Underdog management to be 'flexible' and serve to demonstrate a pattern of behaviour wherein it flouts its license without compunction.

2 Event held on Sunday 1 July 2018

The photographs and film clips are taken after the event had ended, from 23:00 to 23:26 .To begin with you can see at least 40 people lingering outside Underdog talking very loudly, shouting and laughing. Some 25 minutes after closing 12-14 people remain, mainly the organisers of the event, who continue to shout and talk loudly and one of who blasts music from his convertible car as they load up their gear.

Yours faithfully,



c.c.

- 1 Underdog Art Company Limited
- 2 Southwark Safeguarding Children Board
- 3 Southwark Police Licensing Office
- 4 Fire Safety Regulation: South East Area 3 London Fire Brigade
- 5 Planning Development Control Strategic Services
- 6 Environmental Protection Team
- 7 Trading Standards Team
- 8 Health & Safety Team
- 9 Dr. Richard Pinder Lambeth and Southwark Public Health
- 10 Home Office Alcohol Licensing Team



Amala Desai

30 July 2018

Winston Brown (LLB Hons) – Principal Solicitor

Please reply by email to [REDACTED]

Our Ref: SF/2460/WB

Your Ref:

Dear [REDACTED]

Re: Application for review of premises license of The Underdog, Railway Arch, 6 Crucifix Lane, London, SE1 3JW

I represent Mr Sammy Forway who is the proprietor of the above named premises. Further to your application for a review of the premises license dated 15th June 2018. I have read your grounds for the application for a review and taken full instructions from Mr Forway and wish to write to you to address your concerns and if possible avoid the need for the matter to proceed to the hearing which I understand is listed for 1st August 2018.

In reading your representations, I wish to make clear that Mr Forway and his staff take very seriously your concerns and do not wish to antagonise their neighbours or make your lives uncomfortable as appears to be the case. I wish to respond to the main points set out in your representation and confirm the steps which Mr Forway has indicated he has already taken or is in the process of taking to address your concerns.

Trading Outside of Licensable Hours

I can confirm that Mr Forway has already attended an interview under caution with the Council along with legal representation. Mr Forway has at no time sanctioned the premises trading outside of its license hours and certainly deplores any such occurrence. I can confirm that Mr Forway has taken action to summarily dismiss a previous Designated Premises Supervisor (DPS) who was responsible for previous occasions where the premises traded outside of its licensed hours.

Noisy Bands

In your representation, you indicate that the venue is favoured by 'heavy metal, psychedelic and stoner rock bands that rely heavily on loud percussion'. I am instructed that The Underdog attracts a broad cross section of artists and indeed, this is part of its ethos in the community.

Winston Brown LLB (Hons) - Principal
Joseph Golstein (LLB Hons) Consultant Clerk/Retired Solicitor
Ian Sandy LLB (Hons)- Consultant Solicitor

Nevertheless, Mr Forway is conscious that certain types of bands produce music which may be particularly loud. To this end, Mr Forway has implemented the following measures.

- i. Mr Forway has advised all their promoters of the times of opening of the premises and that noise levels must be kept to an acceptable level.
- ii. Mr Forway notes the reference to a flyer entitled 'Retribution Alive' held at the premises on 19th May 2018 and that it boasted that 'The Retribution Club keeps the neighbours awake until 1am'. Mr Forway has no control over the literature which promoters use to promote the events which they are involved in. However, Mr Forway will now be writing to all promoters to confirm the issues which the premises have had with noise nuisance and to ensure that the bands keep the noise levels to an acceptable level. I attach with this letter a copy of the communication now sent out as a matter of course to all promoters of events at the venue.

Noise from Patrons Standing Outside

Mr Forway takes issue with the suggestion that up to fifteen or more people loiter outside of his premises making a loud noise. The Underdog is one of a number of licensed premises on Crucifix Lane and there is, as you know, a pub directly opposite the premises called the Suchard and it is quite reasonable to suppose that a number of the persons seen congregating on Crucifix Lane (which as you say, is a narrow road) could actually be patrons of the pub as opposed to The Underdog. In addition there are several public houses and bars in close proximity to neighbouring buildings who emit as much noise and have a large number of people drinking and smoking outside their venues. In order to further address this matter however, Mr Forway proposes to cordon off an area just outside of his premises where up to five persons as a maximum will be allowed to stand and smoke as permitted under his premises license. As such, Mr Forway is taking active measures to reduce persons standing outside of the premises, so this should not be a problem going forward. My client will also introduce a more strict dispersal procedure and will remind patrons to leave the venue quietly.

Aggressive Attitude Towards Residents

Mr Forway does not accept that The Underdog is seeking a 'distinctively aggressive attitude' towards residents. Mr Forway realises that the only way that his business can survive is if he has a healthy relationship with residents such as yourselves and is concerned that this is the impression that appears to be had of him.

Mr Forway cannot comment on the assertion in your representation that a bouncer chased Mr [REDACTED] who was attempting to take a photograph of the premises. My client instructs me that Mr. [REDACTED] approached his door staff shouting and swearing and being extremely rude towards them. Mr. Forway confirms that he has witnessed Mr. [REDACTED] being aggressive towards his own staff in the past and also attempted to speak to Mr. Forway in a similar manner. Mr. Forway told Mr. [REDACTED] in no uncertain terms that he would not be spoken to in such an unacceptable manner and believes that Mr. [REDACTED] has been resentful of him ever since. While I do not expect you to 'take sides' or to know the truth of the specific allegations or counter allegations it is worth noting that there are two sides to every story and in this instance an entirely different interpretation of Mr. [REDACTED] involvement.

The Underdog Operating as a Nightclub

Mr Forway does not accept that the premises are operating as a nightclub. Mr Forway readily accepts that he runs a 'lively' venue and some of the bands will be louder than others. This, however, does not confirm that his premises are operating as a nightclub. I am further instructed to confirm that while there is security in place in accordance with the premises license. Mr Forway does not have the decision on whether there will be a charge made at the door. This will come down to the promoter of the event.

In relation to the points you make about how the Underdog is operating please note the following:

- My client is required to have security as a condition of their premises license
- My client holds a lot of their own art driven events. They also hold music cabaret and live entertainment events. Most of these events are free. On occasion they also hold private hire corporate, birthday and wedding parties and events run by external promoters. These private events are sometimes charged for entry on the door but the money goes to the promoter to help them recoup their costs.
- My client is required to have an age limit in accordance with their premises license

Specific Events

I note the specific events referred to in your representations, namely the events occurring on 27th January 2018, 11th to 12th May 2018, 19th May 2018 and 26th May 2018.

As said already, Mr Forway has taken decisive action to prevent any recurrence of the premises trading outside of the hours on its license. In relation to the levels of noise nuisance which I regard as your main concern, Mr Forway has taken the following measure to address the noise issue:

1. Mr Forway has installed a porch between the main door and the auditorium which will provide a buffer for noise.
2. New sound limiters namely Formula Sound AVC 2 has been installed on the equipment. The music will cut out when the noise reaches a certain level.
3. All sound technical staff are aware of the acceptable levels and bands and promoters are now aware of Underdog's strict noise restrictions and house rules. My client is also installing a second sound limiter (Formula Sound 073 Sentry System) which automatically cuts all power to the stage over a certain noise level.

Mr. Forway also invites you and any other resident with concerns about noise levels at the Underdog to participate with Mr. Forway to set the level of the noise limiter to a level which you would find acceptable.

Noise Complaints

Mr. Forway denies ignoring complaints about noise nuisance. He instructs me that has not received any formal noise complaints and that he has always welcomed local residents into the gallery and maintains that he values their feedback. Mr. Forway I surprised that he has not had the opportunity to address the issues together with yourself and he is concerned that this may be a vexatious application for a review of his premises license and he was only aware of these complaints when he had a conversation with Andrew Heron of the council's licensing department.

Proposed Exclusion of Live and Recorded Music

Mr Forway does not agree to the exclusion of live and recorded music from the premises license as he is confident that the rigorous measures already in place will be sufficient to curtail any noise disturbance.

I understand that Mr Forway has already invited you and other residents to attend a meeting to discuss your concerns, but this has been declined. I would again reiterate this invitation. I would also confirm that you are invited to attend the premises at any time to inspect for yourself the measures which have been put in place to combat noise escaping from the premises. I would be grateful if you could carefully consider my comments in this letter and indicate to the Council within seven days from the date of this letter if you will be prepared to withdraw your application for a review.

To reiterate Mr. Forway hereby extends the following invitations to you and any other objectors:

1. Attend his premises to participate in setting the level of permitted noise for the new noise limiter
2. Attend a meeting with him and/or his manager to discuss your concerns and a way forward

If (as is your right) you prefer to carry on with your review application, then of course, this letter would be tabled before the members of the Licensing Committee. The council has set a review hearing for 24 August 2018 at 10am. **If you are satisfied by the responses and undertakings made in this letter on behalf of my client I would invite you to withdraw your application by close of business on 6 August 2018.** If you have any queries in response to this letter please do not hesitate to email me your queries. I will be on leave from 1 August 2018 – 17 August 2018 but will access emails intermittently thanks. I have also sent a copy of this letter to the council's licensing team.

Yours faithfully



Brown and Co. Solicitors



UNDERDOGGALLERY LONDON
 Arch 6
 Crucifix lane
 London
 SE1 3JW

LIVE MUSIC SOUND SPECIFICATION AND NOISE LIMITING RULES FOR EXTERNAL PROMOTERS AND VENUE HIRERS

1. ALL PROMOTERS MUST ADHERE TO THE UNDERDOG RULES OF HOUSE AT ALL TIMES.
2. ALL MUSIC EQUIPMENT MUST BE USED IN ACCORDENCE AND WIRED THROUGH OUR HOUSE SOUND LIMITERS AND CUT OUT LIMITER.
3. ANY EQUIPMENT LOAD IN AND OUT MUST BE DONE QUICKLY AND QUIETLY, NO FULL LOAD OUT AFTER 10PM. IF A LATE GIG/EVENT THEN FULL LOAD OUT MUST TAKE PLACE THE NEXT DAY AFTER 9AM.
4. NO CONGREGATING OUTSIDE AND OF VEHICLES AFTER 10PM, ALL PEOPLE CREW BAND MEMBERS AND PROMOTERS MUST BE INSIDE UNLESS SMOKING IN OUR DESIGNATED AREA, OR LEAVING.
5. LEAVING THE VENUE MUST BE DONE SWIFTLY AND QUIETLY FOR MINIMAL DISTURBANCE.
6. IF AT ANY TIME PROMOTERS BAND MEMBERS OR DJ'S DO NOT ADHERE TO OUR HOUSE RULES WE HAVE THE RIGHT TO IMMEDIATELY STOP AND CLOSE THE EVENT DOWN WITH NO REFUND GIVEN IF PAYMENT HAS BEEN MADE.
7. PLEASE RESPECT OUR MANAGEMENT STAFF AND SECURITY AT ALL TIMES. WE ARE HERE TO HELP AND TO KEEP OUR GUESTS AND COLLEAGES SAFE AND HAPPY. WE ARE HERE TO MAKE SURE EVERYONE HAS A GOOD EVENT AND THAT INCLUDES OUR NEIGHBOURS SO PLEASE BE MINDFULL THAT THIS IS A RESIDENTIAL AREA.
8. WE HAVE THE RIGHT TO REFUSE ENTRY OR RE-ENTRY TO ANYONE WHO IS DISRECTFUL TO OUR HOUSE RULES AND STAFF, THIS INCLUDES PROMOTERS, ARTISTS, PERFORMERS, MUSICIANS AND DJ'S.

I AGREE TO ALL THE POINTS RAISED ABOVE.

JOB TITLE

EVENT NAME AND DATE

PRINT NAME

SIGN

Licensing Act 2003 Premises Licence



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

Premises licence number

845813

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Underdog Gallery Railway Arch 6 Crucifix Lane	
Ordnance survey map reference (if applicable), 179914533216	
Post town London	Post code SE1 3JW
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Plays - Indoors Films - Indoors Live Music - Indoors Recorded Music - Indoors Late Night Refreshment - Indoors and outdoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 09:00 - 23:30
Tuesday 09:00 - 23:30
Wednesday 09:00 - 23:30
Thursday 09:00 - 23:30
Friday 09:00 - 01:00
Saturday 09:00 - 01:00
Sunday 09:00 - 23:00

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Plays - Indoors

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

Films - Indoors

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

Live Music - Indoors

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

Recorded Music - Indoors

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

Late Night Refreshment - Indoors and outdoors

Friday	23:00 - 00:30
Saturday	23:00 - 00:30

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	11:00 - 22:30

Part 2

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

Underdog Art Company Ltd
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

[REDACTED]

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

Sammy James Forway
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No. [REDACTED]

Authority [REDACTED]

Licence Issue date 02/10/2014

[REDACTED]
Anti-Social Behaviour, Noise Nuisance &
Licensing Manager
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.

102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

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

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

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

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

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

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of

alcohol at the premises is carried on in accordance with the age verification policy.

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

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

489 The responsible person shall ensure that -

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

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

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

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

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

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

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

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

(i) the holder of the premises licence;

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

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

- 180** That the premises will be suitably and sufficiently ventilated to allow for doors and windows to be shut during licensed entertainment.
- 288** 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 / or the council upon request.
- 289** That a CCTV system shall be installed at the premises, be maintained in good working order to the satisfaction of the Metropolitan Police and be continually recording at all times that 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.
- 293** That all staff are trained in their responsibilities under the Licensing Act 2003 and records pertaining to such training shall be kept and updated every 6 months.
- 309** That a sound limiting device (SLD) shall be installed within the arch premises.
- 340** That a clear and legible notice stating the normal hours during which licensable activities are permitted shall be displayed in such a manner so that it is easily viewable and readable from the exterior of the premises.
- 341** That an incident book shall be maintained in a non-loose format and shall be used to record details of any instances of public disorder on the premises, any refusals of sales of alcohol or other issues that might arise which could affect the licensing objectives.
- 342** That 2 SIA registered Door Supervisors shall be employed at all times after 21:00hrs until the terminal hour to monitor entry and exit to the premises.
- 344** That the SLD shall be set and maintained to ensure that the sound level permitted by the system in relation to any music, speech or song from licensed entertainment does not cause a public nuisance in the vicinity of the premises.
- 345** That all audio and musical equipment used in the premises for licensable activities shall be played through the installed SLD.
- 346** That all windows and doors allowing access and egress into the arch shall be kept shut whilst licensed entertainment is being provided, except whilst being used for access or egress.
- 347** That acoustic panels be in use on all windows when licensed entertainment is being provided.
- 348** That all speakers used for licensed entertainment within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
- 349** That customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Only 5 persons at any one time shall be permitted to leave the premises temporarily to smoke a cigarette.
- 350** That after 22:00 alcoholic drinks shall not be permitted to be taken outside of the premises.
- 351** That external waste handling, collections, deliveries shall only occur between the hours of 08.00hrs and 22.00hrs.
- 352** That there shall be no movement of musical, amplification or equipment associated with the gallery from the premises between the hours of 22.00hrs and 08.00hrs.
- 353** That announcements shall be made requesting that patrons leave in a quiet and orderly manner that is respectful to neighbours.

354 That no amplified music, song or speech be broadcast externally at any time.

355 That any doors at the premises leading directly to the outside of the premises will be fitted with door bottom and perimeter acoustic seals.

356 That a lobby entrance will be installed to minimise sound escape from the premises. The doors in the lobby entrance will be fitted with door bottom and perimeter acoustic seals.

357 That any ventilation intake and/or extract vents installed shall be fitted with sound insulation to reduce sound escape from the premises to ensure that public nuisance will not be caused.

427 That clearly legible notices shall be prominently displayed where they can easily be seen and read at all public exits requesting to the effect that patrons leave the premises in a quiet and orderly manner, respecting the needs of local residents.

4AG The premises shall operate a 'Challenge 25' policy whereby customers purchasing alcohol who appear to be under 25 years of age will be asked for an approved photographic form of proof of age to verify their age. Approved forms of proof of age shall include a driving licence, passport, UK armed services ID card or a Proof of Age Standards Scheme (PASS) approved proof of age card.

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

840 That the applicant shall provide a written dispersal policy to be available to officers on request and to be kept at the premises at all times.

842 That live music shall only take place at the rear of the premises.

843 That any litter, waste or refuse or similar arising from the operation of the premises shall be cleared away by the premises staff from the vicinity of the premises immediately after the premises closes on each day.

844 That the premises shall not operate as a nightclub.

932 That a contact telephone number will be displayed at the premises in such a manner that it can be identified as a contact number and can easily be seen and read from outside the premises to allow residents and members of the public to contact an on duty responsible member of staff in respect of any issues regarding the premises

Annex 4 - Plans - Attached

Licence No. 845813

Plan No. U.dog - EGFP - 1

Plan Date 23.05.2014

MEMO: Licensing Unit

To	Licensing Unit	Date	13 July 2018
Copies			
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

Subject Re: Underdog Gallery, Railway Arch 6, Crucifix Lane, London, SE1 3JW
- Application to review the premises licence.

I write with regards to the above application to review the premises licence submitted by Amala Desai under the Licensing Act 2003.

The application is submitted under the prevention of public nuisance licensing objective and the grounds for the review are:

'The applicant has been experiencing persistent noise nuisance caused by the operation of the premises. The noise nuisance caused by live music; recorded music and by noisy patrons attending the premises and congregating in the locale. It is alleged that staff at the premises react aggressively towards local residents who approach the premises to raise residents concerns. It is further alleged that the premises operate as a nightclub in breach of condition 844 of the premises licence issued in respect of the premises. Condition 844 of the licence prohibits the premises from operating as a nightclub'

My representation is concerned with the prevention of public nuisance and the prevention of crime and disorder.

This premise is situated within the Bankside, Borough, London Bridge Strategic Cultural & London Bridge District Town Centre Area and also falls within the Borough and Bankside CIP Area.

When the premises licence was originally applied for it was described within the application as an 'Art Gallery'. There were several representations from other persons and responsible authorities. The licence was granted with conditions by the licensing sub committee on 17 October 2014. I attach the notice of decision of the licensing sub committee to this representation.

It would seem that the nature of the operation of the premises has changed and the premises is now operating as a night club / music venue.

There have been several complaints to the licensing unit regarding noise and licensing officers have witnessed breaches of the premises licence conditions. Several warnings have been issued regarding the offences which I attach as supporting information to this representation.

I may provide further supporting information to this representation at a later stage.

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



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 17 OCTOBER 2014

LICENSING ACT 2003: ARCH 6, CRUCIFIX LANE, LONDON, SE1 3JW

1. Decision

That the application submitted by Underdog Art Company Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Arch 6, Crucifix Lane, London SE1 3JW be granted as follows:

Licensable Activity	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Sale and supply of alcohol (on the premises)	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 23.00	11.00 to 00.30	11.00 to 00.30	11.00 to 22.30
Films, live music and recorded music	09.00 to 23.00	09.00 to 23.00	09.00 to 23.00	09.00 to 23.00	09.00 to 00.30	09.00 to 00.30	09.00 to 22.30
Late night refreshment					23.00 to 00.30	23.00 to 00.30	
Hours premises are open to the public	09.00 to 23.30	09.00 to 23.30	09.00 to 23.30	09.00 to 23.30	09.00 to 01.00	09.00 to 01.00	09.00 to 23.00

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and conditions agreed to between the applicant and the responsible authorities:

Subject to the following additional condition agreed by the sub-committee:

1. That the applicant shall provide a written dispersal policy to be available to officers on request and to be kept at the premises at all times.
2. That all staff shall be trained in accordance with the dispersal policy.
3. That a contact telephone number will be displayed at the premises in such a manner that it can be identified as a contact number and can easily be seen and read from outside the premises to allow residents and members of the public to contact an on duty responsible member of staff in respect of any issues regarding the premises.
4. That live music shall only take place at the rear of the premises.

5. That any litter, waste or refuse or similar arising from the operation of the premises shall be cleared away by the premises staff; from the vicinity of the premises immediately after the premises closes on each day.
6. That the premises shall not operate as a nightclub.

3. **Reasons**

This was an application submitted by Underdog Art Company Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Arch 6, Crucifix Lane, London SE1 3JW

The licensing sub-committee heard evidence from the applicant and their representative who informed the sub-committee that they had sought to reduce the operation hours in respect of the original application and considered the new proposed hours to be reasonable. They advised that the premises operated as an art gallery and the licensable activities are required to compliment the current operation.

The applicant stated that he had been trading as an art gallery since 2006 and had been in operation at the premises since 2011.

The applicant sought to reassure the sub-committee that the premises would not operate as a nightclub and highlighted that they had conciliated and accepted all of the conditions proposed by the environmental protection team and the police. As further reassurance, the applicant stated that they would be happy for a condition stating that the premises would not operate as a nightclub to be imposed on the licence.

The applicant also highlighted that the conditions proposed and accepted would serve as further control in respect of the operation of the premises and stated their willingness to ensure that all conditions are adhered to.

The licensing sub-committee heard from two other persons, one of whom was speaking on behalf of four other residents. The residents stated that they considered the premises to operate as a nightclub and had concerns with regards to the noise nuisance emanating from the premises. They also raised issues with the proposed licensable hours. The residents referred to previous temporary event notices that had occurred at the premises and expressed their dissatisfaction with the operation of these events.

The residents also stated that they had concerns regarding patrons smoking outside the premises and questioned the need for the sale of alcohol to commence at 9.00am. The residents further stated that they would be satisfied if a condition was imposed on the licence which prohibited the use of the premises as a nightclub. The residents also stated that a reduction in hours would assist in alleviating their concerns.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

4. **Appeal rights**

The applicant may appeal against any decision

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That the licence ought not to be granted or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrates' court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Date: 17 October 2014



Underdog Art Company Ltd
 Underdog Gallery
 Railway Arch 6
 Crucifix Lane
 London
 SE1 3JW

Licensing Unit
Direct Line: 020 7525 5767
Direct Fax: 020 7525 5705
Our Ref: CMU: 874419

4th April 2018

Dear Sammy Forway,

Licensing Act 2003 - Underdog Gallery, Railway Arch 6, Crucifix Lane, SE1 3JW

This Authority continues to receive complaints in relation to noise from your premises. The latest complaints came from the nights over which you were granted Temporary Events Notices at the beginning of the year.

You will recall that you were visited on 16th December 2017 by Licensing Enforcement Officers. You agreed to the following

- SIA door staff ensure the front door is being kept closed as patrons are coming and going;
- DPS monitors noise levels whilst operating and uses a sound meter.

Please make sure that during any events, you monitor the area outside the premises so as to ensure that you minimise disruption to your neighbours. This includes dispersal at the end of events. Local residents are entitled to initiate a review of your licence, should they believe that you are failing to promote one or more of the four licensing objectives.

Yours sincerely

Andrew Heron
 Principal Licensing Officer
andrew.heron@southwark.gov.uk



Underdog Art Company Ltd
 Underdog Gallery
 Railway Arch 6
 Crucifix Lane
 London
 SE1 3JW

Licensing Unit
Direct Line: 020 7525 5767
Direct Fax: 020 7525 5705
Our Ref: CMU: 878162

1st June 2018

Dear Sirs,

Licensing Act 2003 – Warning Letter

Underdog Gallery – Railway Arch 6, Crucifix Lane, London, SE1 3JW

Further to correspondence sent to you on 4 April and 1 June, you were formally invited to attend an interview under caution, which took place on Monday 25 June at the Council offices.

This process followed an increasing number of complaints from local residents in relation excess music noise from the premises; from noisy patrons gathering to smoke outside and upon egress; and also that the premises has been operating beyond its hours without a suitable premises licence or a Temporary Events Notice in place - in particular, it was reported that an event took place from 21:00hrs on Friday 11th May 2018 until 05:00hrs on Saturday 12th May 2018.

During the interview under caution, you conceded that the event had indeed taken place, but that the gentleman that had arranged the night, Mr Nadeem Salem, has since been dismissed from your employment as a result of this unlicensed event. You stated that you did not know that the event was going to take place. You claim not to have arranged the advertising found on the Resident Advisor website.

You further admitted to two additional offences; that the CCTV had indeed not been recording and that you had been unable to provide it to the local authority, as required under the terms of the licence. You state that this had taken place unknowingly and that you have now resolved all issues with the CCTV, so that it is now operational.

You stated in the interview that you did have a sound limiter installed, but that bands had found a way to bypass the 'shut-off' feature, by simply increasing the volumes on their individual amplifiers, therefore circumventing the requirement in the licence that all audio and musical equipment be played through a sound

limiting device. I struggle to accept your explanation that all music was going through the mixer, if it is so easy to override the system specifically set up to control noise levels. Having experienced the noise levels myself, I remain concerned that you indeed did knowingly permit music to be played without the full use of a sound limiting device.

You state that you have since had a new sound limiting device installed. I am still awaiting the photographs of the devices and their serial plates from both the old and new systems – please provide these at your earliest opportunity. You also state that you have since employed an acoustician and invested in additional dampening equipment for any drum kits.

You advised in the interview that you no longer intend to have double doors into the premises, but that a sound curtain is now in place. You have made promises to ensure that no further licensable activities take place and that you intend to be a responsible manager of the premises and wish to have a better working relationship with your neighbours. You stated that you also intend to feature different live music which should, in your opinion, have a reduced impact on surrounding residential properties.

In light of the assurances given by you moving forward and that you have rectified each breach; whilst offences have been admitted, this Authority is minded to issue you with a formal warning, as this is your first offence. However, I remind you that the above are prosecutable offences that you have admitted to; please note that should any further breaches take place, we will have no other option other than to take enforcement action, which could include a prosecution and/or a review. Any evidence from this investigation will be used in any future prosecution.

As you are aware, local residents have already initiated a review of the premises licence. The hearing will take place 13 August at the Council offices. Copies of all correspondence leading to this warning will be provided to all parties involved in the Hearing, so that Members of the Sub Committee can make a fully informed decision.

Yours sincerely,

Andrew Heron
Principal Licensing Enforcement
andrew.heron@southwark.gov.uk

From: Tear, Jayne
Sent: Thursday, August 09, 2018 1:21 PM
To: McArthur, Wesley
Subject: SUPPORTING EVIDENCE TO LICENSING REPRESENTATION
Importance: High

Dear Wesley,

Please find attached some supporting evidence to the representation that I submitted on 13/7/2018 regarding the Underdog Gallery premises licence review,

With kind regards

Jayne

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

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

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



Womens Safety Charter

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

NTET VISITS - UNDERDOG

adate	desc	aofficer	name	address	adtext
23/08/2014	23:12 NTE Visit	Farhad Chowdhury	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	23/ 8/2014 23:12 FRC Music was loud we observed from across the road, windows were open and doors were opening and closing and letting music escape. Justin spoke to the manager Sammy Forway advised to close windows and keep noise down. The manager said they nearly finished winding down now, they will not be open till 2am as requested on the TENS.
24/08/2014	02:32 NTE Visit	Farhad Chowdhury	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	24/ 8/2014 2:32 FRC premises is closed, many places are closed due to the Notting hill carnival.
03/11/2017	18:30 NTE Visit	Andrew Heron	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	Premises Closed at 18:30
16/12/2017	20:30 NTE Visit MAD & KMA	Mark Orton	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	Visited premises following complaint. LAM being played, audible from o/s premises. Asked SIA to contact manager to discuss issue. Sammy Forways DPS came out to speak with us. SF was not happy with our presence at first as he suggested our visit was in response to the Southwark council staff party being cancelled. I had to repeat myself several times to reassure him that it was to do with a complaint from a local resident. Whilst we were there the SIA ensured the front door was being kept closed as patrons were coming and going. Ken Andrews advised SF that more could be done to reduce the noise escape from the premises as it was excessive whilst the door was open. SF stated he monitors noise levels whilst operating and uses a sound meter. SF indicated he may install a set of double glazed doors inside the foyer to help reduce noise breakout. We gave advice to turn the volume down and reduce the bass levels and left.
29/03/2018	23:30 NTE Visit	Andrew Heron	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	Premises closed.

26/05/2018	22:10 NTE Visit	Andrew Heron	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	Very loud music driving past, parked in Snowsfields some 100m away, could still hear live music clearly. Sammy Formay was standing outside. I advised that the music was too loud. He hadn't got his sound curtain as promised. He says that he will turn the music down.x10 smokers outside - I advised that he can have only 5 - says not all of them are his customers. I said that I wanted to come in and check his CCTV - says not possible because of the gig - can't get to the CCTV.I advised that I had now seen a video of events from 12/05 at 05:00when the premises was clearly open. He had originally said that hews there and the event cannot have taken place. Now changes story, says had left the premises, and left others in charge. Asked him to retain that CCTV for that date. Warning letter.
08/06/2018	19:23 NTE Visit	Farhad Chowdhury	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	8/ 6/2018 19:23 FRC one person smoking outside, all in order no noise nuisance very quiet outside.
09/06/2018	18:12 NTE Visit	Farhad Chowdhury	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	9/ 6/2018 18:12 FRC closed nobody outside.
15/06/2018	23:20 NTE Visit	Andrew Heron	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	Premises closed - shutters down. No noise.
16/06/2018	21:50 NTE Visit	Andrew Heron	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW	Premises closed - shutters down. No noise.

COMPLAINTS - UNDERDOG

refno	rdate	rtime	catg	unit	pname	paddress
865631	29/10/2017	3.21	NR1 Loud Music - RR	NRR Noise Rapid Response	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW
865664	29/10/2017	3.21	L72 Public nuisance	LIC Southwark Licensing	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW
872601	24/02/2018	2.41	NR1 Loud Music - RR	NRR Noise Rapid Response	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW
872678	26/02/2018	9.42	L72 Public nuisance	LIC Southwark Licensing	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW
874419	28/03/2018	9.16	L72 Public nuisance	LIC Southwark Licensing	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW
875429	11/04/2018	11.4	N01 Loud Music	EPT Environmental Protection Team	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW
877663	12/05/2018	6.13	E01 Fly Tipping Incident	EEF Environmental Enforcement	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW
879546	05/06/2018	16.03	L72 Public nuisance	LIC Southwark Licensing	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW
879859	09/06/2018	6.13	E01 Fly Tipping Incident	EEF Environmental Enforcement	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW
883398	24/07/2018	9.08	L72 Public nuisance	LIC Southwark Licensing	The Underdog	Railway Arch 6, Crucifix Lane, London, SE1 3JW

Underdog TENS

received date	refno	name	uwstr1	start_date	end_date	times	max no people	sale of alcohol	club supply alcohol	for consumption	reg. ent	lnr	late ten	police obj	ept obj	desc1
13/02/2017	857800	The Underdog	Whole of Premises	25/02/2017	26/02/2017	20:00 - 04:00	200	Yes	No	On Premises	Yes	Yes	Yes	No	No	
11/04/2017	858412	The Underdog	Whole of Premises	22/04/2017	23/04/2017	20:00 - 05:00	200	Yes	No	On Premises	Yes	Yes	Yes	No	No	
15/05/2017	858779	The Underdog	Whole of premises	20/05/2017	21/05/2017	10:00 pm-05:00 am	200	Yes	No	On Premises	Yes	Yes	Yes	No	No	Rejected Less than 5 days.
21/06/2017	859277	The Underdog	Whole Premises	30/06/2017	02/07/2017	20:00 - 03:00 30/6/2017- 1/7/2017 19:00 - 03:00 1- 2/7/2017	200	Yes	No	On Premises	Yes	Yes	Yes	No	No	
21/08/2017	860131	The Underdog	Whole of Premises	01/09/2017	02/09/2017	21:00 - 04:00	200	Yes	No	On Premises	Yes	Yes	Yes	No	No	
18/10/2017	860724	The Underdog	Whole of Premises	27/10/2017	29/10/2017	18:00 - 03:00 27th 21:00 - 05:00 28th/29th	200	Yes	No	On Premises	Yes	Yes	Yes	No	No	
20/11/2017	861100	The Underdog	Whole of Premises	25/11/2017	25/11/2017	20:00 - 03:00	200	Yes	No	On Premises	Yes	Yes	Yes	No	No	REJECT LATE TEN
12/01/2018	861949	The Underdog	Whole of Premises	20/01/2018	21/01/2018	8pm-4am	200	Yes	No	On Premises	Yes	Yes	Yes	No	No	
15/02/2018	862321	The Underdog	Art Gallery and event space	23/02/2018	25/02/2018	23rd 21:00 - 05:00 24th 20:00 - 04:00	200	Yes	No	On Premises	Yes	Yes	Yes	No	No	

Party 1**From:****Sent:** Friday, June 29, 2018 11:57 AM**To:** Regen, Licensing**Subject:** Fw: Underdog review grounds.

LICENCE HOLDER: UNDERDOG ART COMPANY LIMITED Railway Arch 6 Crucifix Lane SE1 3JW

DESIGNATED PREMISES SUPERVISOR NAME: Sammy James Forway

GROUNDS FOR REVIEW OF LICENCE -

As a resident of Crucifix Lane I hereby support the application for the review of the Premises Licence granted to Underdog Art Company Limited trading as The Underdog ('Underdog') situated at Arch 6 Crucifix Lane, SE1 3JW.

The section of Crucifix Lane in front of the underdog is a narrow road. I live the Underdog entrance with my 2 young children. Two of our bedrooms and the living room to the Underdog's entrance.

Late club nights are routinely held at Underdog mainly but not only at the weekends. The Underdog also hosts club nights till 04:00 or 05:00 in the morning, outside its permissible licensed hours, sometimes on consecutive nights.

We as a family have long been experiencing persistent nuisance as a result of the noise from both live and recorded music played at the Underdog. Crowds of revellers shouting and jeering inside and outside the venue compound this disturbance. I also experience groups of people standing and smoking in front of my house and playing games such as pulling up the potted plant leaves and jumping to swing my hanging basket, there are hand prints all over the wall where this game is regularly played by revellers.

This collecting of people from the venue is not limited to the frontage of my house. There is often loud talking, laughing and shouting from large groups of people loitering, smoking and urinating outside the premises and in the tunnel. Closing time is often the peak time for these issues and it lingers on for some time after the event has finished - unchallenged by staff.

Underdog bouncers are very unresponsive and rude when I have tried to talk to them in the past. On one occasion insisting there was no one for me to talk to about the noise, no management on site and refused to let me inside. I felt very intimidated by them. On another occasion they were derisive, inviting me in for a drink! When I have had the noise police attend my property in the past I feel intimidated as it is very public for me to complain due my proximity to Underdog. The bouncers always take an interest and as they have been difficult and uncooperative in the past i feel uncomfortable. In fact I feel uncomfortable/vulnerable writing this letter. I live alone with my 2 children since losing my husband to cancer 2 years ago. I have not complained either in person or to the noise police about issues at Underdog since.

I am also disappointing that there is no soundproofing at the venue despite this being discussed at the last meeting that residence were invited to.

Finally I would like to confirm that on 11th/12th May 2018 until very late there was loud music and shouting.

I am in agreement with the local community in feeling that Underdog present an unacceptable noise nuisance. They negatively impact our ability to sleep and to enjoy our daily life in our homes. In granting the licence to Underdog to play live and recorded music the Council fails to protect its residents and fulfil its 'prevention of public nuisance objective'. I call for the exclusion of live and recorded music, by way of an additional condition to the licence if necessary, as an activity that the Underdog is authorised to undertake. Further, the licensed opening hours should be restricted to 09:00 to 23:00 on all days of the week.

Yours faithfully,

On Fri, 29 Jun 2018 at 12:17, Regen, Licensing
<Licensing.Regen@southwark.gov.uk> wrote:

Dear ,

In order for us to accept your representation we will need you to provide us with your full postal address.

Kind Regards,
Sarah

From:
Sent: 30 June 2018 07:20
To: Regen, Licensing
Subject: RE: Underdog review grounds.

Hi sorry about that it's:

Many thanks,

[Sent from Yahoo Mail on Android](#)

Party 2**From:****Sent:** Monday, June 25, 2018 4:15 PM**To:** Regen, Licensing**Subject:** Application for licence review - Underdog Gallery

Dear Sir

I am fully supportive of the application for licence review of Underdog Gallery as submitted by my neighbour and endorse all the points raised in the application. Please keep me informed of your considerations and intended actions.

Many thanks.

Yours sincerely

From: Jerrom, Charlie <Charlie.Jerrom@southwark.gov.uk> on behalf of Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Sent:** 25 June 2018 15:22**To:****Subject:** RE: Application for licence review - Underdog Gallery

Hi

For us to accept you email as a support for review you will need to provide more detail in relation to the four licensing objectives below.

- prevention of crime and disorder
- prevention of public nuisance
- public safety
- protection of children from harm

Regards

Charlie Jerrom**Service Support Officer**

Licensing Team

Tel: 020 7525 5718

Postal address: Southwark Council, Licensing Team, Regulatory Services, 3rd Floor Hub 1
PO Box 64529, London, SE1P 5LX

Office address: Southwark Council, 160 Tooley Street, London, SE1 2QH

From:**Sent:** Wednesday, July 04, 2018 12:03 PM**To:** Regen, Licensing**Subject:** Re: Application for licence review - Underdog Gallery

Hi Charlie

Further to your email as below I re-submit my support for licence review of Underdog Gallery.

Events held at this venue are notably disturbing due to the loudness of the music. Specifically I have already complained about a particular event on 11/12 May as an example. Even though I live down the street about 60m away, the music can still be heard and be disruptive for sleep especially late into the night. The event of 11/12 May went on till about 4 or 5 in the morning. I would cite this as a public nuisance. Underdog seems to be operating as a nightclub rather than an art space contrary to expectation and reassurance received at public meeting in 2014 regarding their licencing.

I am also concerned about the number of people outside the venue, smoking or just hanging around. The pavement is often blocked sometimes spilling into the street and affecting traffic. Again objectionable because of public safety, disorder and nuisance.

I hope you will accept my support for application to review Underdog's licence.

Best wishes

Party 3

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

From:

Sent: Monday, July 16, 2018 2:33 PM

To: Regen, Licensing

Subject: Underdog gallery, Arch 6 Crucifix

Dear Sir/Madam

I would like to make a representation in support of review application number 863705 in regards to Underdog Gallery, Arch 6, Crucifix Lane, SE1 3JW.

As a resident of Crucifix Lane I submit this representation in relation to the prevention of a public nuisance.

My understanding of the Underdog is that it is ostensibly a gallery, which planned to host occasional events and performances to coincide with its exhibition program. When the application for its licence was motioned to residents this was the premise. Most galleries host opening events for new shows and some occasionally involve music, either live or recorded, and some form of party atmosphere.

My actual experience of living near the gallery is that it is primarily used as an event space and bar in and out of the specified hours of operation

Before the Underdog opened Arch 6 had long been home to the Pierre Garoudi gallery, which hosted art and fashion exhibitions and the occasional live catwalk event. I attended these events on several occasions and Pierre was a welcome and active part of the local community.

As far as I understand, the Underdog gallery has been granted a licence to remain open from 09:00 till 23:30 from Monday to Thursday, till 01:00 on Friday and Saturday and till 23:00 on Sunday. Hardly gallery hours!

As far as I understand, the licence permits the performance of live music and the playing of recorded music indoors during these hours. This seems contrary to the concept of a gallery and to me more akin to that of a bar or club. If the Underdog operates in this way then I would expect that it follow strict guidelines and protocol as to how to do this without affecting the lives of local residents. I have friends who run music venues and appreciate the efforts and means they must go to avoid falling foul of the terms of their licence and or disturbing their immediate community.

In my mind, the Underdog operates without this due care. And when neighbors have been upset by the subsequent noise little respect has been shown to them and little action taken to avoid this disturbance.

Since opening, club nights have been routinely held at Underdog but not only at the weekends. In fact I would suggest that there have been many more music or performance related events at the gallery than exhibitions. The Underdog has also on occasion, hosted club nights till the early hours, outside its permissible licensed hours, sometimes on consecutive nights. I do not have specific evidence of this but can assure the fact. The problem is compounded by the type of music represented by the promoter which is generally guitar and drum based, heavy stoner doom rock and psych-noise. The frequencies of sound created by this kind of music are hard to contain in the type of space the underdog occupies and cannot fail but to disturb the local area.

Sound checks and audience reaction add to this.

Residents have long been experiencing persistent nuisance as a result of the noise from both live and recorded music played at the Underdog. It seems to me that the venue is not equipped for this type of event with little sound proofing or baffling and or control of its pavement side activities, with crowds on occasion blocking the entire section of Crucifix lane and Shand street tunnel.

Underdog is also often hired out to third party organisers who charge fees for entry to the event. This peaked a couple of years ago when there were club nights back to back from Friday to Sunday and a totally different clientele attending.

I must state that I am not against live music or events in London or even on my doorstep but in this case it seems to me that there is a blatant misuse of the licence and the gallery's managements behavior takes little care or interest in the well being of its neighboring community.

I have met Sammy on several occasions and found him to be fine but on many occasions he is not or has not been present or in control of the events. For several years the gallery was run day to day by another individual who seemed to me, to take great pride in presenting an aggressive and intentionally noisy and disruptive approach to running the space. This particular individual would listen to extremely loud music whenever he felt like it, even when the gallery was closed and often til 2am or on Sundays. I once asked him to close the doors to the venue during a particularly loud heavy metal sound check on a Saturday afternoon and was told to "f... off, I will do what I what..." and personally and aggressively insulted. This anti-social "punk" attitude underlies the gallery's MO and while I am not against "punk" ideals or alternative musical culture at all I think it is contrary to the premise of the Underdog being a fine art gallery.

Since that time the events have been less frequent but not less disruptive.

I would ask that the gallery decide what it wants to be, a gallery for art and occasional events or a live music venue and bar. And in that I believe the licence granted to the Underdog should be under review based on its flagrant abuse of the terms of its issuance.

In my mind you cannot be both a gallery and a live music venue on a tiny quiet mostly residential street in central London. I of course want to support the cultural diversity of the area but must point out that it is increasingly becoming an area driven by the late night economy of eating and drinking and with this comes a lot of noise and nuisance.

Yours sincerely

Parties 4, 5 & 6**From:****Date:** 16 July 2018 at 18:40:01 BST**To:** licensing@southwark.gov.uk**Cc:****Subject:** License Objection & Noise Complaint - Underdog Bar & Club

Dear Madam / Sir,

We live at _____, the Underdog bar, toward Bermondsey Street, and our room window is c.10 metres away from the bar.

The bar opens until late and plays loud electro / deep house music (with very strong bass) up to **4am** (in a similar fashion to an electro nightclub), with only a slim glass entrance door partly covering the noise. What's more this door is only intermittently closed given the number of people entering and exiting all the time.

On to of that people speak loudly on the pavements, being drunk or having consumed other substances.

Enclosed is a recent video, taken at 21.15 on a **Sunday night** this July.

From:**Sent:** Monday, July 16, 2018 6:44 PM**To:** Regen, Licensing**Subject:** Re: License Objection & Noise Complaint - Underdog Bar & Club

Please also see our details below:

Flat
London

Thanks,

Begin forwarded message:

On 27 Jul 2018, at 12:41, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Dear _____,

Please can you confirm whether you meant your initial email to be a representation in support of the application to review the premises licence issued in respect of Underdog Gallery, Railway Arch 6, Crucifix Lane, London, SE1 3JW (our ref: L1U 863705), or whether it is a separate complaint.

If the email is a representation in support of the review application please confirm that it is being submitted in regards to the prevention of public nuisance.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From:

Sent: Friday, July 27, 2018 12:48 PM

To: McArthur, Wesley

Cc:

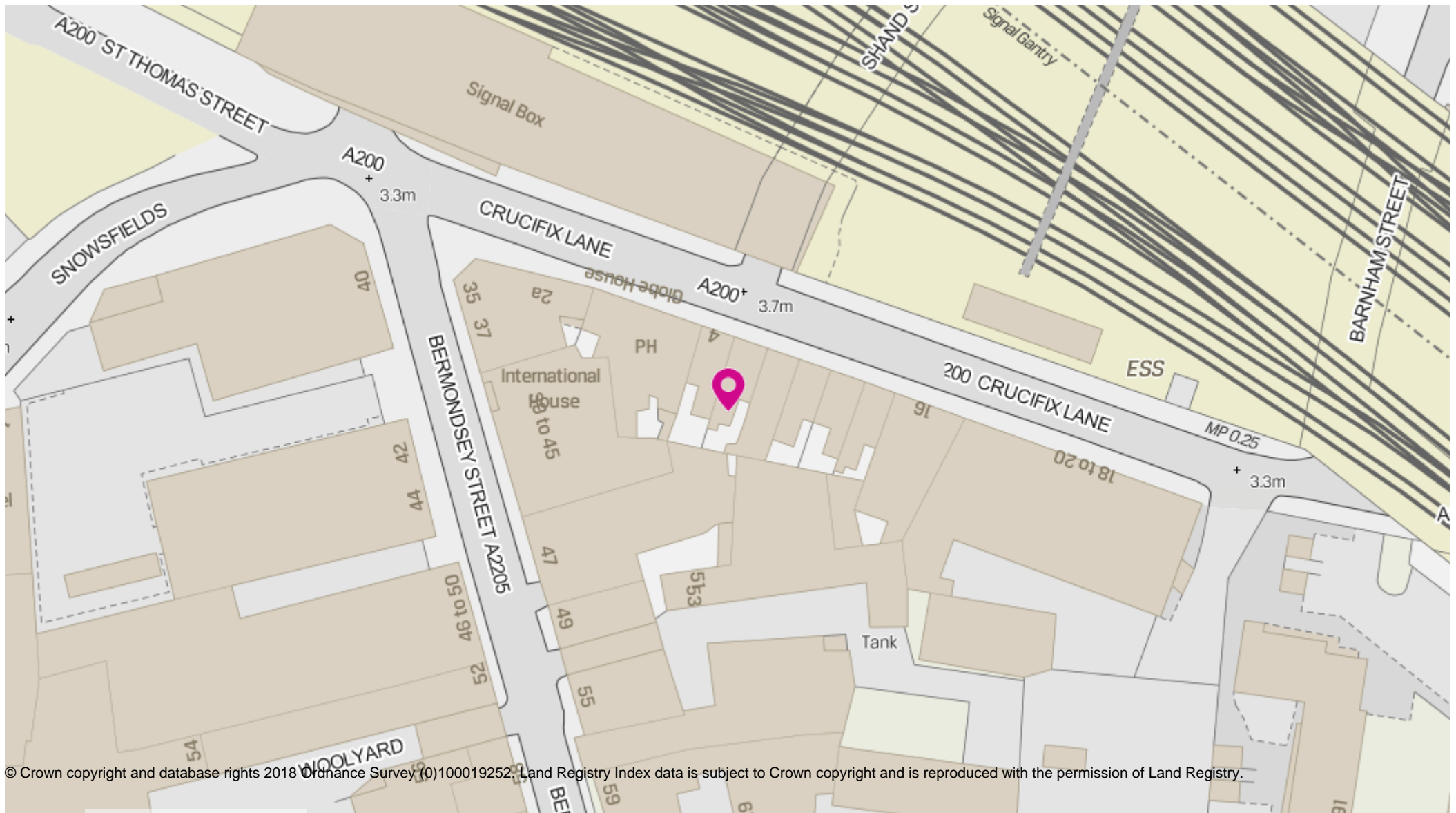
Subject: Re: License Objection & Noise Complaint - Underdog Bar & Club

Hi Wesley,

I confirm our complaint is in relation to premises licence review issued in respect of Underdog Gallery, Railway Arch 6, Crucifix Lane, London, SE1 3JW (your ref: LIU 863705).

I also confirm our email was submitted in regards to the prevention of public nuisance.

Thanks,



© Crown copyright and database rights 2018 Ordnance Survey (0100019252). Land Registry Index data is subject to Crown copyright and is reproduced with the permission of Land Registry.



20 m

9-Aug-2018

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

NOTE: Original held by Constitutional Team; all amendments/queries to
Andrew Weir - Tel: 020 7525 7222

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Renata Hamvas (Chair)	1	Debra Allday, legal team	1
Councillor Dora Dixon-Fyle MBE	1	Wesley McArthur, licensing team	1
Councillor Sandra Rhule	1	Jayne Tear, licensing team	11
Councillor Maria Linforth-Hall	By email		
		Andrew Weir (spares)	6
		Total printed copies:	12
		Dated: 14 August 2018	