

## Licensing Sub-Committee

Monday 24 September 2018

10.00 am

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

### Membership

Councillor Sunil Chopra  
Councillor Margy Newens  
Councillor Kath Whittam

### Reserves

Councillor Adele Morris

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 14 September 2018



## Licensing Sub-Committee

Monday 24 September 2018  
10.00 am

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

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>ELECTION OF CHAIR</b>	
	To elect a chair for this meeting.	
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
4.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
5.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
6.	<b>LICENSING ACT 2003: BY THE HORNS, UNIT 1, 22 ELEPHANT AND CASTLE, LONDON SE1 6SQ</b>	1 - 58
7.	<b>LICENSING ACT 2003: PRICE CUTTER, 4 CAMBERWELL CHURCH STREET, LONDON SE5 8QU</b>	59 - 122

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
8.	<b>LICENSING ACT 2003: THE ROUND, STRAKERS ROAD, LONDON SE15 3UA</b>	123 - 157

**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.”

Date: 14 September 2018

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 24 September 2018	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		By the Horns – Unit 1, 22 Elephant and Castle, London, SE1 6SQ	
<b>Ward(s) of group(s) affected</b>		St Georges Ward	
<b>From</b>		Strategic Director of Environment	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by By the Horns Brewing Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as By the Horns – Unit 1, 22 Elephant and Castle, London SE1 6SQ.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 15 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted responsible authorities are attached to this report in Appendix B. Representations from other persons are attached at Appendix C. A map showing the location of the premises is attached to this report as Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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



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

## KEY ISSUES FOR CONSIDERATION

### The premises licence application

8. On 19 July 2018 By the Horns Brewing Limited applied to this council for the grant of a premises licence in respect of By the Horns – Unit 1, 22 Elephant and Castle, London, SE1 6SQ. The premises are described in the application as being:

*“...The premises is currently an empty shell and has not been occupied since the building (One The Elephant) was built. We propose to open a Pizzeria and Tap bar, serving gas fired pizzas alongside our sister company's (By The Horns Ltd) range of craft beers. Fresh pizzas will be served 7 days a week from the pizzeria, and beer/wine/spirits will be able to be purchase from the bar too. Due to our sister company being a brewery, we propose to apply for an off and on license, so individuals can also purchase cans of our craft beers to takeaway...”*

9. The application and is summarised as follows:

The sale by retail of alcohol (both on and off sales)

- Monday to Sunday 10:00 to 23:00

The provision of regulated entertainment in the form of recorded music (indoors)

- Monday to Sunday 09:00 to 23:00

The provision of regulated entertainment in the form of live music (indoors)

- Monday to Friday 18:00 to 22:00
- Saturday and Sunday 13:00 to 22:00

Opening hours

- Monday to Sunday 08:00 to 23:30

Additional non-standard timings:

- New Years Eve we propose to have recorded music until 01:30.
10. The proposed designated premises supervisor of the premises is Alex Bull who has a personal licence by London Borough of Wandsworth.
  11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

### **Representations from responsible authorities**

12. Representations were submitted by the Metropolitan Police (Licensing Division), this council's licensing authority.
13. The Metropolitan Police Service has made a representation which simply asks for the Applicant to agree to additional conditions. The representation is available in Appendix B.
14. The representation from the council's licensing department in their role as responsible Authority raises concerns regarding the premises' external area and is also requesting additional conditions. The representation is also available in Appendix B all the representations by the responsible Authorities relate to public nuisance.

### **Representations from other persons**

15. A representation has been received from Councillor Linforth-Hall, the ward councillor for St George's Ward. Five additional representations have been received from local residents concerned with the addition of another licensed premises in the area. These representations are available in Appendix C.

### **Conciliation**

16. The applicant was sent copies of all representations on 28 August 2018. At the point that this report was composed, the author had not been made aware that any approach had been made to conciliate.

### **Premises history**

17. This is a new-build premises and there is no history connected with the venue.
18. No TEN's have been submitted in regards to the premises.

### **Map**

19. A map showing the location of the premises is attached to this report as Appendix D. Whilst there are many licensed premises in Elephant and Castle, there are no premises in the immediate vicinity, but there are the following:

**Tai Tip Mien Noodle House 15 Elephant and Castle, SE1 6TB**

The sale of alcohol to be consumed both off the premises

- Monday to Saturday 10:00 to 23:00
- Sunday 12:00 to 22:30

The provision of late night refreshment (indoors)

- Sunday to Saturday 23:00 to 23:30

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

The sale of alcohol to be consumed both off the premises

- Monday to Saturday 12:00 to 00:00
- Sunday 12:00 to 23:00

The provision of late night refreshment (indoors)

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

**After Taste Chinese – 97 Newington Butts, SE1 6SF:**

The sale of alcohol to be consumed on and off the premises

- Monday to Saturday 11:00 to 00:00
- Sunday 12:00 to 23:30

The provision of late night refreshment (indoors)

- Sunday to Saturday 23:00 to 00:30
- Sunday 23:00 to 00:00

**Southwark council statement of licensing policy**

20. 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.
21. 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.
22. Within Southwark's Statement of Licensing Policy 2016 - 2020, the premises are identified as being outside of a CIP area and within the Elephant and Castle Major Town Centre Area. Under the Southwark Statement of Licensing Policy 2016 - 2020 the Local CIP applies to night clubs, public houses and bars, off-licences, supermarkets and grocers. The closing time recommended in the Statement of Licensing Policy for the following:

Closing time for Restaurants and Cafes:

- Sunday to Thursday 00:00hrs
- Friday and Saturday 01:00hrs

Closing time for Public Houses Wine bars or other drinking establishments:

- Sunday to Thursday 23:00hrs
- Friday and Saturday 00:00hrs

### **Resource implications**

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

### **Consultations**

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

### **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

26. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.

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

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

28. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

29. Relevant representations are those which:

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

30. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:

- To grant the licence subject to:
  - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
  - Any condition which must under section 19, 20 or 21 be included in the licence.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

### **Conditions**

31. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

32. The four licensing objectives are:

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

33. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

34. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
35. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

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

### **Hearing procedures**

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

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

39. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible

respectively for environmental health, trading standards, health and safety and as the planning authority.

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

47. 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

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

### BACKGROUND DOCUMENTS

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

### APPENDICES

Name	Title
Appendix A	Application for a premises licence and DPS Consent
Appendix B	Representations submitted by responsible authorities
Appendix C	Representations submitted by other persons
Appendix D	Map of the local area

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	12 September 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		12 September 2018



**APPENDIX A**

19/07/2018

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

Ref No. 1058931

## Name of Applicant

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

	By The Horns Brewing Ltd
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## Premises Details

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

£	0
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

## Premises trading name

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

Address Line 1	UNIT 1
Address Line 2	22 ELEPHANT AND CASTLE
Town	LONDON
County	
Post code	SE1 6SQ
Ordnance survey map reference	
Description of the location	Commercial Unit
Telephone number	

## Applicant Details

Please select whether you are applying for a premises licence as

	a person other than an individual (limited company, partnership etc)
--	--

If you are applying as an individual or non-individual please select one of the following:-

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

Other Applicants

Personal Details - First Entry

Name	Alex Bull
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Address - First Entry

Street number or building name	[Redacted]
Street Description	[Redacted]
Town	[Redacted]
County	[Redacted]
Post code	[Redacted]
Registered number ( where applicable )	[Redacted]
Description of applicant ( for example, partnership, company, unincorporated association etc )	Limited Company Application. [Redacted]

Contact Details - First Entry

Telephone number	[Redacted]
Email address	[Redacted]

Operating Schedule

When do you want the premises licence to start?

	01/09/2018
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If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--

General description of premises ( see guidance note 1 )

	<p>The premises is currently an empty shell and has not been occupied since the building (One The Elephant) was built. We propose to open a Pizzeria and Tap bar, serving gas fired pizzas alongside our sister company's (By The Horns Ltd) range of craft beers. Fresh pizzas will be served 7 days a week from the pizzeria, and beer/wine/spirits will be able to be purchase from the bar too.</p> <p>Due to our sister company being a brewery, we propose to apply for an off and on license, so individuals can also purchase cans of our craft beers to takeaway.</p>
--	--

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Operating Schedule part 2

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

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

	e) live music
	f) recorded music

Provision of late night refreshment

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Supply of alcohol

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

E - Live Music

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

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

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

	Once a week we propose to offer a live music acoustic evening whereby for example a solo guitar player can accoustically play for our customers. This live music will be to accompany patrons of the restaurant and bar and therefore will not be excessively loud, however it is very likely it will be amplified.
--	---

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

Day	Start	Finish
Mon	18:00	22:00
Tues	18:00	22:00
Wed	18:00	22:00
Thur	18:00	22:00
Fri	18:00	22:00
Sat	13:00	22:00
Sun	13:00	22:00

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

	No seasonal variation.
--	------------------------

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed. ( Please read guidance note 6 )

	No, these times cover all eventualities.
--	--

F - Recorded Music

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

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

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

	We propose to play backgroud music in the restaurant and bar, this will be amplified, but of course will be background music and not loud.
--	--

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

Day	Start	Finish
Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00

Thur	09:00	23:00
Fri	09:00	23:00
Sat	09:00	23:00
Sun	09:00	23:00

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

	No variations, the requested hours covers all eventualities.
--	--

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 6 )

	New Years Eve we propose to have recorded music until 1.30am.
--	---

J - Supply of Alcohol

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

	Both
--	------

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

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

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

	No seasonal variations, the proposed hours covers all eventualities.
--	--

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

	New Years Eve we propose to serve alcohol until 1am.
--	--

Please download and then upload the consent form completed by the designated proposed premises supervisor

	Schedule-15-6-3-17-Consent-of-individual-to-being-specified-as-premise-signed2.pdf
--	--

## Premises Supervisor

Full name of proposed designated premises supervisor

First names	Alex
Surname	Bull

DOB

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

Address of proposed designated premises supervisor

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

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

Personal licence number ( if known )	██████████
Issuing authority ( if known )	Wandsworth Council

K

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

	None.
--	-------

L - Hours premises are open to public

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

Day	Start	Finish
Mon	08:00	23:30
Tues	08:00	23:30
Wed	08:00	23:30

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

State any seasonal variations ( Please read guidance note 5 )

No.
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Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, ( Please read guidance note 6 )

News Year eve we propose to open until 1.30am(01:30 on New Years day)
---

M - Steps to promote four licencing objectives

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

We propose to promote all four licensing objectives by implementing policies within the business that will manage each one of the licensing objectives. We hold the same policies in place in our sister business at By The Horns , 25 Summerstown, London, SW17 0BQ; where we have been successfully promoting these objectives for 5 years.
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b) the prevention of crime and disorder

We will instal CCTV cameras inside the buidling to deter crime, with any instances of crime and/or disorder being reported to the Police. Outside the building there is already CCTV in place which is managed by the building management company.
--

c) public safety

A full risk assessment will be carried out and a full Health & Safety policy put in place which will be revied on a monthly basis. This includes having fire exstinguishers in the building, emergnecy lighting, & fire exit signs. A full evaluation of the risk assessment will be carried out in conjunction with the building renovation plans and after the build is complete.
---

d) the prevention of public nuisance

We will have a very stict policy on public nuisance with all outside seating taken in at 9.30pm. Recorded background music will be background music and low in volume and will be tunred off by the required times submitted. All patrons will be asked to leave quietly, with signs on the wall notifying them of this. We will also prevent any smoking outside and off course inside the building. Rubbish from our business will be stored in the shared rubbish disposal with the building.
--

e) the protection of children from harm

	We will carry out a strict Challenge 21 policy to request identification for anyone who looks under 21. The venue proposes to be a family friendly environment where everyone is welcome.
--	---

Please upload a plan of the premises

	Lease-Plan-1-and-Plan-2-610682981-1-.PDF
--	--

Please upload any additional information i.e. risk assessments

	THINK-BY-THE-HORNS-low.pdf
--	----------------------------

Checklist

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

Home Office Declaration

Please tick to indicate agreement

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

Declaration

I agree to the above statement

	Yes
PaymentDescription	10091668088, ,
AuthCode	750973
LicenceReference	ks102 94212
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	Alex Bull
Date (DD/MM/YYYY)	17/01/1986
Capacity	200



Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	
Capacity	

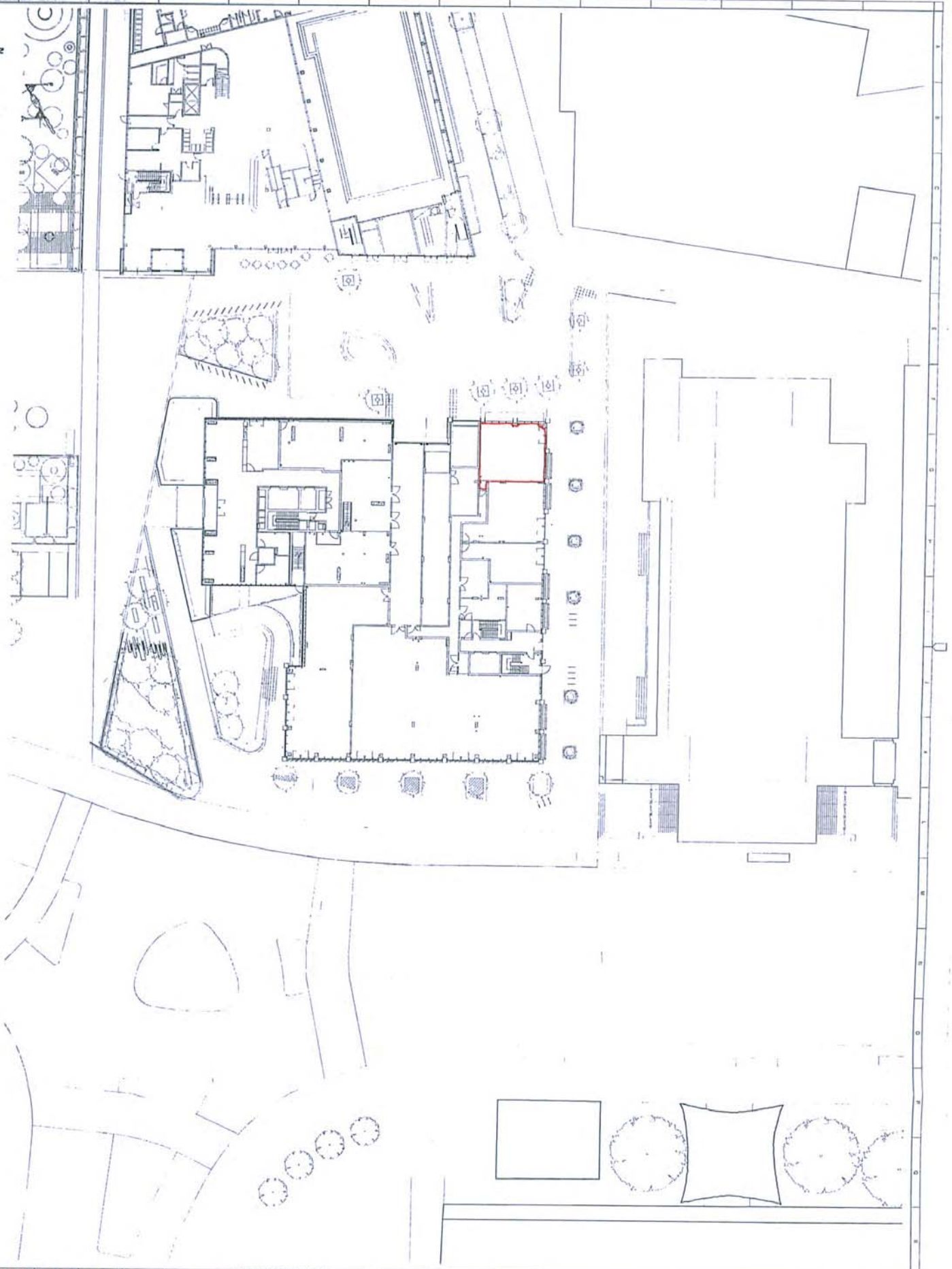
Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

Contact name and address for correspondence	Alex Bull [REDACTED] [REDACTED] [REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

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



1 Lease Plan Ground Floor Commercial Unit 1



PLAN 1

**Lend Lease**  
Squire and Partners  
7 The Quadrant  
SQUIRE & PARTNERS  
10001100  
10001100

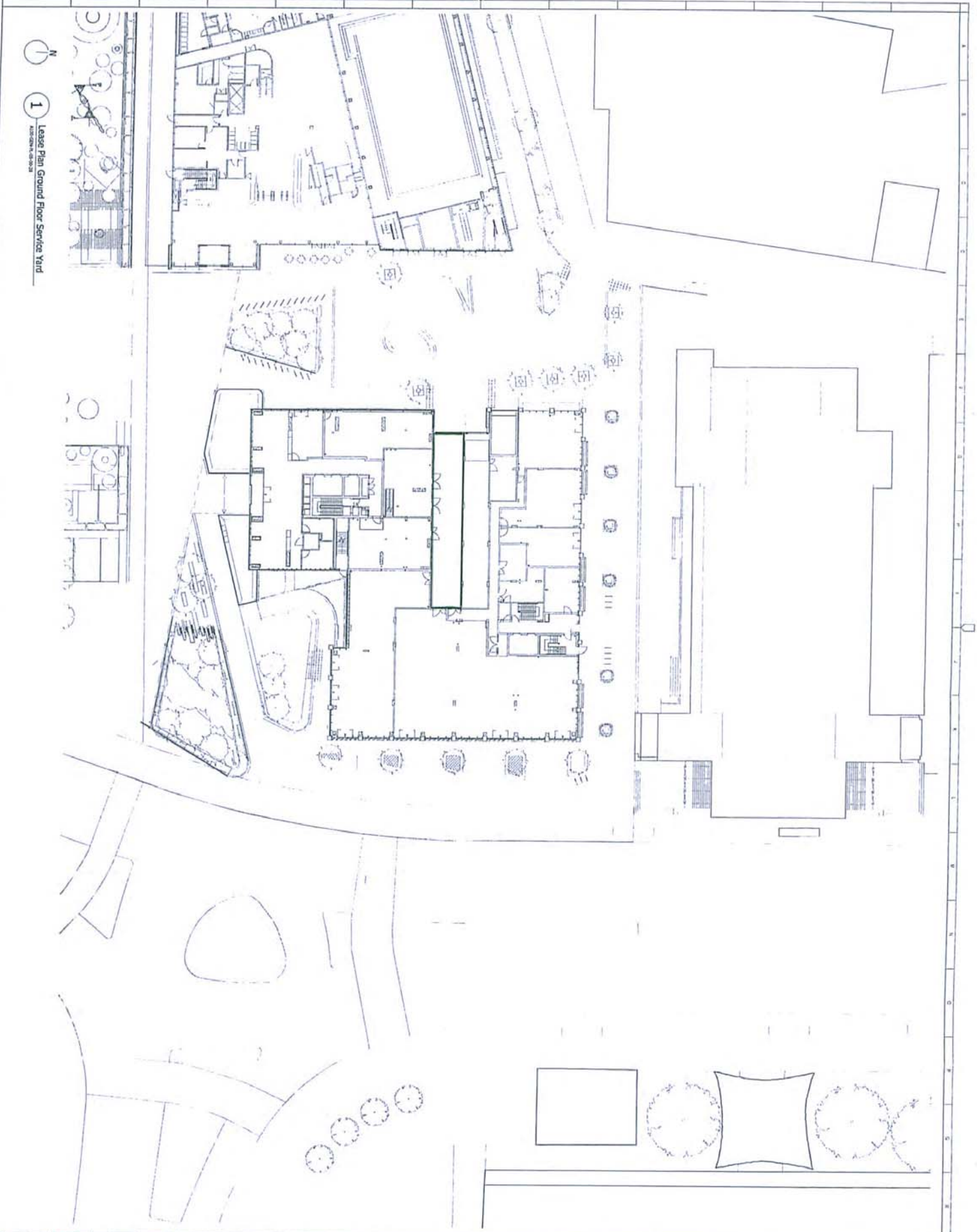
One The Elephant

Lease Plan  
Ground Floor  
Commercial Unit 1

Lease Plans  
150101  
150101  
1500 @ A3

A100-GEN-PL-05-00-23

PLAN 2



N  
 1  
 Lease Plan Ground Floor Service Yard

<b>Squire and Partners</b> Solicitors & PARTNERS 150101 150101	
One The Elephant Lease Plan Ground Floor Service Yard Lease Plans 150101	
150101	1:500 @ A3
A100-GEN-PL-05-00-28	A

THINK

BY THE HORNS  
ELEPHANT & CASTLE

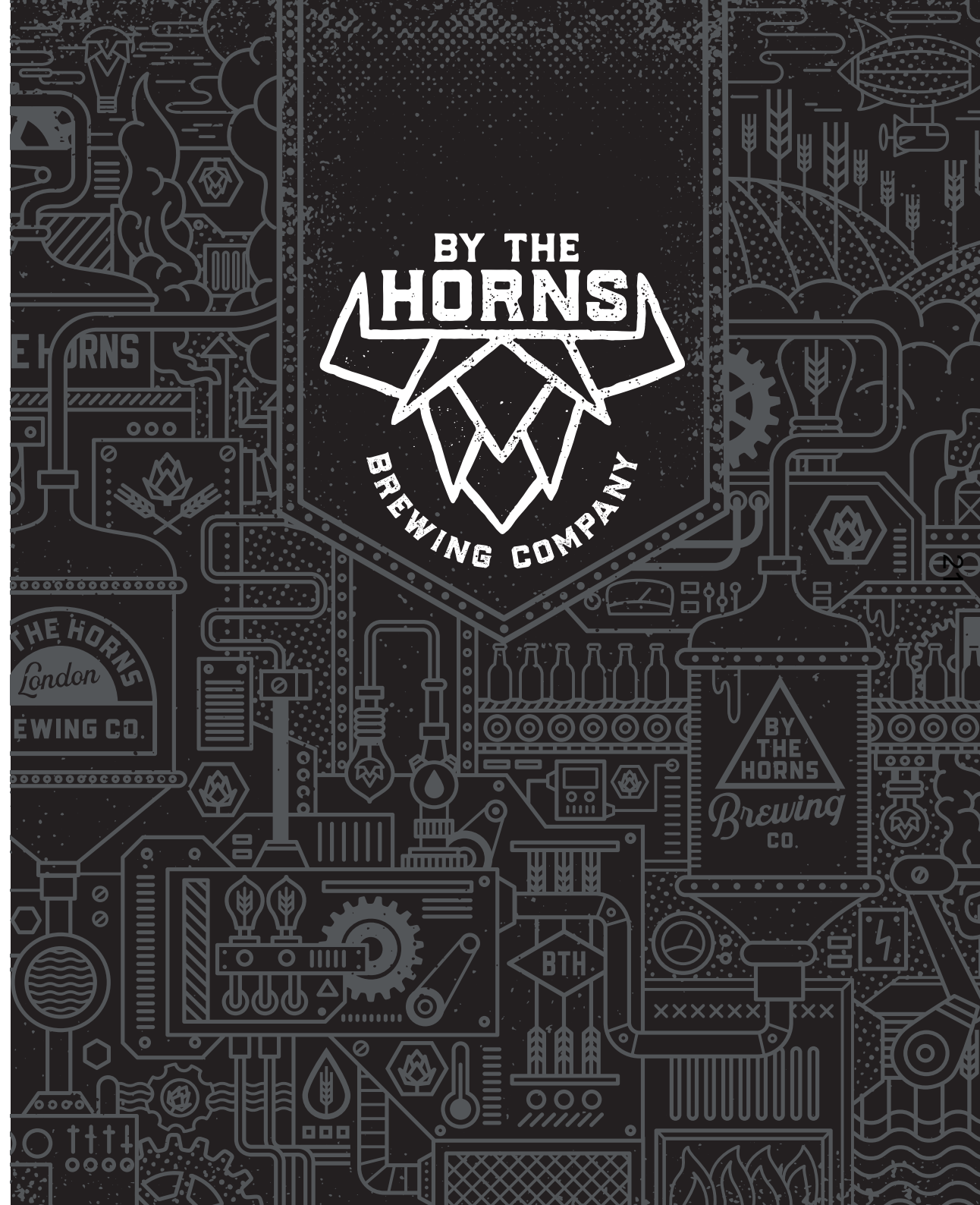
APRIL 2018

3STORIES

+44 (0) 7929341537

CONTACT@3STOIRES.CO.UK

WWW.3STORIES.CO.UK





# SITE STUDY

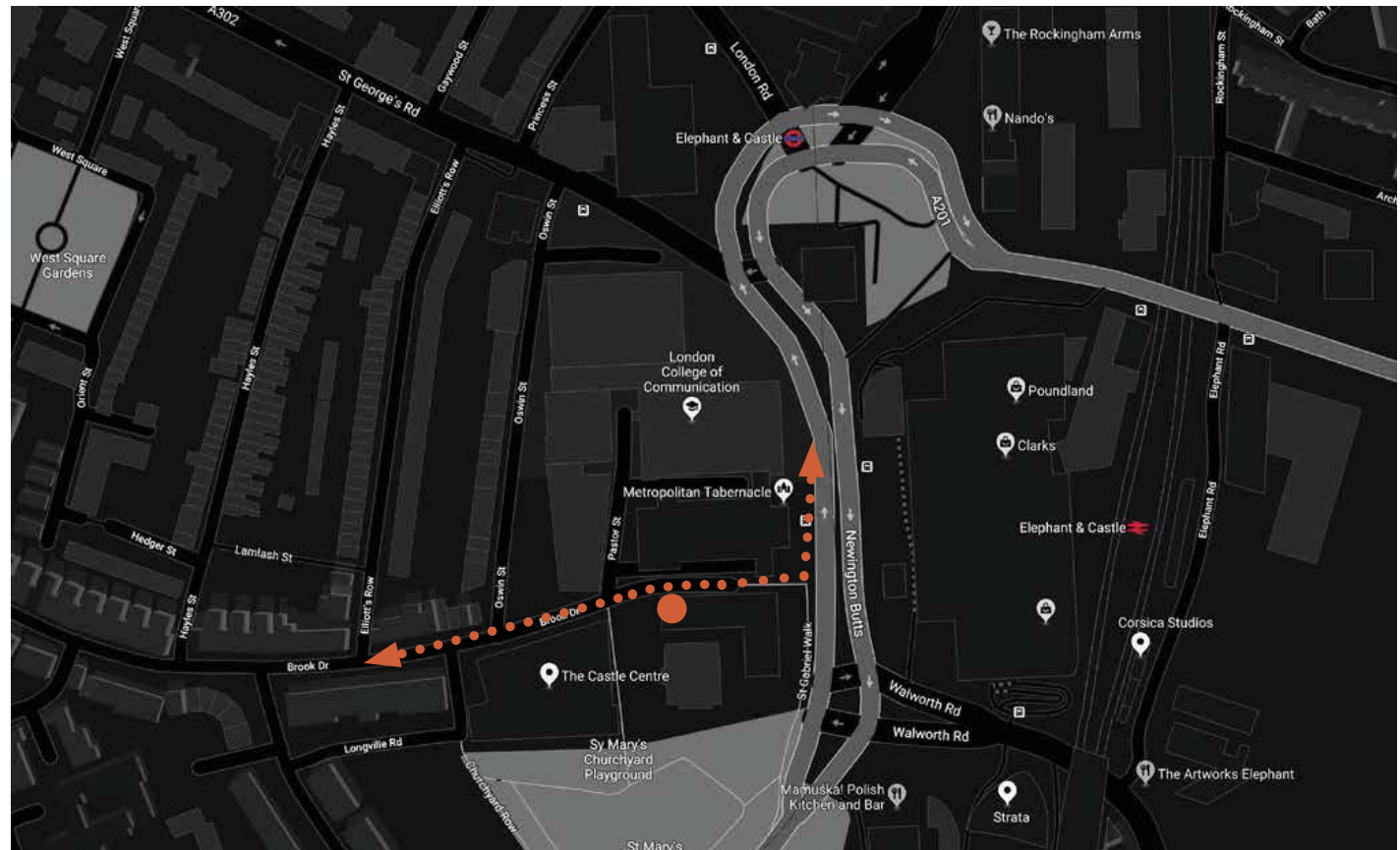
- Corner site allowing great views inside
- Stripped back interior with large windows
- High ceiling for mezzanine level
- Possibilities for external seating
- The site is situated quite far back from the main road, however, it also acts as a main access route between the tube station and the residential area
- Protruding sign is required to draw customers from main street



3Stories

# LOCATION

- Near to the tube and train station
- Located near to the University of the Arts: London
- Adjacent to the Elephant & Castle shopping centre



# EXISTING

- Stripped back
- Homemade
- DIY
- Honest
- Rough & ready






# DOUGH SHACK

- Signature toppings
- Alternative flavours
- Adventurous
- Unconventional







CONCEPT

TRANSPARENT

INDEPENDANT

UNFILTERED

RAW

ROUGH

~~INDUSTRIAL~~ INDUSTRIAL

HONEST

PASSION

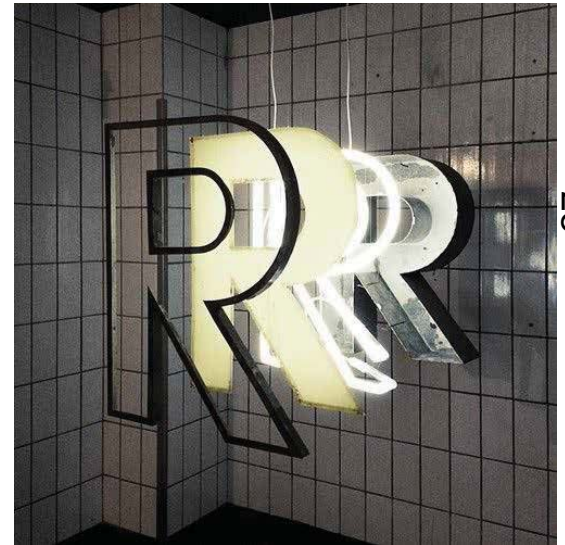
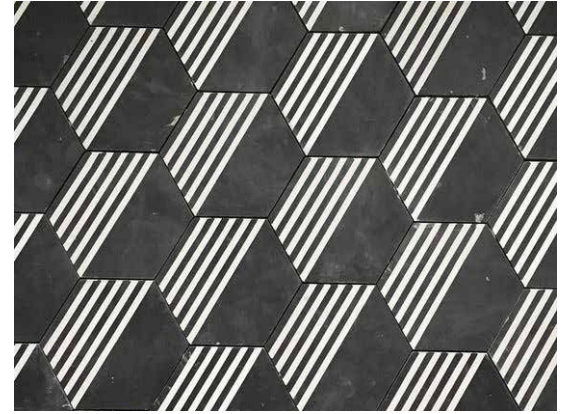
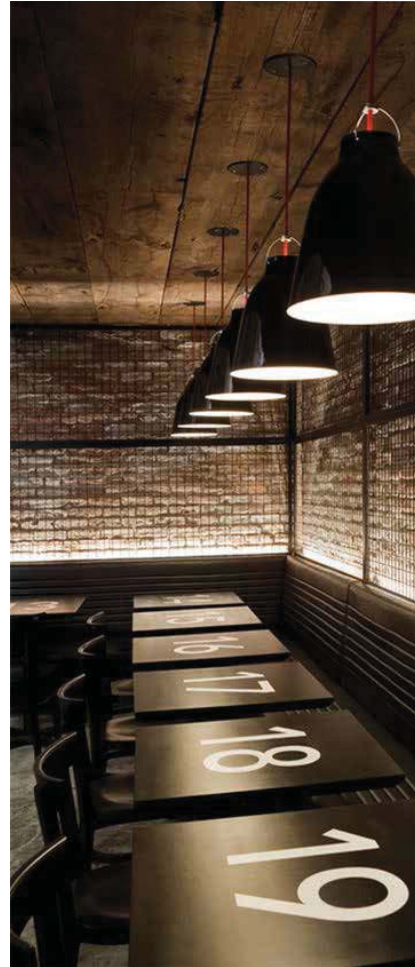
BOLD

HARD WEARING

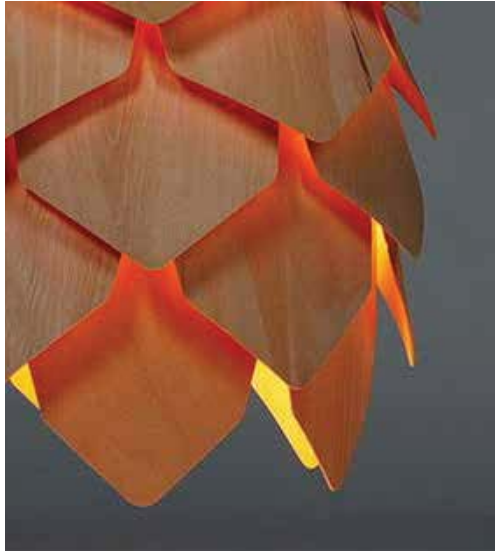
FLAVOR AND QUALITY

NEW TRADITION





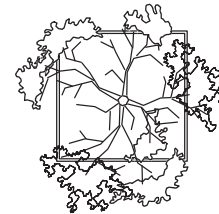
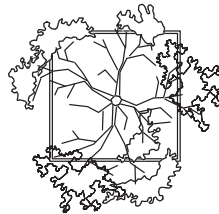
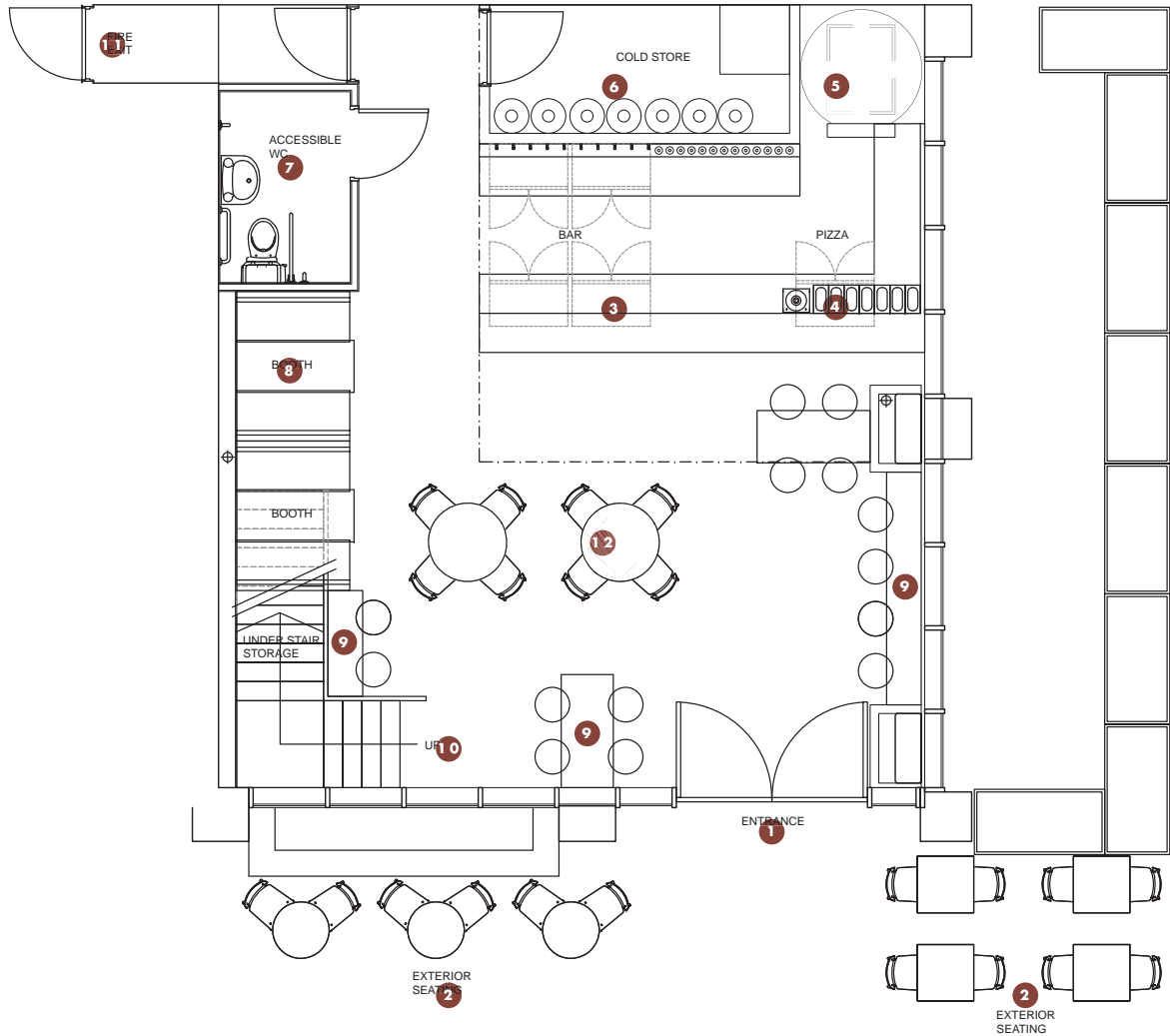




29

# GROUND FLOOR

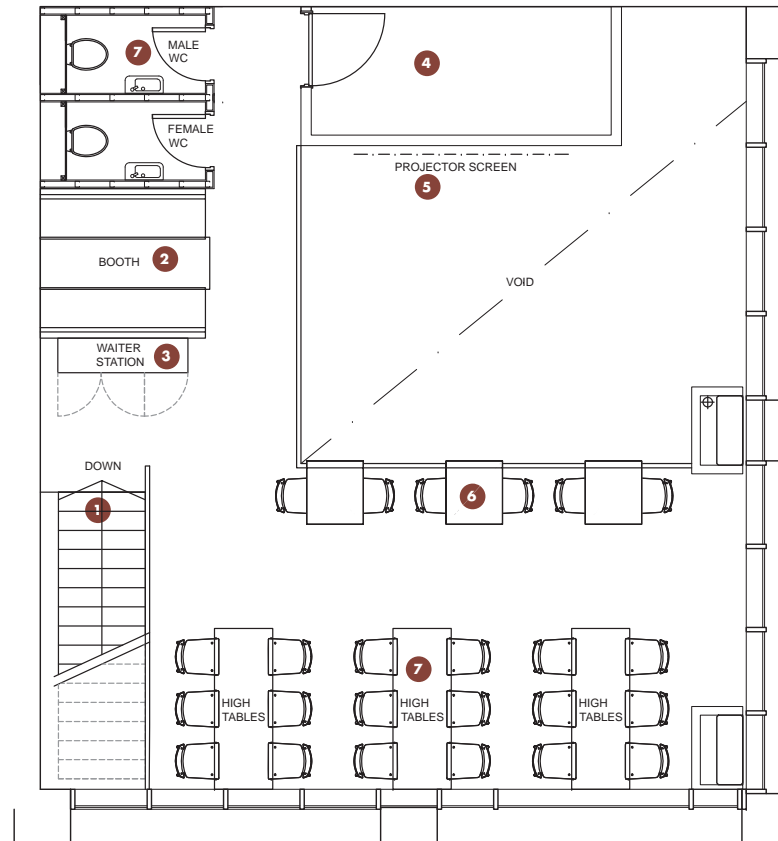
- 01\_ Entrance
- 02\_ Exterior seating
- 03\_ Bar
- 04\_ Pizza prep
- 05\_ Pizza oven
- 06\_ Keg store
- 07\_ Accessible WC
- 08\_ Booths
- 09\_ High tables
- 10\_ Staircase
- 11\_ Emergency exit
- 12\_ Low tables



# MEZZANINE

- 01\_Staircase
- 02\_Booth seats
- 03\_Movable waiter station
- 04\_Potential office / staff / store
- 05\_Projector screen
- 06\_Fixed tables
- 07\_High tables
- 08\_WC's

Ext covers	- 14
Ground covers	- 30
Mezz covers	- 30
Total	- 74



# EXTERNAL ELEVATIONS

- 01\_ Exterior seating
- 02\_ Main entrance with branding
- 03\_ Large window advertising
- 04\_ Branding
- 05\_ Projecting illuminated signs
- 06\_ Pizza advertising



3Stories

# VIEW

## 01

01\_Projecting internally illuminated signs to bring attention to passes by on the main street.





# VIEW

## 02

01\_Bold window manifestation to get the offer and message over to passes by.



# VIEW

## 03

01\_Signs to be double sided with alternative messaging facing towards each street reading 'Bar' & 'Pizza' to keep it simple and effective.





# VIEW

## 04

01\_Flexible seating to suit different times of day and large / small groups.

02\_Feature can wall to act as a backdrop to space.



# VIEW

## 05

01\_Beer taps on rear wall with shelf upstand below and spirit shelving to the right.

02\_Freestanding letters that sit within a small slot making it easy to change when required.





# VIEW

## 06

01\_Menu board for pizza offer.

02\_Flexible seating to suit different times of day and large / small groups.

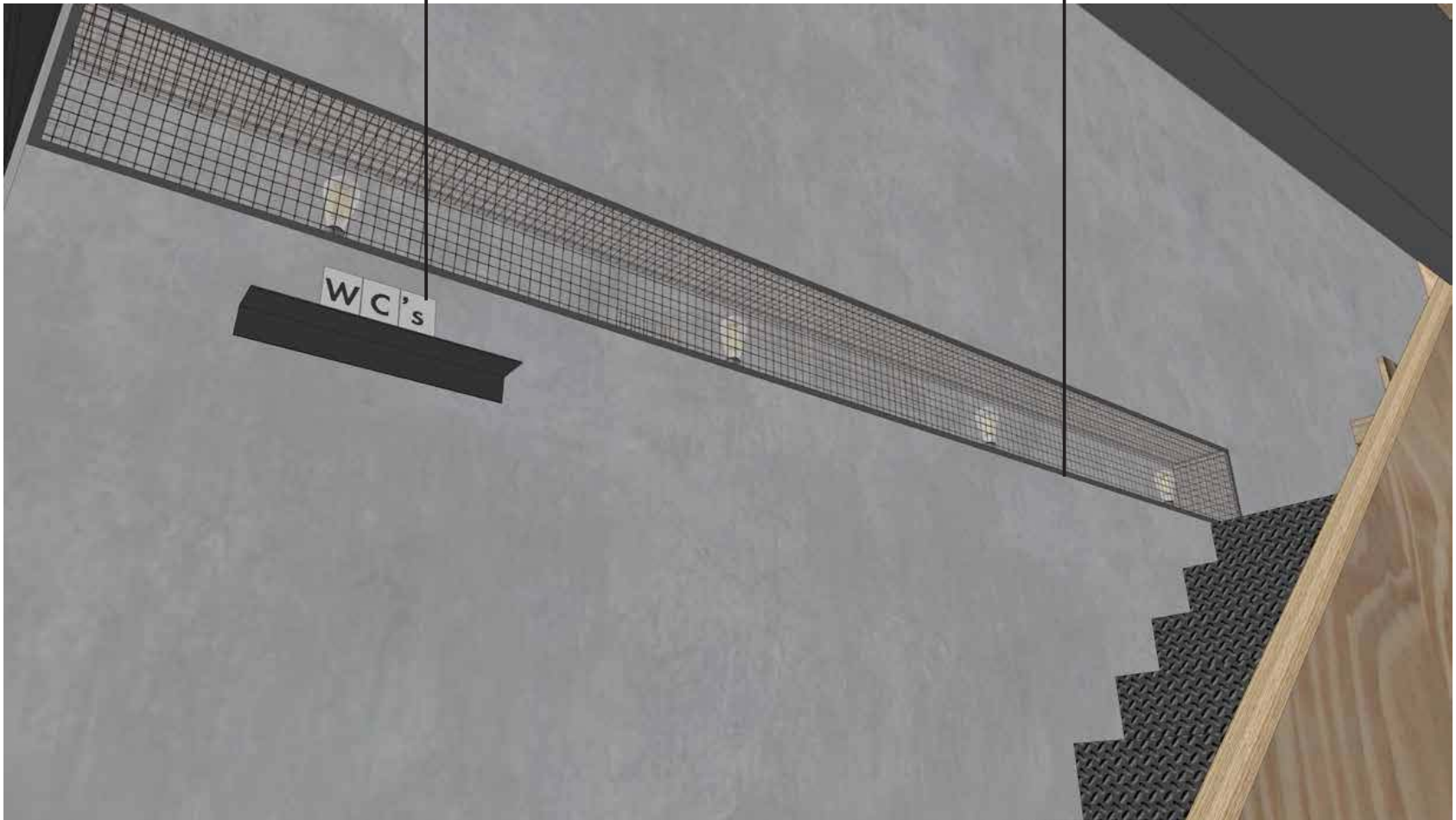


**VIEW**

**07**

01\_WC signage in line with beer branding

02\_Simple wire mesh case with exposed light bulbs on metal conduit



# VIEW

08

01\_Flexible seating to suit different times of day and large / small groups.

02\_Drop down projector screen for sport events.





**VIEW**

**09**

01\_Cantelievered timber shelf bolted to hand rail.

02\_Industrial pendants.

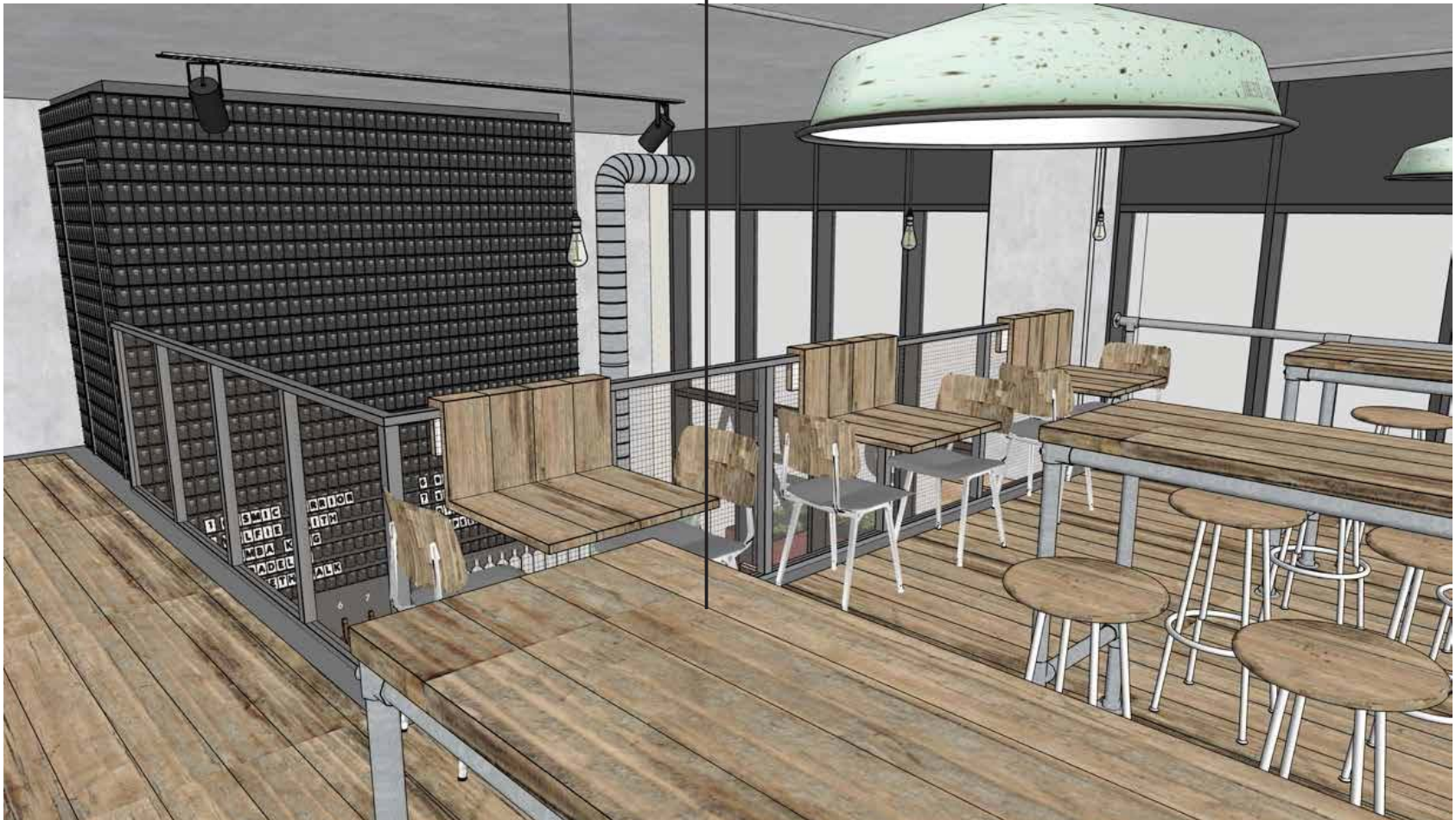




**VIEW**

**10**

01\_High tables to front area to enable views to projector screen.



# VIEW

11

01\_Existing walls to be retained where possible to save costs.

02\_Scaffold tables and timber tops.





FURNITURE &  
LIGHTING



PM



THANK YOU

---

**3Stories**



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/3189/2018

**Date:** 15th August 2018

Dear Sir/Madam

**Re:- By The Horns Unit 1 22 Elephant & Castle SE1 6SQ**

Police are in possession of an application from the above for a new premises licence. The application describes the operation as a ground a Pizzeria & Tap Bar. Serving fresh Pizza seven days a week along with beers/wines/spirits available at the bar.

The operating schedule shows the following hours.

Opening Hours	
Mon - Sun	08:00hrs – 23:30hrs
Sale of alcohol on/off	
Mon – Sun	10:00hrs – 23:00hrs
Live Music Mon – Fri	18:00hrs – 22:00hrs
Sat – Sun	13:00 hrs – 22:00hrs

The hours applied for sit within those recommended by Southwark's statement of licensing policy for a restaurant. It is unlikely a restaurant style premises is likely to cause us concern in relation to crime and disorder, however there should be certain control measures in place in order to promote this objective.

We would like to see the following conditions to be included on the licence to promote the crime and disorder licensing objective. Some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use

under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.

2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
5. Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons taking substantial table meals there and as an ancillary to that persons meal
6. No alcohol shall be taken outside of the premises at any time.
7. Signage on entrance/exit requesting customers to respect neighbours and leave quietly.

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

**PC Ian Clements**

Southwark Police Licensing Unit  
Tel: 0207 232 6756

## MEMO: Licensing Unit

---

To	Licensing Unit	Date	16 August 2018
Copies			
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

---

Subject Re: By The Horns, Unit 1, 22 Elephant and Castle, London, SE1 6SQ  
 – Application for a premises licence

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

- Live Music (indoors) On Monday to Friday from 18:00 to 22:00 and on Saturday and Sunday from 13:00 to 22:00
- Recorded music (indoors) on Monday to Sunday from 09:00 to 23:00
- Supply of alcohol (on and off the premises) on Monday to Sunday from 10:00 to 23:00
- Overall opening times shall be on Monday to Sunday from 08:00 to 23:30

### Non Standards Timings

New Years Eve - Recorded music until 01:30 the following day  
 New Years Eve - Supply of alcohol until 01:00 the following day  
 New Years Eve - Closing times to cease at 01:30 the following day

The premises is described as '*The premises is currently an empty shell and has not been occupied since the building (One The Elephant) was built. We propose to open a Pizzeria and Tap bar, serving gas fired pizzas alongside our sister company's (By The Horns Ltd) range of craft beers. Fresh pizzas will be served 7 days a week from the pizzeria, and beer/wine/spirits will be able to be purchased from the bar too. Due to our sister company being a brewery, we propose to apply for an off and on licence, so individuals can also purchase cans of our craft beers to take away.*

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy

The premises is situated in a residential area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for restaurants; cafes, public houses, wine bars or other drinking establishments on **Monday to Sunday is 23:00** and this application seeks hours in excess of that which is deemed appropriate for a residential area.

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

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



The applicant mentions an outside area within the application and it is difficult to tell from the plan submitted where the outside area is or which unit is the licensable area. I ask the applicant for confirmation of this. I would like to know whether it is the intention of the applicant to allow patrons to consume alcohol off sales in the outside area. Once this information has been provided I may suggest further conditions regarding 'off sales' of alcohol being sold in sealed containers to be taken away from the premises.

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

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

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

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 August 2018 09:31  
**To:** Heron, Andrew  
**Subject:** FW: Representation - Licensing Act 2003 - Licensing Application 864093

**Kirty Read**

Processing Manager  
Southwark Council | Licensing | Regulatory Services  
**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705  
**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000  
**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

---

**From:** Linforth-Hall, Maria  
**Sent:** Friday, August 24, 2018 4:26 PM  
**To:** Regen, Licensing  
**Cc:** Franklin, David; Neale, cllrGraham  
**Subject:** Representation - Licensing Act 2003 - Licensing Application 864093

Licensing Act 2003 - Representation

Re.- Licensing Application No. 864093.

Dear Sirs,

As Councillor of St George's Ward, I would like to submit a representation based on the following Objections:

The prevention of crime and disorder

The prevention of nuisance

The Applicant, The Horns Brewing Ltd, are applying for a premises licence, club registration and a review of details for Licence No. 864093 at Unit 1, 22 Elephant & Castle, One the Elephant, London SE1 6SQ.

I have received many phone calls and e-mails from residents expressing their concerns which relate to the grounds of objection quoted above.

I also add my own objections, and support the concerns of the residents, to this application because of the location and the opening hours, which will create additional noise and disturbance to the community resident in the area.

Yours

Cllr. Maria Linforth-Hall  
Liberal Democrat Councillor  
St. George's Ward  
Opposition Spokesperson for Adult Social Care  
Vice-Chair of Overview & Scrutiny Committee  
Southwark Council  
The Members' Room  
160 Tooley Street  
LONDON SE16 2QH  
Tel: 020 7525 0332  
Mobil: 07985 116271  
E-mail: [maria.linforthhall@southwark.gov.uk](mailto:maria.linforthhall@southwark.gov.uk)  
Twitter: @mariaadderley

**RESIDENT REPRESENTATIONS****Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 August 2018 08:52  
**To:** Heron, Andrew  
**Subject:** FW: Objection

**OBJECTOR 1**

Kirby Read  
Processing Manager  
Southwark Council | Licensing | Regulatory Services  
Tel: 0207 525 5748 | Fax: 020 7525 5705  
EHTS Helpline: 020 7525 4261 | Call Centre: 020 7525 2000  
Email: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to apply online

Postal Address:  
Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:  
160 Tooley Street | London | SE1 2QH

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

**From:** [REDACTED]  
**Sent:** Friday, August 24, 2018 8:32 PM  
**To:** Regen, Licensing  
**Subject:** Objection

I oppose to the granting of a premises Licence made under the Licensing Act 2003.  
The Applicant is, By The Horns Brewing Ltd, By The Horns, Unit 1 22 Elephant & Castle, One The Elephant & Castle  
London SE16SQ.

I wish to object to this Licensing Application.

My opposition to to this application are on the grounds that it will become a Public Nuisance Area, with people hanging about late at night making unacceptable noise and causing trouble.

Thanks

[REDACTED]

**OBJECTOR 2****Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 24 August 2018 10:37  
**To:** Heron, Andrew  
**Subject:** FW: To Oppose an Application to the granting of a Premises Licence made under the Licensing Act 2003.

With the address

Thanks

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

**From:** [REDACTED]  
**Sent:** Friday, August 24, 2018 10:17 AM  
**To:** Regen, Licensing  
**Subject:** To Oppose an Application to the granting of a Premises Licence made under the Licensing Act 2003.

Dear Sirs ,I would like to register that I oppose to the granting of a premises Licence made under the Licensing Act 2003.

The Applicant is, By The Horns Brewing Ltd, By The Horns,Unit 1 22 Elephant & Castle, One The Elephant &Castle London SE16SQ.

I wish to object to this Licensing Application.

My opposition to to this application are on the grounds that it will become a Public Nuisance Area, with people welling about late at night making unacceptable noise, leaving bottles and rubbish fo the Council to clear away as this is a Pubic highway.

St Gabriels Walk has a very high volume of residential housing, the tower block is 38 floors high. that leads on to a paved Public walking area.

The objection from Oswin Street and Brook Drive are the only roads to this area and this Shop Premises will add to an already very busy car and Taxi drop off that happens nightly late into the night , servicing two tower blocks the other being 41 floors. Brook Drive already has an Off Licence.

Many children are daily in this area to be dropped off to the Swimming Pool and wait to be picked up on the corner of St Gabriels Walk .

my name is [REDACTED]



**OBJECTOR 3****Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 August 2018 08:58  
**To:** Heron, Andrew  
**Subject:** FW: Objection to application #864093

**Kirby Read**

Processing Manager

Southwark Council | Licensing | Regulatory Services

**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

**From:** [REDACTED]**Sent:** Friday, August 24, 2018 10:47 PM**To:** Regen, Licensing**Subject:** Objection to application #864093

I would like to oppose the application number 864093.

My objection is on the grounds that the area is primarily residential and granting this license will disrupt what is a pleasant, quiet neighbourhood with a tight community. Should this licence be granted, residents anticipate higher footfall, with more people and cars loitering during the day and into the evening.

I am a resident of [REDACTED]

Kind regards,

[REDACTED]

**OBJECTOR 4****Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 August 2018 08:55  
**To:** Heron, Andrew  
**Subject:** FW: Application for an Alcohol and Live Music Licence by By The Horns Brewing Ltd, By The Horns,Unit 1 22 Elephant & Castle, One The Elephant &Castle London SE16SQ.

**Kirty Read**

Processing Manager  
Southwark Council | Licensing | Regulatory Services  
**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705  
**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000  
**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

---

**From:** [REDACTED]  
**Sent:** Friday, August 24, 2018 8:51 PM  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** Application for an Alcohol and Live Music Licence by By The Horns Brewing Ltd, By The Horns,Unit 1 22 Elephant & Castle, One The Elephant &Castle London SE16SQ.

Dear Sir,

I understand that an application for an alcohol and live music licence has been made by By The Horns Brewing Ltd for one of the shops in Gabriels Walk.

My name is [REDACTED]

I wish to object on the following grounds:

1. One of the main routes to the shop will be via Oswin Street which will mean that there will be increased traffic every day of the week until late every day of the week. This is a residential street and this will result in higher levels of noise from vehicles and people.
2. Refuse is already a problem on Oswin Street and additional discarded drink bottles and cans will make matters worse.
3. There will be increased light pollution from the vehicles accessing the shop late at night.
4. Public safety could become an issue with people drinking in the street in a residential area.
5. Is this necessary as there are already off licences in the area?

Regards

[REDACTED]

**OBJECTOR 5****Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 August 2018 08:36  
**To:** Heron, Andrew  
**Subject:** FW: Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 864093

**Kirty Read**

Processing Manager  
Southwark Council | Licensing | Regulatory Services  
**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705  
**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000  
**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

**From:** [REDACTED]  
**Sent:** Friday, August 24, 2018 8:08 PM  
**To:** Regen, Licensing  
**Subject:** Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 864093

Dear Southwark Licencing Service

I am objecting to the above application for a licence as in my opinion will have a detrimental impact on the local community and goes against all the four licencing objectives under the Licencing Act 2003:

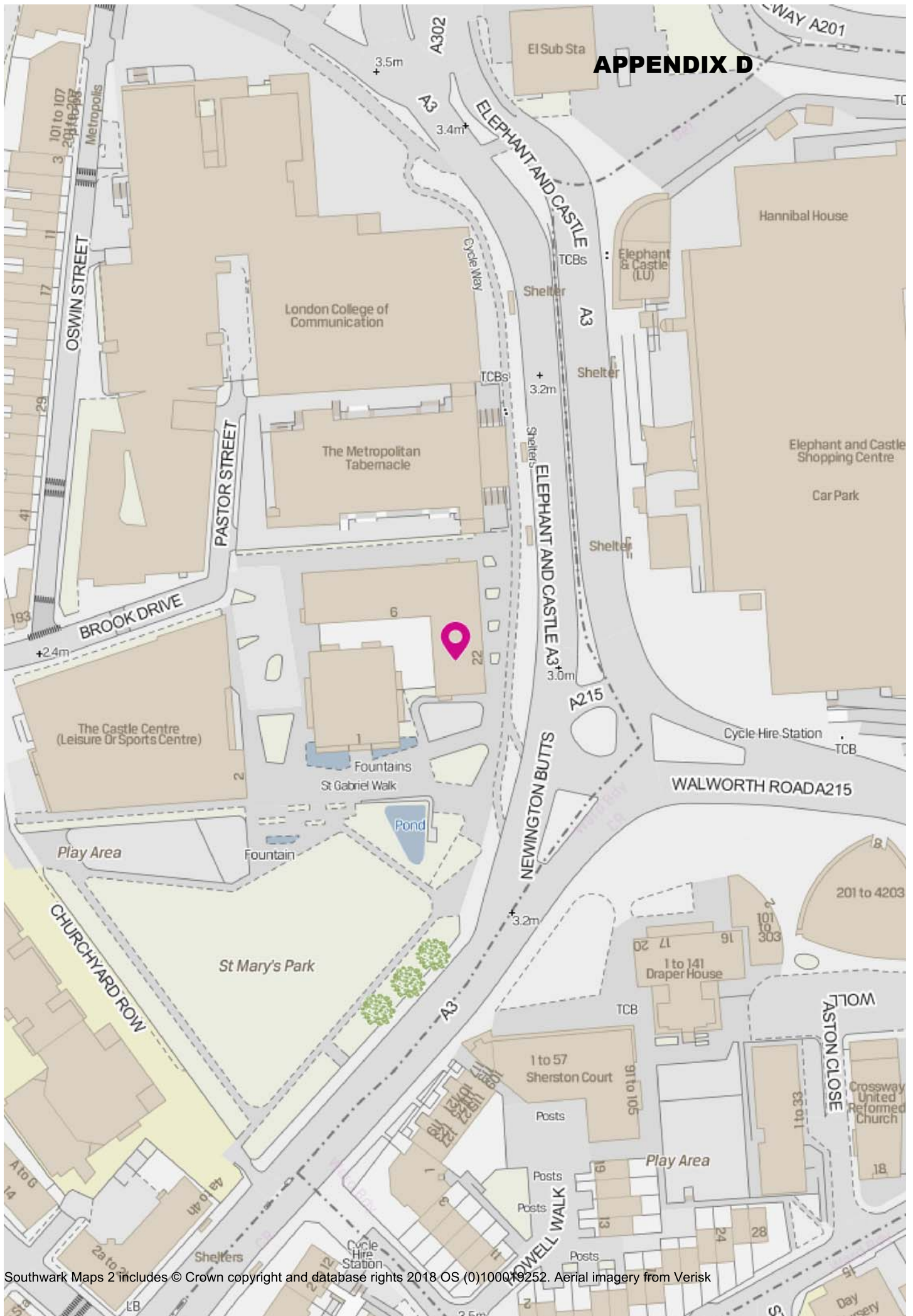
- prevention of crime and disorder
- prevention of public nuisance
- public safety
- protection of children from harm

I hope By The Horn Brewing Ltd is not granted a licence to open yet another venue in Elephant and Castle to make even more unbearable the live of residents in the area. There are already too many venues in the area, we don't need more.

Regards



**APPENDIX D**



<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 24 September 2018	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Price Cutter – 4 Camberwell Church Street, London SE5 8QU	
<b>Ward(s) of group(s) affected</b>		Camberwell Green Ward	
<b>From</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Somasundram Ariyarahah for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Price Cutter – 4 Camberwell Church Street, London SE5 8QU.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 18 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted responsible authorities are attached to this report in Appendix B. Representations from other persons are attached at Appendix C. A map showing the location of the premises is attached to this report as Appendix G.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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



5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives.
6. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
7. 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.
8. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

9. On 12 July 2018 Somasundram Ariyarajah applied to this council for the grant of a premises licence in respect of Price Cutter, 4 Camberwell Church Street, London, SE5 8QU. The premises are described in the application simply as being:
 

*"A convenience store"*
10. The application and is summarised as follows:
 

The sale by retail of alcohol (off sales only)

  - Monday to Sunday from 08:00 to 00:00

Opening hours

  - Monday to Sunday, 24 hours a day.-
11. The proposed designated premises supervisor of the premises is Somasundram Ariyarajah (the licence applicant) who has a personal licence by London Borough of Bromley. A copy of the DPS consent accompanies the application in Appendix A.
12. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003.

13. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

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

14. Representations were submitted by the Metropolitan Police (Licensing Division), this council's trading standards, licensing and public health authorities.
15. The Metropolitan Police Service has made a representation which raises concerns in relation to a failed test purchase at the premises. There are concerns regarding the locality of the premises and the existence of persons with alcohol-dependency issues. Further evidence is provided via a statement by PC McKay. Multiple additional conditions are sought. The representation is available in Appendix B.
16. The representation from Southwark council's trading standards department is concerned with the history of the premises, in which the previous licence was revoked. No changes have been made to the land registry or leasehold. A copy of the signed lease agreement has been requested. The hours are excessive when compared to the Southwark licensing policy and the existence of the cumulative impact policy in that area. The representation is available in Appendix B.
17. The representation from the council's public health department is concerned with the availability of alcohol within the cumulative impact zone. The representation is available in Appendix B. Additional conditions have been requested and agreed by the Applicant's agent. The representation has therefore been withdrawn with the following conditions agreed:
- i) No beers/ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed/sold or offered for sale from the premises.
  - ii) No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
  - iii) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use. It should cover all areas the public have access and the outside area to the front.
  - iv) All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
  - v) A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
  - vi) That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to officers of the Police and the council.
  - vii) Traceable invoices shall be kept on the premises (or if not possible copies of those invoices) for inspection by police, council officers and HMCR on request for a minimum of 6 months.

- viii) When the premises are open to the public and the licence is not in operation; all alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

18. The representation from the council's licensing department in their role as responsible Authority raises concerns regarding the history of the premises and the location in relation to the cumulative impact zone. Offences have been committed at the premises since the applicant took control of the business. The representation is also available in Appendix B.

### **Representations from other persons**

19. A representation has been received from one other person. The objector works in the area and is concerned with the history of the premises and underage sales. The objector states that the same staff work in the premises since the previous offences. This representation is available in Appendix C.

### **Conciliation**

20. The applicant's agent has been sent copies of all the submitted representations. The responsible authorities have all been responded to, please see Appendix D. The representation from other persons has not been responded to. The representation from Public Health has subsequently been withdrawn. The other responsible authorities had not reached agreement at the point this report was submitted. It is noted that trading standards believe that there are anomalies in the dates surrounding the lease. The applicant's agent had originally requested a meeting with the responsible authorities before providing written responses to the representations made. It was decided that it was pertinent to receive written responses before arranging a meeting.

### **Premises history**

21. A premises licence was issued in respect of the premises on 9 April 2008. The licence was granted to Mohammed Imran and Ghulam Rasool in respect of the premises known as Superdeals (Food and Wine), 4 Camberwell Church Street, London SE5 8QU. Over the course of its history, the premises has been known as Superdeals, Food & Wine and Price Cutter.
22. On 29 December 2012 a visit by the night time economy team inspected the premises and found no training records, no personal licence holder on site and missing notices regarding police, awareness of pickpockets and a contact name for customers. A warning letter was sent out.
23. On 6 April 2014 licensing enforcement officer attended the premises which were not compliant. No personal licence holder or DPS was at the premises.
24. On 22 August 2015 a full inspection of the premises was undertaken, despite 3 staff being present at the time, they were unable to show CCTV footage, and so could not be sure that it was working. In addition, there were no notices in accordance with conditions 341 - 345 and no full licence available.
25. On 2 November 2015, licensing enforcement officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with the premises licence issued in respect of the premises.
26. During the inspection the officers witnessed the following:
- It was not possible to ascertain if the CCTV system at the premises has a 31

day recording capacity as required by condition 289 of the premises licence.

- Footage from the CCTV system could not be made available to the inspecting officers on as required by condition 289.
  - There was no signage displayed, as required by condition 341, informing customers that the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons.
  - There was no signage displayed, as required by condition 342, informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags.
  - There was no signage displayed, as required by condition 343, displaying the name of a contact for customers if they wish to report concerns.
  - Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.
  - It was apparent that the person left in charge of the premises was not aware of the premises licence issued in respect of the premises or its terms and conditions. Please ensure that all staff employed at the premises are aware of the terms and conditions of the premises licence and have received training in respect of it.
  - The staff member present at the time of the visit displayed a lack of knowledge as to the acceptable forms of identification that can be accepted as proof of age in regards to the sale of alcohol – a training pack in regards to age restricted products is enclosed. All members of staff at the premises should read the training pack and complete the training record included with it.
  - It is recommended that all staff members who do not have a personal licence are authorised in writing by the designated supervisor (DPS) of the premises to make sales of alcohol. Should you require it, please find enclosed a letter of authorisation template. If you use the authorisation template please keep it at the premises.
27. A warning letter was issued for the above. On 28 January 2017, a test purchase was carried out at the request of Trading Standards further to information received that the Designated Premises Supervisor had departed the business. Alcohol was sold.
28. On 31 January 2017, the premises applied for a vary DPS application, which was deemed as invalid. A letter was sent that day to advise, which is included in the supporting representation made by the licensing authority. A valid application was not received until 14 February 2017.
29. On 21 April 2017 an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Mohammed Imran and Ghulam Rasool in respect of the premises known as Superdeals (Food and Wine) – 4 Camberwell Church Street, London, SE5 8QU. The premises was visited by trading standards; the review documents were delivered. A non-personal licence holder was found to be working alone in the shop; he continued to sell alcohol despite being advised that it was an offence under the terms of the premises licence. The employee was also unable to operate the CCTV.

30. The review application was submitted in respect of the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and/or taken place at the premises:

#### **Prevention of crime and disorder**

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

#### **Public safety**

- Breaches of Premises Licence conditions (conditions 100, 341, 342 343, 344 and 2470 - lack of notices re personal safety, CCTV (condition 289).

#### **Protection of children from harm**

- Sale of alcohol to a child (an offence under s.146 Licensing Act 2003)
  - Failure to adopt an age verification scheme (condition 334)
  - Failure to operate a refused sales register (condition 340)
  - Failure to display notices detailing restrictions on sales to children (condition 344) and at each point of sale stating "No proof of age - no sale" (condition 347)
31. On 26 April 2017, the premises was visited by Trading Standards, the Metropolitan Police and the Licensing Authority. Mr Mustaq Ahmed was running the store alone, selling alcohol. He claimed to have a personal licence with Tower Hamlets, however, he has only made an application, which has not yet been granted. Additionally, he is a failed asylum seeker. He should not be working; he is appealing this ruling. This will therefore affect his ability to hold a personal licence.
32. The licence was revoked by the licensing sub-committee on 15 June 2017; a copy of the notice of decision is attached as Appendix E.
33. The licensing authority received an appeal dated 4 July 2017 against the revocation. The premises was therefore able to continue trading until the appeal was heard. The licensing appeal hearing was due to be heard on 18 April 2018 at Camberwell Green Magistrates' Court. However, the day before the appeal, the Magistrates' Court listed the case on its own motion. On being informed of this transfer application, the district judge was of the opinion that the transfer application should be determined by the licensing sub-committee. The appeal was therefore adjourned to 29 June 2018.
34. In between, a premises licence transfer application was then received on 19 March 2018 to remove Mohammed Imran Ghulam Rasool as the premises licence holder of Food and Wine and to specify Somasundram Ariyarajah as the new premises licence holder. On the same day, a vary DPS application was received, but rejected.



35. On 19 March 2018 consents were also received. The transfer received representation from the Police and went to the licensing sub-committee on 10 May 2018, at which point it was refused. A copy of the notice of decision is available in Appendix F. The applicant to the transfer application subsequently appealed the decision to refuse to transfer the DPS to the Magistrates' Court on or around 12 June 2018.
36. On 14 July 2018, the appeal against the revocation was withdrawn at Court at the commencement of the Appeal hearing.
37. On or around appeal against the refusal to transfer was withdrawn by Mr Somasundram Ariyarajah.
38. No TEN's have been submitted in regards to the premises.

### **Map**

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

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

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

#### **The Tiger – 18 Camberwell Green, SE5 7AA**

The sale of alcohol to be consumed on and off the premises

- Sunday to Thursday 09:00 to 01:30 (the following day)
- Friday and Saturday 09:00 to 03:30 (the following day)

The provision of late night refreshment (indoors)

- Sunday to Thursday 23:00 to 01:30 (the following day)
- Friday and Saturday 23:00 to 02:30 (the following day)

The provision of regulated entertainment in the form of recorded music, live music, and performance of dance (indoors)

- Monday to Thursday 09:00 to 02:00 (the following day)
- Friday and Saturday 09:00 to 04:00 (the following day)
- Sunday 09:00 to 01:00 (the following day)

#### **Golden Grill – 20 Camberwell Green SE5 7AA**

The sale of alcohol to be consumed on the premises

- Monday to Saturday 11:00 to 02:00 (the following day)
- Sunday 13:00 to 22:30

The provision of late night refreshment (indoors)

- Sunday to Thursday 23:00 to 02:00 (the following day)
- Friday and Saturday 23:00 to 04:00 (the following day)

**Hermits Cave - 28 Camberwell Church Street, SE5 8QU**

The sale of alcohol to be consumed on and off the premises

- Monday to Thursday 10:00 to 00:00 (midnight)
- Friday and Saturday 10:00 to 02:00 (the following day)
- Sunday 10:00 to 01:00 (the following day)

The provision of late night refreshment (indoors)

- Monday to Thursday 23:00 to 00:00 (midnight)
- Friday and Saturday 23:00 to 02:00 (the following day)
- Sunday 23:00 to 01:00 (the following day)

The provision of regulated entertainment in the form of recorded music, live music, films, and performance of dance (indoors)

- Monday to Thursday 10:00 to 00:00 (midnight)
- Friday and Saturday 10:00 to 02:00 (the following day)
- Sunday 10:00 to 01:00 (the following day)

**Chicks Peri Peri Chicken – 5 Camberwell Church Street, SE5 8TR**

The provision of late night refreshment (indoors)

- Sunday to Thursday 23:00 to 01:30 (the following day)
- Friday and Saturday 23:00 to 02:30 (the following day)

**Bolu Kebab Restaurant – 7 Camberwell Church Street, SE5 8TR**

The sale of alcohol to be consumed on the premises

- Monday to Thursday 09:00 to 03:00 (the following day)
- Friday and Saturday 09:00 to 04:00 (the following day)
- Sunday 12:00 to 03:00 (the following day)

The provision of late night refreshment (indoors)

- Monday to Sunday 23:00 to 05:00 (the following day)

**Portuguese Café Deli – 11 Camberwell Church Street, SE5 8TR**

The sale of alcohol to be consumed on and off the premises

- Monday to Sunday 08:00 to 00:00 (midnight)

The provision of late night refreshment (indoors)

- Monday to Saturday 23:00 to 00:00 (midnight)
- Sunday 23:00 to 23:30

**Wuli Wuli – 15 Camberwell Church Street, SE5 8TR**

The sale of alcohol to be consumed on and off the premises

- Sunday to Thursday 12:00 to 23:00
- Friday and Saturday 12:00 to 01:00 (the following day)

The provision of late night refreshment (indoors)

- Sunday to Thursday 23:00 to 23:30
- Friday and Saturday 23:00 to 01:00 (the following day)

**Cannon and Cannon Fine Foods – 17-21 Camberwell Church Street, SE5 8TR**

The sale of alcohol to be consumed on and off the premises

- Monday to Sunday 11:00 to 23:00

**Stormbird – 25 Camberwell Church Street, SE5 8TR**

The sale of alcohol to be consumed on and off the premises

- Monday to Wednesday 10:00 to 00:00 (midnight)
- Thursday 10:00 to 02:00
- Friday and Saturday 10:00 to 03:00 (the following day)
- Sunday 10:00 to 00:00 (midnight)

The provision of late night refreshment (indoors)

- Monday to Wednesday 23:00 to 00:00 (midnight)
- Thursday 23:00 to 02:00
- Friday and Saturday 23:00 to 03:00 (the following day)
- Sunday 23:00 to 00:00 (midnight)

The provision of regulated entertainment in the form of recorded music, live music, films, and performance of dance (indoors)

- Monday to Wednesday 10:00 to 00:00 (midnight)
- Thursday 10:00 to 02:00
- Friday and Saturday 10:00 to 03:00 (the following day)
- Sunday 10:00 to 00:00 (midnight)

**Southwark council statement of licensing policy**

40. Council Assembly approved Southwark's statement of licensing policy 2016 - 2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy

- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
41. 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.
42. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within the Camberwell CIP area. Under the Southwark statement of licensing policy 2016 - 2020 the local CIP applies to night clubs, public houses and bars, off-licences, supermarkets and grocers. The closing time recommended in the statement of licensing policy for off licences, and grocers or supermarkets with off sales of alcohol in this area is 00:00 (midnight) daily.

### **Camberwell CIP**

43. On 5 November 2008, council assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Camberwell area.
44. The boundary of the area is defined as follows – From Camberwell New Road at the junction with Wyndham Road progressing via Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews Camberwell Grove (via alley) / Grove Lane / De Crespigny Park / Denmark Hill following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road returning to the start.

### **Resource implications**

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

### **Consultations**

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

### **Community impact statement**

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

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

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

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

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

#### **Conditions**

53. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
54. The four licensing objectives are:



- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm
55. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
56. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
57. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

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

### **Hearing procedures**

59. 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.

60. 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**

61. 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.
62. 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.
63. 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.
64. 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.
65. 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.
66. 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.
67. 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.
68. 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

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

### Strategic Director of Finance and Governance

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

### BACKGROUND DOCUMENTS

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

### APPENDICES

Name	Title
Appendix A	Application for a premises licence and DPS Consent
Appendix B	Representations submitted by responsible authorities
Appendix C	Representations submitted by other persons
Appendix D	Responses to Responsible Authorities
Appendix E	Notice of Decision: 15 June 2017
Appendix F	Notice of Decision: 10 May 2018
Appendix G	Map of the local area

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	29 August 2018	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to constitutional team		29 August 2018

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

**APPENDIX A**

12/07/2018

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

Ref No. 1054773

Name of Applicant

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

	Somasundram Ariyaratnam
--	-------------------------

Premises Details

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

£	18750
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	Price Cutter
--	--------------

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

Address Line 1	4 CAMBERWELL CHURCH STREET
Address Line 2	
Town	LONDON
County	
Post code	SE5 8QU
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

	An individual or individuals
--	------------------------------

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

If you are applying as an individual or non-individual please select one of the following:-

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

## Details of Individual Applicant

## Personal Details

Title	Mr
If other, please specify	
Surname	Ariyarajah
Forenames	Somasundram
I am 18 years old or over	Yes
Nationality	Sri Lankan

## Current Address

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

## Contact Details

Daytime contact telephone number	██████████
Email Address	██████████

Do you wish to add a second individual applicant?

	No
--	----

## Operating Schedule

When do you want the premises licence to start?

	08/08/2018
--	------------

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



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

--	--

General description of premises ( see guidance note 1 )

	convenience store
--	-------------------

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)


Provision of late night refreshment

--	--

Supply of alcohol

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

J - Supply of Alcohol

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

	Off the premises
--	------------------

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

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

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

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

	None
--	------

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

	None
--	------

Please download and then upload the consent form completed by the designated proposed premises supervisor

	DPS-consent-4-Camberwell-Church-Street.png
--	--

## Premises Supervisor

Full name of proposed designated premises supervisor

First names	Somasundram
Surname	Ariyarahah

DOB

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

Address of proposed designated premises supervisor

Street number or Building name	█
Street Description	████████████████████
Town	██████████

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

County	
Post code	██████

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

Personal licence number ( if known )	██████████
Issuing authority ( if known )	Bromley Council

K

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

	None except for the sale of alcohol
--	-------------------------------------

L - Hours premises are open to public

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

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

State any seasonal variations ( Please read guidance note 5 )

	None
--	------

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

	None
--	------

M - Steps to promote four licencing objectives

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

	TRAINING OF ALL STAFF ON THE PREMISES TO ENSURE THAT THEY
--	---



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

	<p>UNDERSTAND AND ADHERE TO THE LAW RELATING TO THE SALE OF ALCOHOL. REFRESHER TRAINING WILL BE GIVEN ON A REGULAR BASIS AND TRAINING RECORDS WILL BE KEPT AND MADE AVAILABLE TO POLICE OR COUNCIL OFFICIALS ON REQUEST</p> <p>RECEIPTS FOR ALL ALCOHOL PRODUCTS WILL BE KEPT ON THE PREMISES FOR NO LESS THAN 12 MONTHS AFTER PURCHASE, WHICH WILL BE MADE AVAILABLE TO ANY AUTHORISED OFFICER ON REQUEST.</p>
--	---

## b) the prevention of crime and disorder

	<p>CCTV INSTALLED THAT MEETS POLICE GUIDELINES, AND MAINTAINED SO FULLY OPERATIONAL 24 HOURS DAILY. RECORDINGS TO BE KEPT FOR A MINIMUM OF 31 DAYS AND TO BE MADE AVAILABLE TO POLICE/COUNCIL OFFICERS IF REQUIRED. CCTV FOOTAGE TO SHOW CLEAR HEAD AND SHOULDER IMAGES OF ALL CUSTOMERS ENTERING THE PREMISES</p> <p>ALARM SYSTEM IN PLACE</p> <p>SHUTTERS AT FRONT WINDOWS</p> <p>WINDOW SERVICE ONLY FROM MIDNIGHT TO 8AM DAILY. NO CUSTOMERS WILL BE ALLOWED ONTO THE PREMISES BETWEEN MIDNIGHT AND 8AM EACH DAY.</p>
--	---

## c) public safety

	<p>ALL STAFF TRAINED TO DEAL WITH ANY OUTBREAK OF FIRE AT THE PREMISES. FIRE EXTINGUISHERS INSTALLED AND REGULARLY SERVICED IN ACCORDANCE WITH FIRE AUTHORITY GUIDELINES</p> <p>TO COMPLY WITH ANY REQUIREMENTS OF THE FIRE AUTHORITY</p>
--	---

## d) the prevention of public nuisance

	<p>ANYONE WHO IS DRUNK OR UNDER 18 OR APPEARS TO BE BUYING ALCOHOL FOR SOMEONE WHO IS DRUNK OR UNDER 18 WILL BE REFUSED THE SALE OF ALCOHOL</p> <p>NO BEERS, CIDERS OR LAGERS ABOVE 6.5% ABV TO BE DISPLAYED OR SOLD EXCEPT WHITE STAR CIDER, BLACK STAR CIDER (BOTH 7.5% ABV) AND K CIDER (8% ABV)</p>
--	---

## e) the protection of children from harm

	<p>CHALLENGE 25 TO BE OPERATED AT ALL TIMES, AND ANYONE ATTEMPTING TO BUY ALCOHOL WHO APPEARS TO BE UNDER THE AGE OF 25 WILL HAVE TO PROVIDE PHOTO ID IN THE FORM OF AN INDUSTRY APPROVED PROOF OF AGE IDENTITY CARD, PASSPORT OR PHOTO DRIVING LICENCE TO PROVE THAT THEY ARE 18 OR OVER. SIGN TO BE DISPLAYED AT POINT OF SALE - 'NO PROOF OF AGE - NO SALE'. A REFUSALS/INCIDENT BOOK, DETAILING ALL INCIDENTS WHERE ALCOHOL AND OTHER AGE RELATED PRODUCTS ARE REFUSED, AND ANY OTHER RELEVANT INCIDENTS, IS TO BE KEPT AND MADE AVAILABLE TO AUTHORISED OFFICERS ON REQUEST.</p>
--	---

Please upload a plan of the premises

	<a href="#">Plan-Camberwell-church-Street.PDF</a>
--	---

Please upload any additional information i.e. risk assessments

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

Passport-Camberwell-Church-Street-2.html
--

#### Checklist

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

#### Home Office Declaration

Please tick to indicate agreement

<input type="checkbox"/>	I am not a company or limited liability partnership
--------------------------	---

#### Proof of Entitlement to work in the UK

Please upload proof of entitlement to work in the UK

Passport-Camberwell-Church-Street-1.html
--

#### Declaration

I agree to the above statement

	Yes
PaymentDescription	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
PaymentContactEmail	[REDACTED]

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	Debra Silvester
Date (DD/MM/YYYY)	12/07/2018
Capacity	Agent

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity



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

Full name	Licensing Services Agency
Date (DD/MM/YYYY)	
Capacity	Hertford

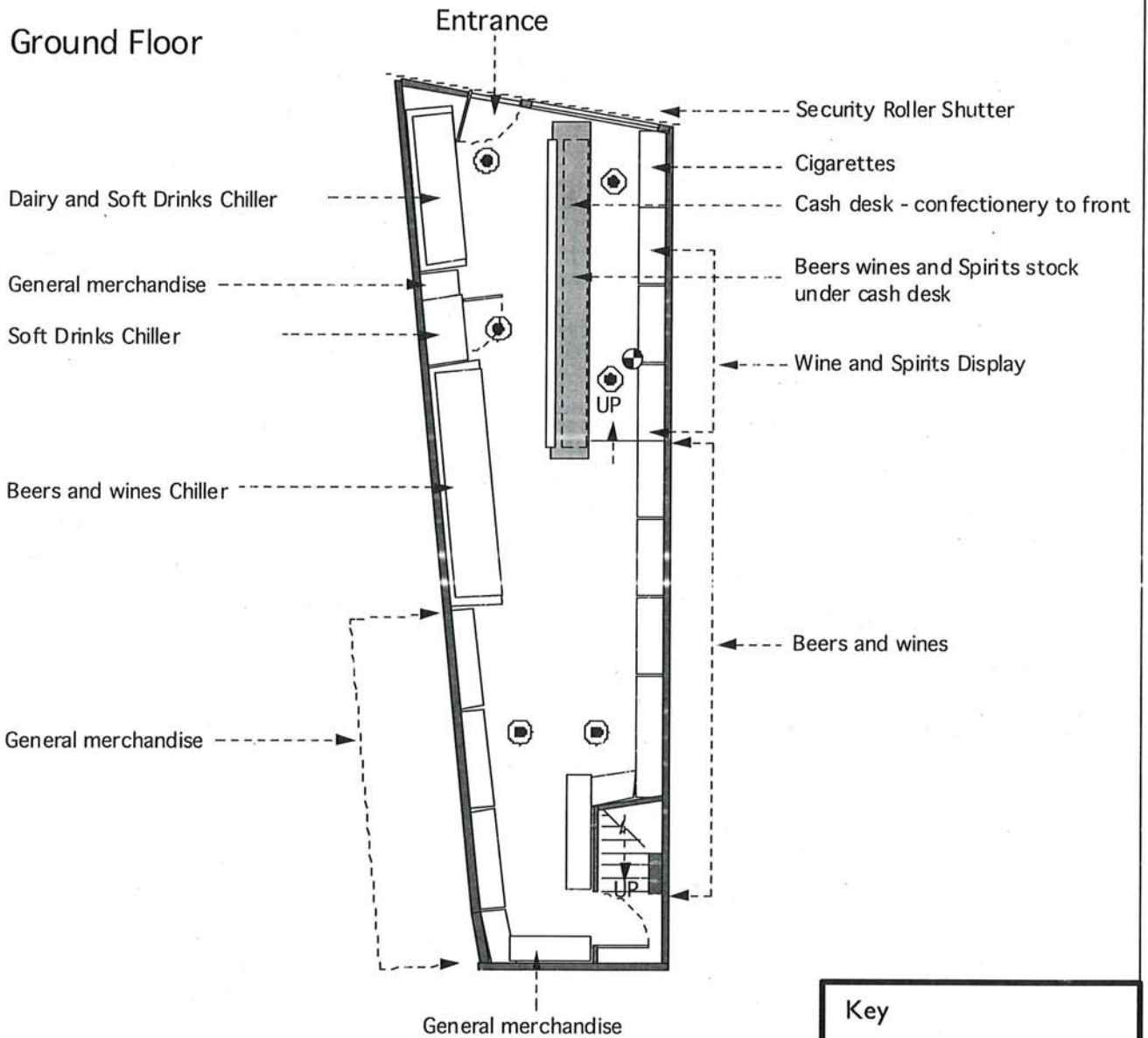
Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)



Contact name and [REDACTED]	[REDACTED] [REDACTED] t [REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	licensingervicesagency@ntlworld.com

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

**Camberwell Church Street**


**Ground Floor**



Key	
	CCTV Camera
	General Purpose Fire Extinguisher

Licensing Services Agency  
 16 Bengeo Street  
 Hertford SG14 3ES

Do Not Re-scale /resize  
 This scale should measure 5 cm when printed



**PRINT OUT AT A4**

Date 6 July 2018  
 Scale 1:100  
 Drawing:  
 Ground Floor Plan

**Site Address**  
 4 Camberwell Church St  
 London  
 SE5 8QU

## DESIGNATED PREMISES SUPERVISOR CONSENT FORM

### Consent of individual to being specified as premises supervisor

If you are completing this form by hand please use black ink and write legibly in block capitals.

I, SOMASUNDRAM ARIYARAJAH ..... [full name of prospective premises supervisor]  
of ..... [redacted] .....

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to  
the application for PREMISES LICENCE ..... [type of application eg, grant of new licence /  
vary of DPS] by S. ARIYARAJAH ..... [name of applicant]  
relating to premises licence ..... [number of existing licence, if any] for

PRICE CUTTER  
4 CAMBERWELL CHURCH STREET, LONDON  
SE5 8QU ..... [name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

... SAME APPLICANT ..... [name of applicant]

concerning the supply of alcohol at ... SAME PREMISES [name and address of premises to which application  
relates].

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or  
currently hold a personal licence, details of which I set out below.

Personal licence number - ..... [redacted] ..... [insert personal licence  
number if any]

Personal licence issuing authority BROMLEY COUNCIL .....

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name  
(please print)

SOMASUNDRAM ARIYARAJAH

Date

9/7/18

**Data Protection:** The Council will use this information for the purposes of The Licensing Act 2003 and related  
purposes. Any member of the public may examine the application form on request. In addition, this information may  
be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other  
Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you  
have provided on this form for the prevention and detection of fraud. It may also share this information with law  
enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.



## APPENDIX B POLICE

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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD21/3181/18

**Date:** 8<sup>th</sup> August 2018

Dear Sir/Madam

**Re:- Price Cutter, 4 Camberwell Church Street, London SE5 8QU**

Police are in possession of an application from Somasundram Ariyarahaj for the above for a new premises licence. The premises has recently been subject of a review by trading standards and the licence was revoked. The premises appealed to the magistrate's court, which was unsuccessful, and the transfer application, which was refused and then appealed, was withdrawn.

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

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

Before the granting of any licence we would like to see a copy of lease agreement between the property owner and the applicant and all other relevant documents, relating to the operation of the premises to insure the previous licence holder is unable to reclaim control of the licence. We would also require a condition excluding them from the management of the premises or being involved in the running of the premises.

He has applied for a 24-hour opening with a licence to sell alcohol between 08.00hrs and 00.00hrs 7 days a week.

The terminal hours for the sale of alcohol applied for are within that recommended by Southwark's licensing policy however the policy applies to opening times, which are outside the policy. The premises are situated within the Camberwell Cumulative impact zone (CIZ) and as such, the presumption should be to refuse.

Camberwell is subject to considerable problems with alcohol misuse and has been subject to considerable investment in the area to improve the local amenities. Kings College hospital and the Maudsley Hospital are situated in the area and have Alcohol treatment centres within both. I have attached a statement by PC McKay a local officer from 2017 explaining the issues in the area, which I believe is still relevant today.

The applicant should consider issues caused by opening and selling alcohol in the early morning as it would attract alcohol dependent people and the problems associated with this. When setting out the steps they will take to promote the licensing objectives these factors should be considered. I believe that the sale of alcohol should not be until 10am.

The applicant has offered a number of conditions as part of the operating schedule, which we welcome. However what is of serious concern is that he has offered not to sell alcohol above 6.5% ABV except White Star cider, Black star Cider and K Cider which are all consumed by alcohol dependent people due to the low cost high strength. Cider is not subject to the same price per unit as other Lagers and beers leaving them available at low cost in comparison.

As a licensing unit these are the type of products we are trying to discourage in the area where alcohol abuse and the associated crime and disorder and most prevalent due to the abuse by alcohol by dependent people and street drinkers.

The conditions set out in the operating schedule should be precise and enforceable, as stated in the Section 182 Guidance of the Licensing Act 2003 issued by the Home Office.

Police would like to see further control measures.

1. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
2. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use. It should cover all areas the public have access and the outside area to the front.
4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.



7. Traceable invoices shall be kept on the premises (or if not possible copies of those invoices) for inspection by police, council officers and HMCR on request for a minimum of 6 months.

If opening hours are granted outside the sale of alcohol then the following condition should be placed on the licence, to avoid confrontation with customers.

8. When the premises are open to the public and the licence is not in operation. All alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

Submitted for your consideration.

Yours Sincerely

PC Graham White 288MD  
Licensing Officer  
Southwark Police Licensing Unit



**RESTRICTED (when complete)**

MG 11 (T)

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC MARK MCKAY** ..... URN: 

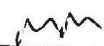
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 240927** .....


This statement (consisting of: .... **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.


Signature:  Date: 19/5/2017

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am PC Mark MCKAY 192MD and I am the dedicated ward officer for Camberwell Green, Southwark Borough. I am making this statement to highlight issues related to street drinking and the role responsible off-licences can play in tackling this entrenched issue. This statement is to be used at the licensing review into Adams News, of 6 Coldharbour Lane, SE5. I am happy to attend the hearing if necessary. 

**Background**

I joined Camberwell Green Safer Neighbourhood Team in September 2015. It was immediately obvious street drinking was a serious and entrenched issue in the ward. Areas where it has been an acute problem include the junction of Denmark Hill and Coldharbour Lane where there is also a short alleyway, Milkwell Yard. In this area there are several off-licences within a fifty-yard-stretch of high street. This area has gained notoriety for alcohol-related anti-social behaviour as it has historically proved especially prevalent here. Street drinkers will buy low-priced super-strength alcohol then congregate in groups of up to eight or nine outside shops. They will drink until they are drunk, shout, swear, fight, drop litter and generally cause harassment, alarm and distress to the public. The group has been large enough to block the pavement to pedestrians. This is extremely distressing for members of the public, which include parents walking their children to the nearby Crawford Primary School. They will also venture into Milkwell Yard to urinate, often just yards from people's homes - Milkwell Yard is an alleyway with a dead-end and is the sole entrance to a handful of residential flats. This makes it an extremely undesirable and disgusting place for people to live. When I first joined the team almost two years ago, encountering street drinkers at this location was a daily occurrence. Our interactions would almost always inevitably lead to officers seizing alcohol from drunken street drinkers who then become angry and aggressive. Staff at Paddy Power, in Coldharbour Lane, also raised concerns about street drinkers loitering outside the shop front. Many have consequently been banned from entering the bookmakers. In Valmar Road, about fifty yards along Coldharboue Lane, drinkers can congregate and drink quite literally on the front doorstep of houses.   
Historically, Camberwell Green has also been a hot-spot for street drinking. About ten years ago extensive

Signature:  Signature witnessed by: .....

**RESTRICTED (when complete)**

Continuation of Statement of **PC MARK MCKAY** .....

collaborative work between this team and partner agencies made serious inroads to curb the number of street drinkers on the green. However, while the numbers of drinkers may have reduced, entrenched pockets remain. Again, there are several off-licences around Camberwell Green, Camberwell Church Street, Camberwell Road and Camberwell New Road. There are also hostels around the green which house alcoholics. Camberwell Green and Denmark Hill are also transport hubs for bus and overground rail services. This means they are high footfall areas with large transient populations. The Peabody Estate lies on the eastern side of Camberwell Green. Access into the estate is through an open vehicle entrance. Like Milkwell Yard, street drinkers use the Peabody Estate as a location to urinate and hide from public view. This causes significant distress to residents. In July 2016, Camberwell Green re-opened after extensive renovation work. This included installing three benches in a newly-pedestrianised area adjacent to blocks A, B & C. Again, they would drink until they were drunk. They would also shout and fight amongst themselves. This was distressing for residents living in these blocks as the noise was sometimes so loud it could heard through closed windows. In May 2016 these benches were removed, though picnic benches in the green remain. MM

The high concentration of hostels housing those living chaotic lifestyles and off-licenses selling cut-price alcohol has the potential to create a perfect storm of alcohol-fuelled anti-social behaviour. While the situation is not as severe as it once was, street drinking remains entrenched around Camberwell Green and Coldharbour Lane. As a result, tackling street drinking and related anti-social behaviour has been a ward priority for Camberwell Green since at least September 2015, though I'm told it has been a priority for years before this. MM

In November 2006 Southwark Council made the borough an alcohol controlled zone under the Criminal Justice and Police Act 2001 to combat alcohol-fuelled violence and associated anti-social behaviour. This meant council wardens and police can confiscate alcohol from anyone causing a nuisance in public, while those failing to comply could be arrested and fined up to £500 on conviction. MM

In April 2016 BBC Two broadcast a documentary presented by journalist Louis Theroux on alcoholics at King's College Hospital, in Denmark Hill. This involved Theroux interviewing street drinkers in Coldharbour Lane and Camberwell Green. This provides a fitting illustration of how severe and entrenched an issue street drinking remains in Camberwell. MM

Many street drinkers are alcoholics. Due to this, it is not enough to tackle the issue through enforcement. We also signpost street drinkers to support services when we interact with them. Only with effective intervention is it possible to break the cycle of addiction, which for too many is the underlying cause of their behaviour. MM

### Progress since 2015

Previously, alcohol would be seized and fixed fines issued, but interactions were not consistently recorded. This approach was a short-term 'quick fix' with limited long-term impact as drinkers would return to congregate in hot spot areas. Starting in November 2015, Camberwell Green Safer Neighbourhood Team has worked in close-partnership with Southwark Council to address ongoing alcohol-related anti-social behaviour. Joint-enforcement operations and council warden reports have proved effective in painting a comprehensive picture and identifying

Signature: 

Signature witnessed by: .....



Continuation of Statement of **PC MARK MCKAY** .....

ringleaders among the street drinking population. Joint patrols and operations took place in November 2015, March 2016 and April 2016. Intelligence from these operations, local knowledge and community feedback enabled us to adopt a targeted and systematic enforcement approach. This meant formally recording every time alcohol was seized with a set escalation process followed. Our team also adopted innovative and previously-untried police powers under the 2014 Anti-Social Behaviour, Crime and Police Act. MM

First time offenders received verbal warnings and fines were issued to those already warned. Community Protection Notices (CPNs) warnings, and CPNs were issued to repeat offenders as a mid-level enforcement intervention. To be eligible for a CPN an individual's behaviour must have had a detrimental impact on the quality of life of people in the community and be of a persistent nature. This was evidenced from statements taken from residents, businesses and a school's head teacher. Conditions on an individual's behaviour within a marked area would be applied to CPNs. Breaching a CPN is a criminal offence in itself. This meant those who breached one could be charged and be made the subject of a Criminal Behaviour Order (CBO), which replaced Anti-social Behaviour Orders (ASBOs). Conditions attached to a CBO could make it a criminal offence for an individual to enter a marked area regardless of their behaviour. This meant persistent offenders could be arrested for entering Camberwell whether they were drinking or not. Applying for a CBO is an extreme measure and has been applied to just two street drinkers in Camberwell so far, in September and November 2016. MM

This approach has had a positive impact with interactions with street drinkers falling significantly, especially around Coldharbour Lane. However, the number of interactions on Camberwell Green has slightly increased, though they are mostly different individuals than those who gathered around Coldharbour Lane. That said, the overall number of interactions is down on a year-by-year comparison. Street drinking can also be a seasonal issue. The true test will be whether drinkers begin to gather around Coldharbour Lane again as warmer weather takes hold. MM

**The off-license's role** MM

Under Section 141 of the 2003 Licensing Act it is an offence to sell alcohol to someone who is drunk. Despite this, many off-licenses make their trade through sales of alcohol to intoxicated street drinkers. Selling super-strength and low-priced alcohol sold by the can is a sales technique which appears to deliberately target street drinkers. It is irresponsible. Licence holders at off licenses can adopt a responsible approach to business by not selling these drinks at all. MM

Alcohol-fuelled anti-social behaviour like shouting, low-level fighting and public urination are not the most serious crimes - far from it. However, there can be a significant detrimental impact on the quality of life of law-abiding residents forced to endure this behaviour. Everyone has the right to respect of their private and family life. This includes living without being disturbed by drunken raucous behaviour. Off licenses have a role to play in helping the police and partner agencies achieve this. This means abiding by relevant legislation and their licensing conditions. Failure to do so makes it that little bit harder for police officers and employees of other agencies to tackle alcohol-related anti-social behaviour. MM

Signature:



Signature witnessed by: .....

**TRADING STANDARDS****Heron, Andrew**

**From:** Jerrom, Charlie on behalf of Regen, Licensing  
**Sent:** 28 August 2018 11:25  
**To:** Heron, Andrew  
**Subject:** FW: Reps wrt licensing application ref 1054773 - 4 Camberwell Church Street (Mr Somasundram ARIYARAJAH)

FYI

---

**From:** Moore, Ray  
**Sent:** Thursday, August 09, 2018 3:47 PM  
**To:** Regen, Licensing; Tear, Jayne  
**Subject:** Reps wrt licensing application ref 1054773 - 4 Camberwell Church Street (Mr Somasundram ARIYARAJAH)

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Mr Somasundram ARIYARAJAH for a new Premises License at shop trading as "Price Cutter" at 4 Camberwell Church Street, London SE5 8QU and respond accordingly with representations made under the Licensing Objectives.

Trading Standards are objecting to this license application on the basis of the licensing objectives "the prevention of crime and disorder" and "the protection of children from harm."

It should be noted that the previous license was revoked by the licensing sub committee and the appeals process was exhausted on 29<sup>th</sup> June 2018 when the appellant Ghulam RASOOL withdrew his appeal part way through the hearing at Camberwell Magistrates Court. Also at Court on that day was the applicant, Mr Somasundram ARIYARAJAH, who was appeal the licensing sub committees refusal to allow him to transfer the license into his name since it had been revoked. Amongst the evidence submitted at the transfer hearing was evidence that Ghulam RASOOL still had control over the premises as having absolute title to the building. At the transfer hearing an unsigned lease contract for the premises was submitted that contained a clause that would allow Mr Rasool to unilaterally take back control of the business. No new contract has been produced to show that this business has been transferred to the applicant in anyway whatsoever. Under the management of the new applicant an under age sale took place and further breaches of license conditions.

Trading Standards intend to re-submit all the papers relating to the original licensing review that led to the revocation as well as the papers relating to the refused transferral to the current applicant in support of these representations.

A land registry check was done on Thursday 9<sup>th</sup> August 2018 which has revealed that Mr Ghoolam Rasool still has absolute title to the property.

In the general description of the premises, the applicants state,

"Convenience Store"

The hours applied for the sale of alcohol from the premises are 08:00hrs to 00:00hrs Monday to Sunday while the permitted shop opening hours are 24 hours. This does not tie in with the hours recommended for the Camberwell Cumulative Impact zone.

It should also be noted that they wish to be granted exemptions from the "6.5% maximum alcohol content" for a number of high strength and cheap ciders. It should be noted that street drinking is a serious issue in this area and has been the subject of problems with this premises before. To seek exemptions for these high strength ciders suggests that the sale of such products to problem drinkers is a key part of the intended business plan. The attempt to get exclusions for these particular drinks suggests that the applicant is unlikely to act as a responsible retailer of alcohol.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Social Regeneration| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

[www.southwark.gov.uk/TradingStandards](http://www.southwark.gov.uk/TradingStandards)

Need proof of age? Visit [www.southwark.gov.uk/pa](http://www.southwark.gov.uk/pa)

Need advice on consumer issues? Visit Citizens Advice via [www.direct.gov.uk/consumer](http://www.direct.gov.uk/consumer)



<http://www.southwark.gov.uk/business/trading-standards-and-food-safety/illegal-tobacco-e-cigarettes-and-shisha>

Please consider the environment - do you really need to print this email?

**Heron, Andrew**

---

**From:** Moore, Ray  
**Sent:** 28 August 2018 09:20  
**To:** [REDACTED]  
**Cc:** Heron, Andrew; [REDACTED]  
**Subject:** FAO Debra Sylvester wrt 4 Camberwell Church Street

Debra... if you could forward me a copy of the signed lease agreement it would be greatly appreciated. I am somewhat confused by the date of the signing of the agreement (11<sup>th</sup> May 2018) ... as this was a full month before the licensing hearing for the previous transfer when an unsigned agreement with the breakout clause was submitted by your client.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Social Regeneration| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

[www.southwark.gov.uk/TradingStandards](http://www.southwark.gov.uk/TradingStandards)

Need proof of age? Visit [www.southwark.gov.uk/pal](http://www.southwark.gov.uk/pal)

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<http://www.southwark.gov.uk/business/trading-standards-and-food-safety/illegal-tobacco-e-cigarettes-and-shisha>

Please consider the environment - do you really need to print this email?



**PUBLIC HEALTH****Heron, Andrew**

**From:** Tahir, Sarah  
**Sent:** 06 August 2018 16:22  
**To:** Heron, Andrew  
**Subject:** FW: Consultation - New Premises Licence, 4 Camberwell Church Street  
**Attachments:** Alcohol-related violence and disorder in Southwark's CIP areas 2017 09 1...pdf

Added to l1u = 863980

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**From:** Regen, Licensing  
**Sent:** Monday, August 06, 2018 4:10 PM  
**To:** Tahir, Sarah  
**Subject:** FW: Consultation - New Premises Licence, 4 Camberwell Church Street

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**From:** Public Health Licensing  
**Sent:** Monday, August 06, 2018 4:07 PM  
**To:** Regen, Licensing  
**Cc:** Shapo, Leidon; Public Health Licensing  
**Subject:** RE: Consultation - New Premises Licence, 4 Camberwell Church Street

To Whom it may concern:

**RE: Price Cutter, 4 Camberwell Church Street, SE5 8QU**

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

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

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

**General Comments**

The applicant requests a new license for the sale of alcohol off of the premises.

<b>Proposed times</b>	<b>Opening hours</b>	<b>Alcohol Sales</b>
<b>Monday - Sunday</b>	00:00 – 00:00	08:00 – 00:00

**Concerns relating to this application**

This premises is to be located in the Camberwell CIP area and in my opinion, the applicant has done nothing to rebut the claim that their proposed establishment will add to the alcohol-related disorder in the area.

Camberwell CIP area accounts for 9.5% of all rowdy behaviour and street drinking, and 8.4% of all alcohol related non-domestic violence in Southwark (2017 - 2018). Furthermore, Camberwell Green accounts for the 6<sup>th</sup> highest number

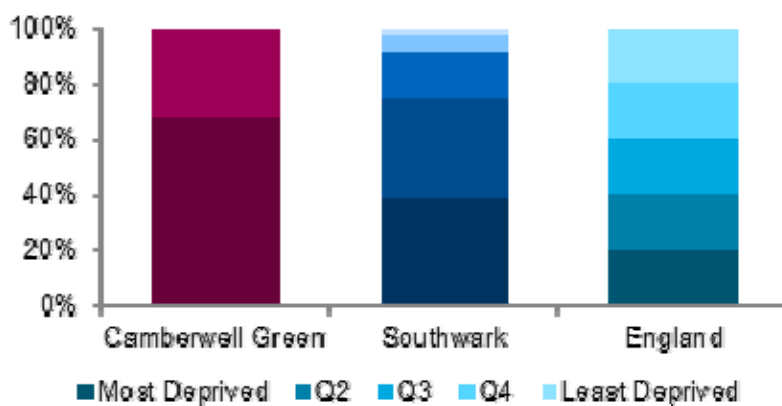
(7%) of alcohol related ambulance call-outs in Southwark.

Table. 1- Alcohol related ambulance call-outs in Southwark (by ward) from 2016 - 2018

WARD	Ambulance Call- Outs	Percentage
Cathedrals	473	19%
Chaucer	241	10%
Orange	224	9%
Riverdale	217	9%
The Lane	183	7%
Camberwell Green	178	7%
Navington	153	6%
East Walworth	138	5%
Rotherhithe	103	4%
Peckham	78	3%
South Bermondsey	71	3%
Brunswick Park	68	3%
Lewisham	65	3%
Paraday	61	2%
Nunhead	44	2%
South Camberwell	42	2%
Village	42	2%
East Dulwich	38	1%
Collage	34	1%
Peckham Rye	34	1%
Surrey Docks	29	1%
TOTAL	2610	100%

Camberwell Green is home to a population that would be vulnerable to alcohol disorder as 25% of residents in the ward claim out-of-work benefits, this is above the London average of 8% as of 2016. Furthermore, ~65% and ~35% of the ward's residents fall into the most deprived and 2<sup>nd</sup> most deprived quintiles respectively (see Figure 1).

Figure 1 – Proportion of population in each deprivation quintile



## Recommendations

I recommend the following:

- The opening hours be amended to:
  - Monday – Sunday: 11:00 – 00:00
  
- The hours for the sale of alcohol be amended to:
  - Monday – Sunday: 11:00 – 00:00

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

Yours sincerely,

Aakulan Kangatharan

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

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**From:** Jerrom, Charlie

**Sent:** Friday, July 13, 2018 2:50 PM

**To:** [Alcohol@homeoffice.gsi.gov.uk](mailto:Alcohol@homeoffice.gsi.gov.uk) ; Sharpe, Carolyn; Chowdhury, Farhad; Chudasama, Sailesh; Costin, Holly; Taylor, Dan; DIP Team; Farrington, Ian; FireSafetyRegulationSE@london-fire.gov.uk ([FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)); Graham White; Moore, Ray; Planning.Enquiries; Public Health Licensing; Reg Env Protection; Richards-Vassell, Thomas; Qau Safeguarding; safer; Shannon, Rochelle; [southwark.repro@pbms.co.uk](mailto:southwark.repro@pbms.co.uk); Tear, Jayne; West Team diary

**Subject:** Consultation - New Premises Licence, 4 Camberwell Church Street

**Heron, Andrew**

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**From:** Kangatharan, Aakulan  
**Sent:** 28 August 2018 11:11  
**To:** [REDACTED]  
**Cc:** Heron, Andrew  
**Subject:** RE: Price Cutter, 4 Camberwell Church Street

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

Dear Debra,

Given that the applicant has agreed to the conditions below, I am happy to withdraw my representation.

Kind Regards,  
Aakulan Kangatharan

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**From:** Heron, Andrew  
**Sent:** Friday, August 24, 2018 4:11 PM  
**To:** [REDACTED]; Moore, Ray; Kangatharan, Aakulan  
**Subject:** RE: Price Cutter, 4 Camberwell Church Street

Dear Ray / Aakulan,

Please find below the response to your representations and attached the responses to the Police and the Licensing Authority.

I look forward to hearing from you in relation to your representation.

Regards,

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

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard:** 020 7525 5000  
**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)  
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>




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**From:** [REDACTED]  
**Sent:** Friday, August 24, 2018 3:53 PM  
**To:** Heron, Andrew  
**Cc:** [REDACTED]  
**Subject:** Price Cutter, 4 Camberwell Church Street

Dear Andrew

I have already written to Graham White and Jayne Tear regarding their representations in respect of this premises licence application (and copied you in on them) but do not have the email addresses of Mr Kangatharan in Public Health or Ray Moore in Trading Standards therefore I would be grateful if you could forward this email to them, along with the emails I have sent to Graham and Jayne which confirm agreement to various conditions and an amendment of the opening hours and hours for the sale of alcohol.

With regard to Ray Moore's representation, one of his concerns is that the lease contract he was shown a copy of has now been amended so that there is no longer a clause that would allow Mr Rasool to unilaterally take back control of the business. Although Mr Rasool is still the freehold owner Mr Ariyarajah is now the leaseholder on a 15 year lease (since 11th May 2018), and has the option to buy the freehold in 12 months time. I would be happy to forward a copy of the new lease as soon as I receive it from the applicant.

Mr Moore also objected to the hours of opening, but Mr Ariyarajah has now agreed to the opening hours and the hours for the sale of alcohol of 11am to midnight daily. As mentioned in my email to Graham White we have also agreed to a number of Police conditions as follows:

1. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
2. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use. It should cover all areas the public have access and the outside area to the front.
4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. Traceable invoices shall be kept on the premises (or if not possible copies of those invoices) for inspection by police, council officers and HMCR on request for a minimum of 6 months.

If opening hours are granted outside the sale of alcohol then the following condition should be placed on the licence, to avoid confrontation with customers.

8. When the premises are open to the public and the licence is not in operation. All alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

Mr Kangarathan's objection to this application also centres around the alcohol-related disorder in the area and he has suggested opening hours and alcohol sales to be 11am to midnight daily, which I mentioned above the applicant has agreed to.

As I mentioned in my email to Jayne Tear, none of the original members of staff that were working at the shop when the problems occurred are still working at the premises so the neighbour who also objected to this application should have no concerns that the breaches of the premises licence which have occurred will happen again, so I would appreciate it if she could also be made aware of the conditions and revised hours that have been agreed to.



As I stated before, Mr Ariyarajah would be happy to meet up with all of the responsible authorities prior to the hearing if it is considered worthwhile and productive.

I am not sure whether I have included all of the relevant points in all emails so if you feel it is appropriate maybe you could forward my emails to whoever you think would wish to see them.

Thank you for your help.

Kind regards

Debra Silvester

**LICENSING****MEMO: Licensing Unit**


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To	Licensing Unit	Date	6 August 2018
Copies			
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

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Subject Re: Price Cutter, 4 Camberwell Church Street, London, SE5 8QU  
 – Application for a premises licence

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

- Supply of alcohol (off the premises) on Monday to Sunday from 08:00 to 00:00
- Overall opening times shall be 24hrs daily from Monday to Sunday.

In premises described within the application as a '*convenience store*'.

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

This premise is situated within the Camberwell District Town Centre Area and the appropriate closing times for off-Licences is 00:00 hours daily.

The premises also falls within the Camberwell Cumulative Impact Policy Area.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Camberwell policy area as defined in paragraph 132 of the policy and as an off licence/convenience store **this** premises falls into the class of premises in 133 of the policy.

Therefore under 119 of the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can

demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area.

Further to this the premises has previously held a licence which was subject to a review submitted by Trading standards. At the hearing for the review on 15 June 2017 the licence the licensing sub-committee revoked the premises Licence. I attach a copy of the notice of decision to this representation.

The applicant appealed this decision and whilst awaiting the appeal hearing a transfer application was submitted on 19<sup>th</sup> March 2018 to remove Mohammed Imran & Ghulam Rasool as the premises licence holders and to specify Somasundram Ariyaratjah as the new premises licence holder.

The effect of an application to transfer a premises licence is that it will have immediate interim effect unless an objection is received from the Police.

The police objected to the transfer application and subsequently the LSC refused the application to transfer on 10 May 2018. I attach the notice of decision to this representation.

Both appeals were subsequently withdrawn.

I have no faith in Mr Somasundram Ariyaratjah to uphold any of the licensing objectives and believe that the previous licensee will have some overall control of the premises. Further to this whilst awaiting the appeal hearing for the transfer further offences were committed whilst under the premises was under the control of Somasundram Ariyaratjah.

I therefore recommend that the applicant is refused.

I may submit further supporting information to this representation.

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

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



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 10 MAY 2018

#### SECTION 34 LICENSING ACT 2003: FOOD & WINE, 4 CAMBERWELL CHURCH STREET, LONDON SE5 8QU

##### 1. Decision

The licensing sub-committee having considered the objection notice submitted by the Southwark Police Licensing Office relating to the application submitted by Somasundram Ariyaratnam to transfer a premises licence under section 42 of the Licensing Act 2003 in respect of the premises known Food & Wine, 4 Camberwell Church Street, London SE5 8QU has refused the transfer application.

##### 2. Reasons

The licensing sub-committee heard from the Metropolitan Police Service representative who objected to the transfer application. The officer advised that the premises had been subject to an application for the review of the premises licence which had been submitted by Southwark's trading standards team. Following the review hearing and considering all the facts, the licensing sub-committee decided it was appropriate and proportionate to revoke the premises licence. This decision was the subject of an appeal by the premises licence holders, due to heard at Camberwell Green Magistrates' Court on 29 June 2018. On the 19 March 2018 the applicant had submitted the transfer application to take immediate effect.

The representative for the police called an officer from trading standards as a witness. The trading standards officer outlined the details of the review application that resulted in the revocation of the licence. The officer also stated that on 27 March 2018, officers conducted a test purchase at the premises. The person in charge of the shop at the time made an underage sale of cigarette's without challenging the young person. Enquiries were made with the person in charge at the time as to the identity of the current premises licence holder, who stated that it was her husband and produced an unsigned management agreement to the same effect. On 6 April 2018, trading standards officers attended again and the applicant was present and stated that it was his intention to purchase the business.

Furthermore, during the course of investigations, trading standards officers seized the premises training records and identified the details of two individuals that were involved in another premises which has also had its premises licence revoked.

The licensing sub-committee then heard from the applicant's representative, who advised that her client was unable to attend as he was required to run the shop. The representative stated that the transfer application was genuine and that she had been contracted by the applicant in December 2017. Since January 2018 the applicant had been working at the premises, without pay, to ascertain whether it was an economically viable business. Ultimately, the applicant wanted to run the premises a family business.

The reason why the applicant was not identified as the owner of the business on 27 March was because until he was sure that he wanted to buy the business, he did not want to upset the dynamics of the business, until necessary. All the misdemeanours and non-compliance was under the previous premises licence holders watch, and the applicant should not be denied the transfer because of it.

The licensing sub-committee considered all written and oral representations before it. Section 42(6) of the Licensing Act 2003 and Section 182 of the Licensing Act 2003 guidance (April 2017) allows the police, in exceptional circumstances, to object to a transfer of a licence when the police believe the transfer may undermine the crime prevention objective. The premises licence was revoked following a trading standards review on 15 June 2017, when the licensing sub-committee found a catalogue of breached licence conditions, a number of criminal offences committed and an illegal worker working for the previous licence holder.

The licensing sub-committee were guided to paragraphs 89 and 90 of the Southwark's statement of licensing policy and the practice of transfer applications being submitted immediately following an application for a review. Where, such applications are made, the transfer applicant's are expected and required to provide documentary proof of transfer of the business and lawful occupancy of the premises to support the contention that the business is under new management control. No such documentation was provided by either the applicant or his representative.

The licensing sub-committee also have concerns of continued breaches of licence in addition, staff known to be involved in the management of other similar style premises that had its premises licence revoked. Given the very serious history at the premises, as a matter of due diligence, the applicant would be expected to ensure the legitimacy of stock, to ensure that all transfer of the business/lawful occupation documentation was complete and demonstration of sufficient distance from the previous poor management practices, including the removal of all previous staff.

This licensing sub-committee is satisfied that the evidence presented provides sufficient exceptional circumstances to reject this application and considers it necessary for the promotion of the crime prevention objective to do so.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

### **3. Appeal rights**

The applicant may appeal against any decision:

- a) To refuse the application to transfer the premises licence
- b) To refuse the application to specify a person as premises supervisor.

Any person who submitted a relevant objection in relation to the application who desire to contend that:

- a) That the application to transfer the premises licence ought not to be granted or
- b) That the application specify a person as premises supervisor ought not to be granted

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 Law and Democracy.

Date: 10 May 2018



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 15 JUNE 2017

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

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

Revoke the licence

- 2 **Reasons for the Decision.**

The reasons for this decision are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3 **Appeal Rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either

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

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

Date: 15 June 2017

**APPENDIX C****Heron, Andrew**

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**From:** Tahir, Sarah  
**Sent:** 08 August 2018 14:29  
**To:** Heron, Andrew  
**Subject:** FW: RE:863890

Added to l1u = 863980

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**From:** Regen, Licensing  
**Sent:** Wednesday, August 08, 2018 2:05 PM  
**To:** Tahir, Sarah  
**Subject:** FW: RE:863890

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**From:** [REDACTED]  
**Sent:** Wednesday, August 08, 2018 12:43 PM  
**To:** Regen, Licensing  
**Subject:** RE:863890

Thanks for your email.the address is 4camberwell church street se5 and the name of the shop is price cutter. [REDACTED]

Sent from my Samsung Galaxy J3 2017 powered by Three

----- Original message -----

**From:** "Regen, Licensing" <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Date:** 08/08/2018 11:57 (GMT+00:00)  
**To:** [REDACTED]  
**Subject:** RE:

Hi [REDACTED]

Please can you clarify which premises you wish to object against?

Also, we will need you to provide your full postal address for us to process the representation.

Kind Regards,

Sarah



---

**From:** [REDACTED]  
**Sent:** Wednesday, August 08, 2018 11:55 AM  
**To:** Regen, Licensing  
**Subject:**

I write to object to the above application in the strongest terms. My objection relates to the prevention of crime and disorder and the prevention of children from harm.

Various breaches of the premises licence has been done by the premises in the past.

Underage sale of alcohol and the breaches of licensing conditions in regards to public safety.

I work on Camberwell Church Street and know the premises very well.

I am particularly concerned with the underage sales that have been taken place at the above premises.

They still have the same staff at the premises. The license should not be granted.

Yours Truly

[REDACTED]

The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this in error please notify us immediately. If you are not the intended recipient of the email or the person responsible for delivering it to them you may not copy it, forward it or otherwise use it for any purpose or disclose its contents to any other person. To do so may be unlawful. Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent. The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed.

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Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent.

**APPENDIX D  
POLICE****Heron, Andrew**

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**From:** [REDACTED]  
**Sent:** 24 August 2018 13:39  
**To:** Graham.S.White@met.police.uk  
**Cc:** Heron, Andrew; [REDACTED]  
**Subject:** RE: Price Cutter, 4 Camberwell Church Street

Graham

I have received an email from Andrew Heron advising that he does not wish to arrange a meeting with the responsible authorities until we have responded to their representations therefore I am replying to your representation as follows further to my conversation today with the applicant:

When Mr Ariyarajah made the application for a transfer of the premises licence into his name the agent dealing with it did not make him aware that as soon as the transfer application was made he would be responsible for the running of the premises with immediate effect. In fact he did not sign the lease for the premises until 11th May 2018 and thought that this was the date at which he took over the responsibility of its management. Mr Ariyarajah is willing to produce a copy of the lease to confirm this.

I have made Mr Ariyarajah aware that the premises are within the CIZ and that because of that he will be expected to ensure that the shop is subject to extensive restrictions as to how it is run and managed, and numerous conditions attached to the licence. He is therefore prepared not to sell alcohol until 10am.

As far as the conditions that you are proposing to be put on the licence he agrees to all of conditions 1 - 7, and with regard to condition 8 he advises me that he will not open the premises until 10am, but in the event that he later decides to open earlier in the morning he will only operate a window service until 10am. Would that be acceptable to you?

Presumably with regard to condition 7 you are asking for traceable invoices for alcohol only to be kept on the premises for 6 months?

Please confirm receipt of this email, and advise whether your representation still stands.

Kind regards

Debra Silvester

On 22 August 2018 at 11:06 Graham.S.White@met.police.uk wrote:

Debra,

It will need to be arranged via licensing officer at council dealing I believe. I was mistaken I do not have meeting that day so Tuesday Wednesday or Thursday afternoon good with me

Regards

**PC Graham White 288MD**

*Licensing Officer*

*Southwark Police Licensing Unit  
323 Borough High Street*

London  
SE1 1JL  
Tel: 0207 232 6756 (726756)  
[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)  
[Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk)

[www.met.police.uk](http://www.met.police.uk)



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**From:** [REDACTED]  
**Sent:** 22 August 2018 10:59  
**To:** White Graham S - MD <[Graham.S.White@met.](mailto:Graham.S.White@met.police.uk)

[police.uk](http://www.met.police.uk)>

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**Cc:** [Jayne.Tear@SOUTHWARK.GOV.UK](mailto:Jayne.Tear@SOUTHWARK.GOV.UK); [Andrew.Heron@southwark.gov.uk](mailto:Andrew.Heron@southwark.gov.uk)  
**Subject:** RE: Price Cutter, 4 Camberwell Church Street

Graham

I have just spoken to my client and 12.30-1.00 pm is fine. We will wait in reception from 12.30.

Regards

Debra

On 22 August 2018 at 10:05 [Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk) wrote:

Debra,

Yes, we are happy to meet. Wednesday afternoon about 12.30 -1pm would be good as already at council offices for a meeting.

Regards

Graham

**PC Graham White 288MD**  
*Licensing Officer*

**TRADING STANDARDS****Heron, Andrew**

**From:** [REDACTED]  
**Sent:** 24 August 2018 15:53  
**To:** Heron, Andrew  
**Cc:** [REDACTED]  
**Subject:** Price Cutter, 4 Camberwell Church Street

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

Dear Andrew

I have already written to Graham White and Jayne Tear regarding their representations in respect of this premises licence application (and copied you in on them) but do not have the email addresses of Mr Kangatharan in Public Health or Ray Moore in Trading Standards therefore I would be grateful if you could forward this email to them, along with the emails I have sent to Graham and Jayne which confirm agreement to various conditions and an amendment of the opening hours and hours for the sale of alcohol.

With regard to Ray Moore's representation, one of his concerns is that the lease contract he was shown a copy of has now been amended so that there is no longer a clause that would allow Mr Rasool to unilaterally take back control of the business. Although Mr Rasool is still the freehold owner Mr Ariyarajah is now the leaseholder on a 15 year lease (since 11th May 2018), and has the option to buy the freehold in 12 months time. I would be happy to forward a copy of the new lease as soon as I receive it from the applicant.

Mr Moore also objected to the hours of opening, but Mr Ariyarajah has now agreed to the opening hours and the hours for the sale of alcohol of 11am to midnight daily. As mentioned in my email to Graham White we have also agreed to a number of Police conditions as follows:

1. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
2. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use. It should cover all areas the public have access and the outside area to the front.
4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. Traceable invoices shall be kept on the premises (or if not possible copies of those invoices) for inspection by police, council officers and HMCR on request for a minimum of 6 months.

If opening hours are granted outside the sale of alcohol then the following condition should be placed on the licence, to avoid confrontation with customers.

8. When the premises are open to the public and the licence is not in operation. All alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

Mr Kangarathan's objection to this application also centres around the alcohol-related disorder in the area and he has suggested opening hours and alcohol sales to be 11am to midnight daily, which I mentioned above the applicant has agreed to.

As I mentioned in my email to Jayne Tear, none of the original members of staff that were working at the shop when the problems occurred are still working at the premises so the neighbour who also objected to this application should have no concerns that the breaches of the premises licence which have occurred will happen again, so I would appreciate it if she could also be made aware of the conditions and revised hours that have been agreed to.

As I stated before, Mr Ariyarajah would be happy to meet up with all of the responsible authorities prior to the hearing if it is considered worthwhile and productive.

I am not sure whether I have included all of the relevant points in all emails so if you feel it is appropriate maybe you could forward my emails to whoever you think would wish to see them.

Thank you for your help.

Kind regards

Debra Silvester

**LICENSING****Heron, Andrew**

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**From:** [REDACTED]  
**Sent:** 24 August 2018 15:18  
**To:** Tear, Jayne  
**Cc:** Heron, Andrew; rajcottage58  
**Subject:** Price Cutter, 4 Camberwell Church Street

Dear Jayne

Further to your representation with regard to the premises licence application for the above premises I would like to respond to your concerns after discussing them with the applicant.

I have already emailed Graham White of Southwark Police agreeing to a number of conditions he has proposed, i.e.

1. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
2. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use. It should cover all areas the public have access and the outside area to the front.
4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. Traceable invoices shall be kept on the premises (or if not possible copies of those invoices) for inspection by police, council officers and HMCR on request for a minimum of 6 months.

If opening hours are granted outside the sale of alcohol then the following condition should be placed on the licence, to avoid confrontation with customers.

8. When the premises are open to the public and the licence is not in operation. All alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

In addition the applicant has agreed to amend the opening hours and the hours for the sale of alcohol to 11am to midnight daily to fall within the Camberwell District Town Centre Area Licensing Policy.

As I mentioned in my email to Graham White, when Mr Ariyirajah applied to transfer the premises licence into his name the agent who dealt with it did not make him aware that this would have an immediate effect and he was not yet working at or running the premises at that time. In fact the lease between him and Mr Rasool was not signed until 11th May 2018 and it was only then that he took over the management of the shop. Mr Rasool still remains the freehold owner of the premises but Mr Ariyarajah is the leaseholder, and he has the option to buy the freehold in 12 months. There are no members of staff working at the shop now that worked under the management of Mr Rasool, and Mr Rasool has no involvement in the shop other than being the freeholder.



Please acknowledge receipt of this email and advise whether as a result of the acceptance of numerous conditions and the reduction in opening hours and hours for the sale of alcohol you will be withdrawing your representation.

Kind regards

Debra Silvester

**APPENDIX E****NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 15 JUNE 2017****LICENSING ACT 2003: SUPERDEALS (FOOD AND WINE), 4 CAMBERWELL CHURCH STREET, LONDON SE5 8QU**

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

Revoke the licence

- 2 **Reasons for the Decision.**

The reasons for this decision are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3 **Appeal Rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either

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

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

Date: 15 June 2017

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 10 MAY 2018****SECTION 34 LICENSING ACT 2003: FOOD & WINE, 4 CAMBERWELL CHURCH STREET, LONDON SE5 8QU****1. Decision**

The licensing sub-committee having considered the objection notice submitted by the Southwark Police Licensing Office relating to the application submitted by Somasundram Ariyaratnam to transfer a premises licence under section 42 of the Licensing Act 2003 in respect of the premises known Food & Wine, 4 Camberwell Church Street, London SE5 8QU has refused the transfer application.

**2. Reasons**

The licensing sub-committee heard from the Metropolitan Police Service representative who objected to the transfer application. The officer advised that the premises had been subject to an application for the review of the premises licence which had been submitted by Southwark's trading standards team. Following the review hearing and considering all the facts, the licensing sub-committee decided it was appropriate and proportionate to revoke the premises licence. This decision was the subject of an appeal by the premises licence holders, due to be heard at Camberwell Green Magistrates' Court on 29 June 2018. On the 19 March 2018 the applicant had submitted the transfer application to take immediate effect.

The representative for the police called an officer from trading standards as a witness. The trading standards officer outlined the details of the review application that resulted in the revocation of the licence. The officer also stated that on 27 March 2018, officers conducted a test purchase at the premises. The person in charge of the shop at the time made an underage sale of cigarette's without challenging the young person. Enquiries were made with the person in charge at the time as to the identity of the current premises licence holder, who stated that it was her husband and produced an unsigned management agreement to the same effect. On 6 April 2018, trading standards officers attended again and the applicant was present and stated that it was his intention to purchase the business.

Furthermore, during the course of investigations, trading standards officers seized the premises training records and identified the details of two individuals that were involved in another premises which has also had its premises licence revoked.

The licensing sub-committee then heard from the applicant's representative, who advised that her client was unable to attend as he was required to run the shop. The representative stated that the transfer application was genuine and that she had been contracted by the applicant in December 2017. Since January 2018 the applicant had been working at the premises, without pay, to ascertain whether it was an economically viable business. Ultimately, the applicant wanted to run the premises a family business.



The reason why the applicant was not identified as the owner of the business on 27 March was because until he was sure that he wanted to buy the business, he did not want to upset the dynamics of the business, until necessary. All the misdemeanours and non-compliance was under the previous premises licence holders watch, and the applicant should not be denied the transfer because of it.

The licensing sub-committee considered all written and oral representations before it. Section 42(6) of the Licensing Act 2003 and Section 182 of the Licensing Act 2003 guidance (April 2017) allows the police, in exceptional circumstances, to object to a transfer of a licence when the police believe the transfer may undermine the crime prevention objective. The premises licence was revoked following a trading standards review on 15 June 2017, when the licensing sub-committee found a catalogue of breached licence conditions, a number of criminal offences committed and an illegal worker working for the previous licence holder.

The licensing sub-committee were guided to paragraphs 89 and 90 of the Southwark's statement of licensing policy and the practice of transfer applications being submitted immediately following an application for a review. Where, such applications are made, the transfer applicant's are expected and required to provide documentary proof of transfer of the business and lawful occupancy of the premises to support the contention that the business is under new management control. No such documentation was provided by either the applicant or his representative.

The licensing sub-committee also have concerns of continued breaches of licence in addition, staff known to be involved in the management of other similar style premises that had its premises licence revoked. Given the very serious history at the premises, as a matter of due diligence, the applicant would be expected to ensure the legitimacy of stock, to ensure that all transfer of the business/lawful occupation documentation was complete and demonstration of sufficient distance from the previous poor management practices, including the removal of all previous staff.

This licensing sub-committee is satisfied that the evidence presented provides sufficient exceptional circumstances to reject this application and considers it necessary for the promotion of the crime prevention objective to do so.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

### **3. Appeal rights**

The applicant may appeal against any decision:

- a) To refuse the application to transfer the premises licence
- b) To refuse the application to specify a person as premises supervisor.

Any person who submitted a relevant objection in relation to the application who desire to contend that:

- a) That the application to transfer the premises licence ought not to be granted or
- b) That the application specify a person as premises supervisor ought not to be granted

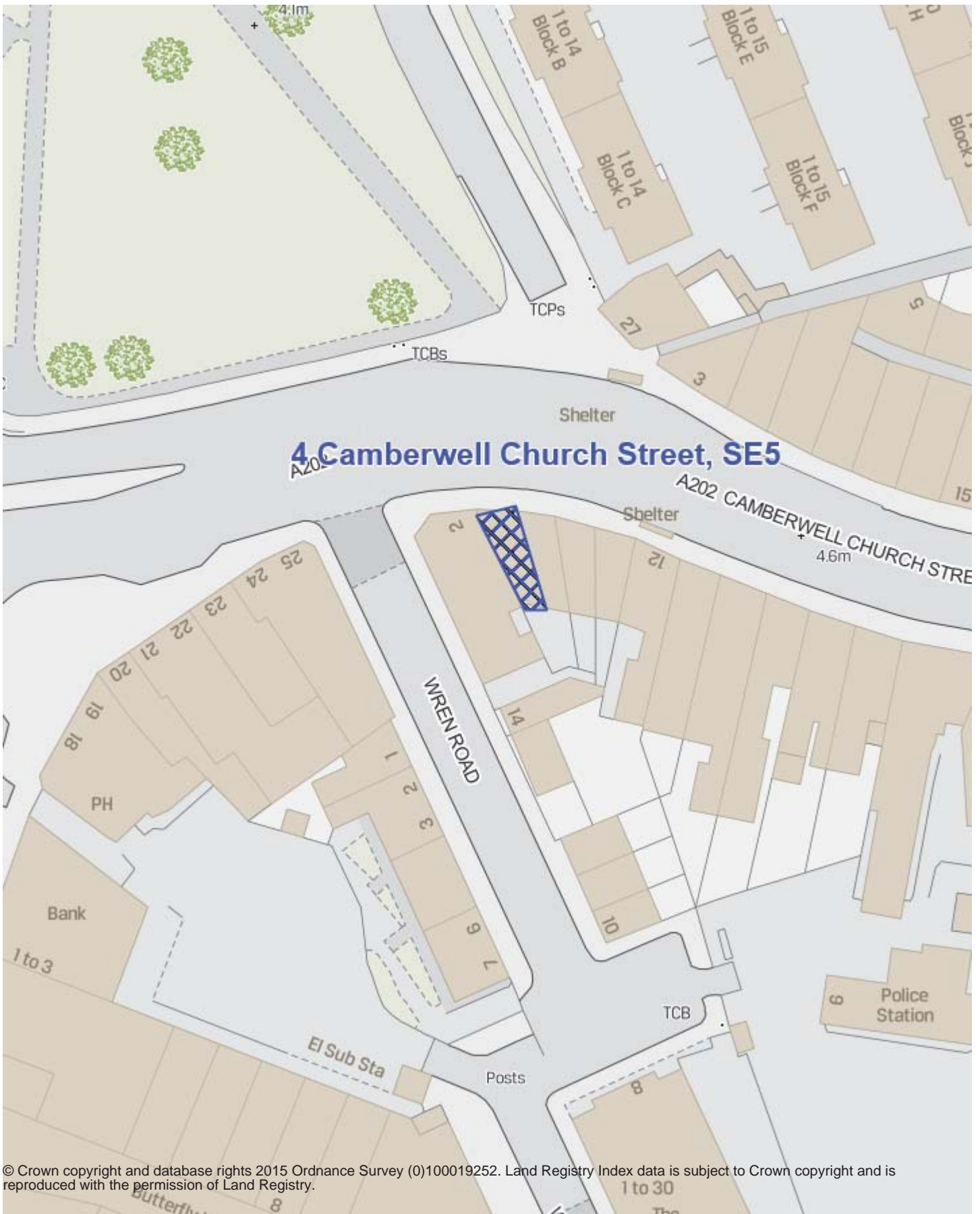
may appeal against the decision.

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 Law and Democracy.

Date: 10 May 2018

APPENDIX G



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<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 24 September 2018	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		The Round, Strakers Road, London SE15 3UA	
<b>Ward(s) of group(s) affected</b>		Peckham Rye	
<b>From</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers whether to grant an application made by ECSI Limited to vary the premises licence issued under the Licensing Act 2003 in respect of the premises known as The Round, Strakers Road, London SE15 3UA.
2. Notes:
  - a) This application seeks to vary the provision of existing licensable activities permitted by the premises licence issued under the Licensing Act 2003 in respect of the premises known as The Round, Strakers Road, London, SE15 3UA. Existing permitted licensable activities are not under consideration. The variation application is subject to representations and is therefore referred to the sub-committee for determination. A copy of the current premises licence is attached to this report as Appendix A.
  - b) Paragraphs 9 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B.
  - c) Paragraphs 14 to 19 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report as appendices C & D. A map showing the location of the premises is attached to this report 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, have been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

6. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm
  
7. 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
  
8. The premises licence variation application process involves the provision of relevant information stipulated by 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.

## **KEY ISSUES FOR CONSIDERATION**

### **The current premises licence**

9. The current premises licence in respect of the premises known as The Round, Strakers Road, London SE15 3UA allows the following licensable activities:
  - Plays, films, live music, recorded music, performances of dance and the sale of alcohol to be consumed on the premises:  
  
Monday to Sunday 09:00 - 18:00
  - Opening hours:  
  
Monday to Sunday 09:00 - 01:00 the following day

A copy of the existing premises licence is attached as Appendix A.

### **The variation application**

10. On 11 July 2018 ECSI Limited applied to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as The Round, Strakers Road, London SE15 3UA.
  
11. The application and is summarised as follows:
  - To amend the licence to allow for 'off sales' of alcohol at the premises
  - To amend the hours permitted for the sale of alcohol to be consumed on and off the premises

Monday to Sunday 11:00 to 21:00

- **To amend the opening hours of the premises to**

Monday to Sunday 08:00 to 22:00

The application further states: *“The café has undergone refurbishment work, the internal layout and number of covers has changed at the café. The café now has 58 internal covers.”*

12. The premises licence application form provides the applicant’s operating schedule. Parts J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of any additional conditions that will be attached to any licence granted subsequent to the application.
13. A copy of the application is attached to this report as Appendix B.

#### **Designated premises supervisor**

14. The proposed designated premises supervisor (DPS) is Stephen James Midgley.

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

15. Representations have been submitted by the Metropolitan Police Service and this council’s Licensing responsible Authority.
16. The Metropolitan Police Service’s representation suggests various control measures that it is recommended should become conditions of any licence issued subsequent to the application.
17. The licensing responsible authority’s representation suggests various control measures that it is recommended should become conditions of any licence issued subsequent to the application.
18. Copies of the representations submitted by responsible authorities are attached as Appendix C.

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

19. Three representations have been submitted by ‘other persons’. One of the representations has been submitted by a local stakeholder group and the other two representations have been submitted by local residents. The other persons are referred to as parties 1 to 3. In summary the representations are concerned that the proposed variation would be to the detriment of public safety because people may be encouraged to enter and leave the area when it is dark, that there may be a risk to children’s safety due to the proximity of the premises to the children’s playground on Strakers Road and that the proposed extension of alcohol sales until 21:00 could lead to noise nuisance, anti-social behavior and crime and disorder in the locale. The representations all recommend that the hours permitted for the sale of alcohol are not extended until 21:00.
20. The representations submitted by ‘other persons’ are attached as Appendix D.



### **Conciliation**

21. The applicant was sent copies of all the representations and invited to respond to them. At the time of the writing of this report all of the representations remain outstanding and must be considered by the licensing sub-committee. At the hearing to consider the application the licensing sub-committee will be apprised as to the withdrawal of any of the representations, or of any agreement reached in regards to any of the representations.

### **Premises history**

22. The premises licence in respect of the premises was originally issued to Fiona Halton Consultancy Limited on 4 August 2009.
23. The licence was transferred to the current licensee, ESCI Limited, on 21 October 2016.
24. Nour-Eddine Fahimi was specified as the DPS in respect of the premises on 2 November 2016.
25. Nour-Eddine Fahimi was removed as DPS, and Stephen James Midgley was specified as the DPS in respect of the premises, on 11 July 2017.
26. On 11 July 2018 ECSI Limited applied to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as The Round, Strakers Road, London, SE15 3UA.
27. There have been no licensing visits to the premises.
28. No complaints have been submitted to the Licensing Unit in respect of the premises.
29. No TENs have been submitted in respect of the premises.

### **Deregulation of entertainment**

30. On 6 April 2015 entertainment became deregulated and as a result:
  - Live unamplified music is deregulated between 08:00hrs and 23:00hrs on any premises.
  - Live amplified music and recorded music are deregulated between 08:00 and 23:00 at on licensed premises for an audience of up to 500 people.
  - Plays and the performance of dance are deregulated between 08:00 and 23:00 for an audience of up to 500 people.
  - Indoor sporting events are deregulated between 08:00 and 23:00 for an audience of up to 1000 people.
31. Live music and recorded music can become licensable in on-licensed premises if the licensing authority removes the effect of deregulation following a licence review ('licence review mechanism').

32. The showing of films has not been de-regulated.

### Map

33. A map showing the location of the premises is attached to this report as appendix E. The following licensed premises are also shown on the map and provide licensable activities as stated:

#### **Peckham Rye Common, Peckham Rye, SE15 3JA**

Licensed for films, live music, recorded music, anything similar to live or recorded music, performances of dance:

Monday to Thursday	10:00	21:00
Friday and Saturday	10:00	22:00
Sunday	11:00	21:00

Opening hours            00:00 00:00 (24 hours)

#### **The Clockhouse, 196a Peckham Rye, SE15 9QA**

Licensed for the sale of alcohol to be consumed on and off the premises

Sunday to Thursday	11:00	00:00 (midnight)
Friday and Saturday	11:00	01:00 the following day

Live music, recorded music, anything similar to live or recorded music, films and performances of dance:

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

Late night refreshment:

Sunday to Thursday	23:00	00:00
Friday and Saturday	23:00	01:00 the following day

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

34. Council assembly approved Southwark's statement of licensing policy 2016 - 2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and Scope of the Policy – this reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
  - Section 5 – Determining Applications for Premises Licences and Club Premises certificates - this explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.

- Section 6 – Local Cumulative Impact Policies – this sets out this authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B of the policy.
  - Section 7 – Hours of Operation – this provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The Prevention of Crime and Disorder – this provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public Safety – this provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The Prevention of Nuisance – this provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The Protection of Children from Harm – this provides general guidance on the promotion of the fourth licensing objective.
35. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
36. Within Southwark’s statement of licensing policy 2016 - 2020 the premises are identified as being within a residential area. The closing time recommended in the statement of licensing policy for restaurants, cafes, public houses, wine bars or other drinking establishments in residential areas is 23:00 daily.

### **Resource implications**

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

### **Consultations**

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

### **Community impact statement**

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

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

## **Director of Law and Democracy**

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

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

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

### **Conditions**

46. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
47. The four licensing objectives are
  - a. The prevention of crime and disorder
  - b. Public safety
  - c. The prevention of nuisance; and
  - d. The protection of children from harm.
48. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
49. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

50. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced 3 new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional 2 conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
51. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

### **Reasons**

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

### **Hearing procedures**

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

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

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

62. Members are required to have regard to the Home Office 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

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

### BACKGROUND DOCUMENTS

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

### APPENDICES

Name	Title
Appendix A	Copy of the current premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations submitted by responsible authorities
Appendix D	Copies of the representations submitted by 'other persons'
Appendix E	Map of the local area

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Wesley McArthur, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	11 September 2018	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to constitutional team	12 September 2018	

Appendix A – copy of the current premises licence

# Licensing Act 2003

## Premises Licence



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

Premises licence number

863961

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
The Round Strakers Road	
Ordnance survey map reference (if applicable), 175103534691	
<b>Post town</b> London	<b>Post code</b> SE15 3UA
<b>Telephone number</b> [REDACTED]	

### Where the licence is time limited the dates

### Licensable activities authorised by the licence

Plays  
Films  
Live Music  
Recorded Music  
Performance of Dance  
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 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 01:00
Saturday	09:00 - 01:00
Sunday	09:00 - 01:00

### 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**

Monday	09:00 - 18:00
Tuesday	09:00 - 18:00
Wednesday	09:00 - 18:00
Thursday	09:00 - 18:00
Friday	09:00 - 18:00
Saturday	09:00 - 18:00
Sunday	09:00 - 18:00

**Films**

Monday	09:00 - 18:00
Tuesday	09:00 - 18:00
Wednesday	09:00 - 18:00
Thursday	09:00 - 18:00
Friday	09:00 - 18:00
Saturday	09:00 - 18:00
Sunday	09:00 - 18:00

**Live Music**

Monday	09:00 - 18:00
Tuesday	09:00 - 18:00
Wednesday	09:00 - 18:00
Thursday	09:00 - 18:00
Friday	09:00 - 18:00
Saturday	09:00 - 18:00
Sunday	09:00 - 18:00

**Recorded Music**

Monday	09:00 - 18:00
Tuesday	09:00 - 18:00
Wednesday	09:00 - 18:00
Thursday	09:00 - 18:00
Friday	09:00 - 18:00
Saturday	09:00 - 18:00
Sunday	09:00 - 18:00

**Performance of Dance**

Monday	09:00 - 18:00
Tuesday	09:00 - 18:00
Wednesday	09:00 - 18:00
Thursday	09:00 - 18:00
Friday	09:00 - 18:00
Saturday	09:00 - 18:00
Sunday	09:00 - 18:00

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

Monday	09:00 - 18:00
Tuesday	09:00 - 18:00
Wednesday	09:00 - 18:00
Thursday	09:00 - 18:00
Friday	09:00 - 18:00
Saturday	09:00 - 18:00
Sunday	09:00 - 18:00

## Part 2

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

ECSI Limited  
[REDACTED]  
[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**

Stephen James Midgley  
[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: 11/07/2018

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

## Annex 1 - Mandatory conditions

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

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

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

**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.



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**

**135** Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

**340** A poster shall be displayed in a prominent position requesting that customers do not take drinks onto the common.

**341** Private functions in the cafe will be indoors.

**342** Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

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

**840** A challenge-25 scheme is to be introduced.

**Annex 4 - Plans - Attached**

Licence No. 863961  
Plan No. PRP.L.01  
PRP.L.02  
PRP.L.05  
Plan Date March 2006

11/07/2018

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

Ref No. 1054078

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

	ECSI Ltd.
Premises licence number	856460

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

£	0
---	---

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

Address Line 1	THE ROUND STRAKERS ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE15 3UA
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

#### Part 2 - Applicant details

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

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

Please tick	No
-------------	----

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

(DD/MM/YYYY)	25/07/2018
--------------	------------

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

	The Cafe has undergone refurbishment work, the internal layout and number of covers has changed at the cafe. The cafe now has 58 internal covers.
--	---

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number

Please select number from range	Less than 5000
---------------------------------	----------------

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply


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

--	--

Supply of alcohol (if ticking fill in box J)

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

Will the supply of alcohol be for consumption ( Please read guidance note 9)

	Both
--	------

Standard days and timings for Supply of alcohol ( Please read guidance note 8 )

Day	Start	Finish
Mon	11:00	21:00
Tues	11:00	21:00
Wed	11:00	21:00



Thur	11:00	21:00
Fri	11:00	21:00
Sat	11:00	21:00
Sun	11:00	21:00

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

	the cafe will close earlier during the winter season. alcohol will stop being served 30 minutes before the cafe is due to close.
--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 7 )

--	--

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

	No adult entertainment or serviced including gambling are going to be carried out on the premises.
--	--

Hours premises are open to the public ( standard timings Please read guidance note 8 )

Day	Start	Finish
Mon	08:00	22:00
Tues	08:00	22:00
Wed	08:00	22:00
Thur	08:00	22:00
Fri	08:00	22:00
Sat	08:00	22:00
Sun	08:00	22:00

State any seasonal variations ( Please read guidance note 6 )

	The cafe will close earlier in the winter season.
--	---

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, ( Please read guidance note 7 )

--	--

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

	Current conditions to stay as is.
--	-----------------------------------

I have uploaded relevant part of the previous premises licence (Please send a hard copy in the post)


Reason for not uploading the premises licence

	The hard copy of the licence has been lost during the refurbishment work. Attached is a copy from the register.
--	---

a) General - all four licensing objectives (b,c,d,e) ( Please read guidance note 11 )

	<p>Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:</p> <ul style="list-style-type: none"> <li>• no selling of alcohol to underage people</li> <li>• no violent and anti-social behaviour</li> <li>• no drunk and disorderly behaviour on the premises area</li> <li>• no any harm to children</li> </ul> <p>Operating Schedule providing the hours of operation and licensable activities during those hours to be displayed at all times.</p> <p>Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale.</p> <p>Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers. As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).</p>
--	---

b) the prevention of crime and disorder

	<p>A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.</p> <p>Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.</p> <p>Not selling of alcohol to drunk or intoxicated customers.</p> <p>Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.</p> <p>Staff will be well trained in asking customers to use premises in an orderly and respectful manner.</p> <p>All alcoholic drinks sold will be opened at the time of purchased by the server to discourage members of the public purchasing multiple alcoholic drinks and taking them into the park</p> <p>CCTV recording the entrances to the cafe, staff members on site able to access the recording if required.</p>
--	---

c) public safety

	<p>Internal and external lighting fixed to promote the public safety objective.</p> <p>Well trained staff adherence to environmental health requirements.</p> <p>Training and implementation of underage ID checks.</p> <p>A log book system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information</p>
--	---

	<p>compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information.</p> <p>The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.</p>
--	--

d) the prevention of public nuisance

	<p>The café will not operate beyond the listed opening hours.</p> <p>Last sale of alcohol 30 minutes before Café closing time.</p> <p>Effective and responsible management of the premises.</p> <p>Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.</p> <p>Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.</p>
--	--

e) the protection of children from harm

	<p>A training plan including who to challenge and how, is in place for all members of the staff. It is important to have programmes in place to regularly train staff about the Challenge 25 scheme and sale of alcoholic beverages This will help to ensure that staff are confident in making challenges and that the policy is consistently applied in store. Training records will be kept onsite and a 6 months' review will be carried out by the DPS to ensure staff have their training refreshed regularly.</p> <p>On a day to day basis there will be monitoring of staff by senior members, particularly of new staff; and signage placed at the counter and on tills where it can be seen by staff reminding them of the policy and their duties.</p>
--	---

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

Upload proposed plans	
Upload existing plans	

Checklist

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

I agree to the above statement

	I agree
PaymentDescription	██████████
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	

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

Full name	██████████
Date (DD/MM/YYYY)	11/07/2018
Capacity	Contracts Manager

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

Full name	
Date (DD/MM/YYYY)	
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 15)

Contact name and address for correspondence	
Telephone No.	
If you prefer us to correspond with you by e-mail, your email address (optional)	

Please tick to indicate agreement

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

I agree to the above statement

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

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

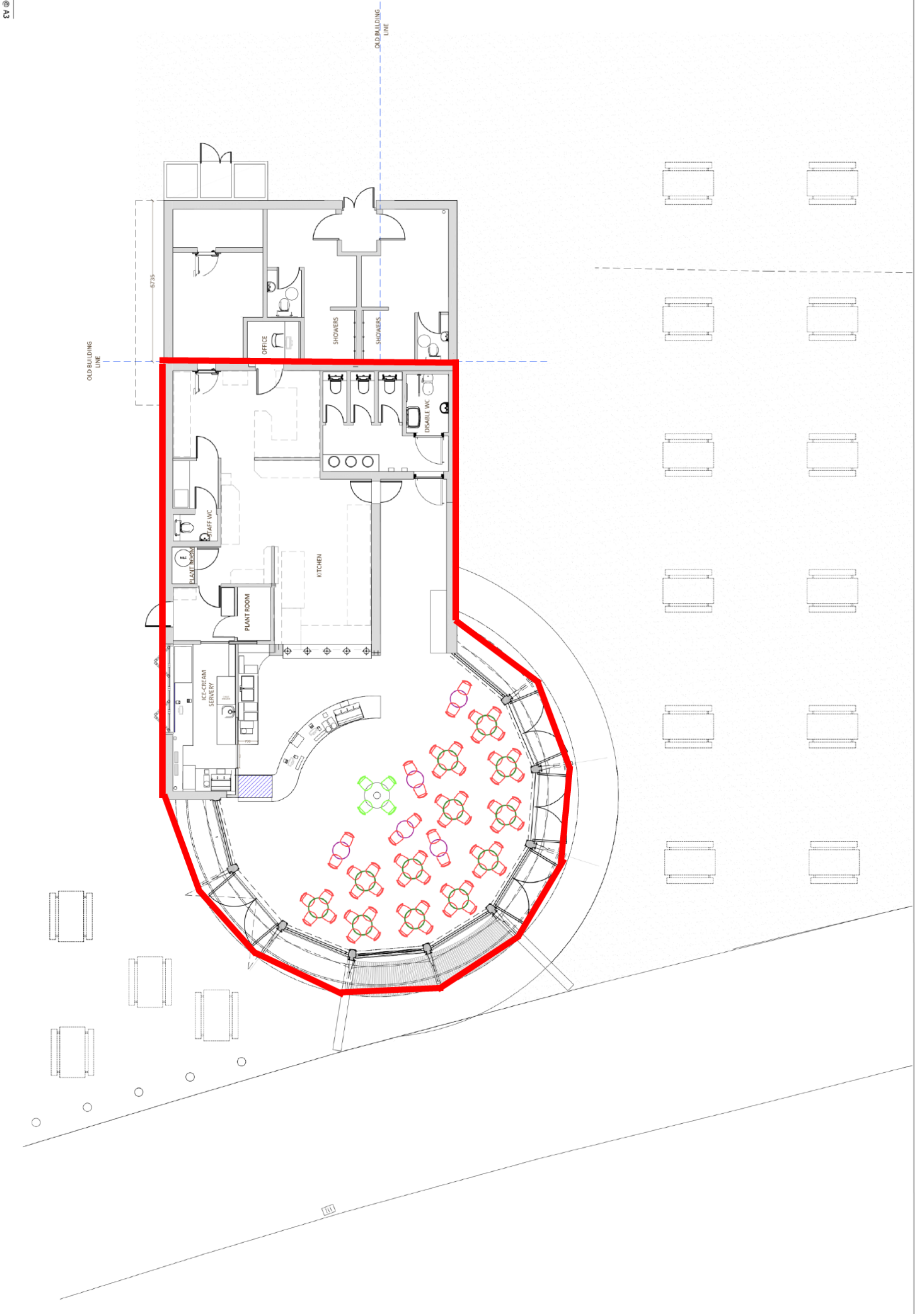
# A Seating Plan @ A3

Revisions			
Rev	Date	By	Description

Checked	Approved

Notes:

Architect / Originator: [REDACTED]  
 Client: ECSI Ltd.  
 Project: 167 - Colicci Peckham  
 Drawing Title: Seating Plan  
 Drawing Number: CPR-MS-PR-AL-470



A3

Client Sign Off

Do not scale. All dimensions to be checked on site. This drawing is copyright.  
 Date of Origin: 18.12.17  
 Drawn By: SZ  
 Scale: /s  
 Drawing Status: /

**Appendix C – copies of the representations submitted by responsible authorities**

**From:** [Ian.Clements@met.pnn.police.uk](mailto:Ian.Clements@met.pnn.police.uk) [<mailto:Ian.Clements@met.pnn.police.uk>]  
**Sent:** Friday, August 17, 2018 12:10 PM  
**To:** Regen, Licensing  
**Subject:** The Round Variation

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

Kind Regards

Ian Clements

---



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

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

Tel: 020 7232 6756

Email: [SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)

**Our reference:** MD/21/3192 /18

**Date:** 17/08/2018

Dear Sir/Madam

**Re:- The Round Strakers Road SE15 3UA**

Police are in possession of an application from the above to vary their current premises licence. The application seeks to vary the times for the supply of alcohol and the addition of off sales.

The applicant has stated that all the conditions on the current licence are to remain the same. However in the operating schedule on the application there are a number of additional control measures, one of which deal with the use of a CCTV system.

Police welcome this addition, however the wording of the condition needs to be clear and enforceable. In order to the prevention of crime and disorder licensing objective Police would like to see the following conditions with regard to CCTV.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.

2. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.
3. A staff member who is able to operate the CCTV system shall be present at all times that, they are open to the public.

Submitted for consideration

PC Ian Clements 362MD

Licensing Officer

Southwark Police Licensing Unit



## MEMO: Licensing Unit

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To	Licensing Unit	Date	17 August 2018	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

---

Subject Re: Café On The Rye, Strakers Road, London, SE15 3UA

Application to vary a premises licence

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

**To add**

- Supply of alcohol (off the premises) on Monday to Sunday from 11:00 to 21:00

**To extend**

Supply of alcohol (on the premises) on Monday to Sunday from 18:00 to 21:00

**Opening hours**

To Bring forward the opening hours by 1 hour each day and reduce the closing times by 3 hours on each day as follows

- Opening hours to the public will be on Monday to Sunday from 08:00 to 22:00

The proposed variation is described as '*The Café has undergone refurbishment work, the internal layout and numbers of covers has changed The Café now has 58 internal covers*'.

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

The premises is in a Residential Area which is within Peckham Rye Park.

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

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

Further to this the applicant has not adequately address crime and disorder and public nuisance within the operating schedule and has offered a condition which could have a negative impact upon those objectives. The condition states:

*'All alcohol drinks sold will be opened at the time of purchased by the server to discourage members of the public purchasing multiple drinks and taking them into the park'*.

To promote the licensing objectives I would like the applicant to replace that condition with the following conditions

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

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

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

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

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

**Party 1****From:****Sent:** 14 August 2018 09:26**To:****Subject:** FW: variation of supply of alcohol and closing times. The round Cafe licence no: 863966To: [Licencing@southwark.gov.uk](mailto:Licencing@southwark.gov.uk)

We have concerns relating to the major variation to amend times for supply of alcohol on the premises and closing times of the Round Café , Strakers Road , London SE15 3UA.

The previous licence was 9-6pm an application has been made to increase this to 9pm sale of alcohol with a closing time of 10pm.

Our reasons being:

- The café is situated on Peckham Rye Common, to serve visitors to the Park and Common.
- The Park closes at dusk – in summer and winter there could be a risk to public safety if people are encouraged to come and leave the area on foot in darkness when the car park is closed along with the gate to Strakers road. There already a long standing issue of public nuisance in the Strakers Road area.
- Owing to the proximity of the adjacent children's playground there are concerns that the playground would be entered in darkness resulting in children's safety and risk of vandalism.
- The sale of alcohol seems to includes on and off the premises, there would be a risk of customers taking drinks onto the Common.

The previous licence was for sale of alcohol from 9-6pm. We feel that this should remain.

It is acceptable that the café is now open 8-6.30. Use of the café after that time should be applied for and judged on individual merits as previously required.

**Party 2**

**From:** [Reference #: 130912-000986]  
**Sent:** Tuesday, August 21, 2018 4:52 PM  
**To:** Regen, Licensing  
**Subject:** Licence application for the Cafe in Peckhm Rye Park

To whom it may concern

I object to the proposal to amend the times of the alcohol licence and closing times at the Round Café, Strakers Road, London SE15 3UA.

The previous licence was 9.00am-6.00pm, the new proposal is for this to be changed to 10.00pm

My reasons are as follows:

The café, situated on Peckham Rye Common, is there to serve visitors to the Park and Common, not as a destination venue.

The Park closes at dusk – in summer and winter there could be a risk to public safety if people are encouraged to come and leave the area on foot in darkness when the car park is closed along with the gate to Strakers road. There already a long standing issue of public nuisance in Strakers Road

Owing to the proximity of the adjacent children's playground there are concerns that the playground would be entered in darkness resulting in children's safety and risk of vandalism.

The sale of alcohol seems to includes on and off the premises, there would be a risk of customers taking drinks onto the Common.

I think the times of the previous licence served the needs of customers who use the park and cafe and should remain. The new opening times are not significantly changed and the long standing licence times would work well.

Yours Sincerely,

Regular Park user

---

**From:**  
**Sent:** Wednesday, August 22, 2018 9:27 AM  
**To:** Jerrom, Charlie  
**Subject:** Re: Licence application for the Cafe in Peckhm Rye Park

Hi Jerrom,  
My full address is;

Sent from my iPhone

**Party 3****From:****Sent:** Saturday, August 25, 2018 5:16 PM**To:** Regen, Licensing**Subject:** Objection to license application for The Round, Strakers Road, SE15 3UA

25 August 2018.

I am writing to object to the application to amend the license for The Round, Strakers Road, SE15 3UA. The Round is a cafe serving visitors to and users of Peckham Rye Park and Common. The location of the cafe in the middle of the Common is central to my objections.

The cafe's current opening hours are from 9 - 6.30. The application is to extend the opening hours from 8am - 10pm, and extend the alcohol license to 9pm. The alcohol licence would also be for sales for the consumption outside the premises.

The cafe is also applying for a license to cover activities held within the building (film, dance, music) and activities outside the building until (film, theatre)

I am writing to make objections to the following parts of the application:

- I oppose the extension of the cafe opening hours to 10pm and to the alcohol license being extended to 9pm.
- I oppose the extension of the alcohol license to cover the sale of alcohol for consumption off the premises.
- I oppose the general licensing of film and theatre performances off the premises - I am not oppose to individual applications but I believe these need to be considered on a case-by-case basis.

I am not opposed to other elements of the application.

The reasons why I am opposed to the application are:

**Prevention of crime and disorder**

- Having alcohol sales till 9pm would encourage crime and disorder in the area which has little lighting and is isolated. There are already problems of people coming to Strakers Road at night to drink and make a noise which disturbs residents on Peckham Rye (east side). The presence of a venue that was open after dark would encourage people to congregate in the area. There would be a risk to clients and staff of The Round when leaving the premises. They would have to walk across the Common to get to Peckham Rye (east or west)

**Prevention of public nuisance**

- Strakers Road is closed at night because of problems of people using the area as a place for antisocial behaviour (drinking and partying). Having a venue open after dark would facilitate and encourage anti-social behaviour in the area.

- The general permission to show films and have theatre performances could potentially cause a nuisance for other legitimate uses of the Common such as football and picnicing. These users would be particularly affected if the area were closed off during the performances. For this reason, applications should be considered on a case by case basis.

#### Public safety

- There are no patrols of the area. Having people walking across the Common after dark could pose a public safety risk, both to users and staff of the Round.

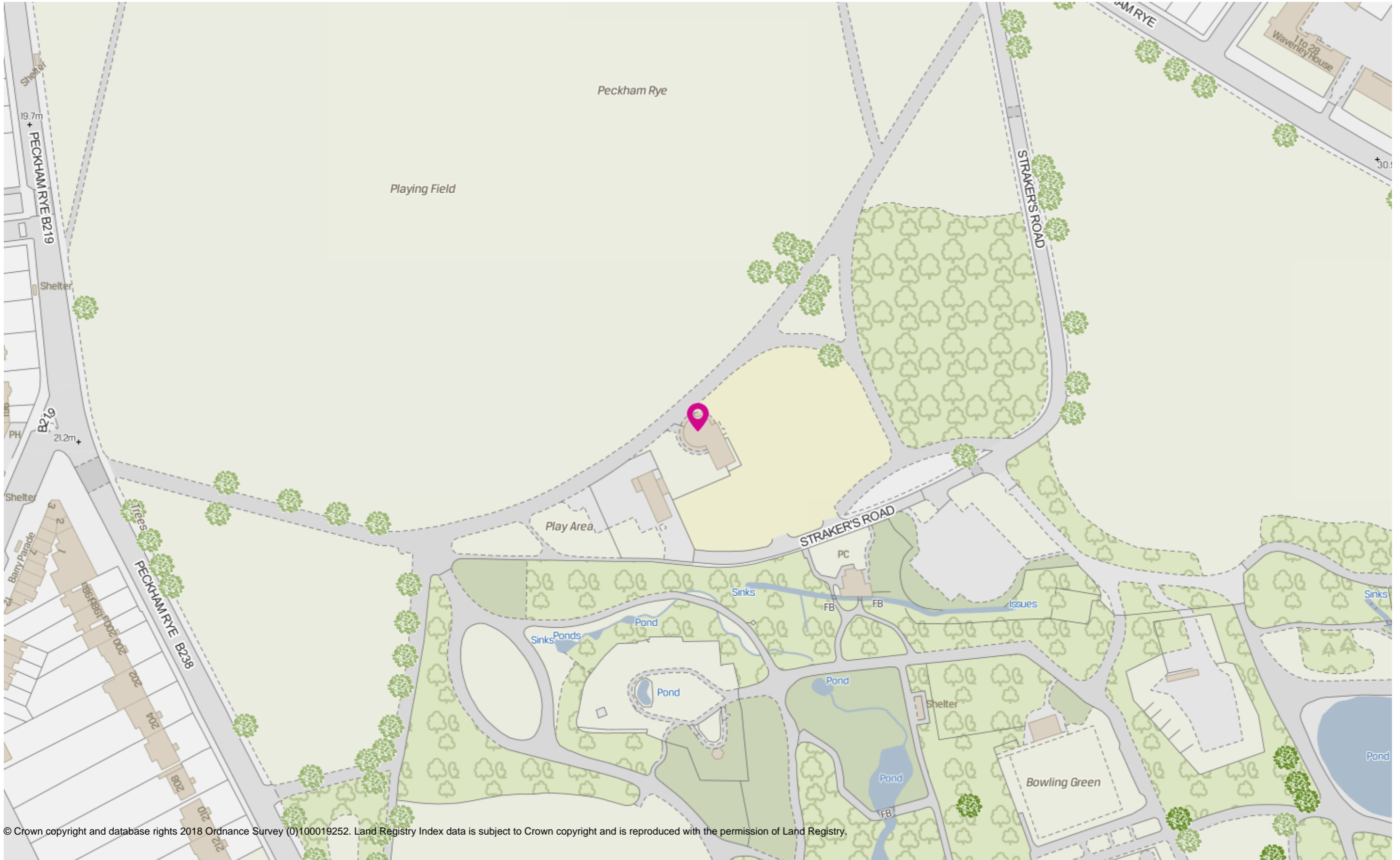
#### Protection of children from harm

- There is a playground next to the cafe which is closed at night to prevent unsupervised use. There is a risk that people using the Round might let their children play outside without proper supervision and that the children might have accidents in the playground.

I would be grateful if you could keep me informed of the progress on the consideration of this application.

Many thanks.

[Signed]



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

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Councillor Kath Whittam	1	Andrew Heron, licensing team	1
		Jayne Tear, licensing team	1
Councillor Adele Morris (reserve)	By email	Leidon Shapo, public health	1
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