

Licensing Sub-Committee

Monday 22 October 2018

10.00 am

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

Membership

Councillor Adele Morris
Councillor Maria Linforth-Hall
Councillor Margy Newens

Reserves

Councillor Kath Whittam

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 12 October 2018



Licensing Sub-Committee

Monday 22 October 2018
10.00 am

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

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: SOUTHWARK BREWING COMPANY, 46 DRUID STREET, LONDON SE1 2EZ	1 - 43
6.	LICENSING ACT 2003: TROPICAL, 186-188 OLD KENT ROAD, LONDON SE1 5TY	44 - 101

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 12 October 2018

Item No. 5.	Classification: Open	Date: 22 October 2018	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Southwark Brewing Company, 46 Druid Street, London SE1 2EZ	
Ward(s) or groups affected:		London Bridge and West Bermondsey	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Southwark Brewing Company Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Southwark Brewing Company, 46 Druid Street, London SE1 2EZ.
2. Notes:
 - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Southwark Brewing Company, 46 Druid Street, London SE1 2EZ under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 10 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B.
 - c) Paragraphs 13 to 21 of this report deals with the representations received to the premises licence application and any conciliation progress made. Copies of the relevant representations from responsible authorities and other persons are attached as Appendices C and D.
 - d) Paragraph 25 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix E.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a regime for:
 - The sale of and supply of alcohol

- The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
- The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
- The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The premises licence allows for the following activities:
- Sale of alcohol for consumption on/off premises:
 - Monday to Friday from 11:00 to 23:00
 - Saturday from 09:00 to 23:00
 - Sunday from 10:00 to 23:00.
 - Operating hours:
 - Monday to Friday from 11:00 to 23:00
 - Saturday from 09:00 to 23:00
 - Sunday from 10:00 to 23:00
9. A copy of the premises licence is provided as Appendix A.

The variation application

10. On 28 August 2018, Southwark Brewing Company Limited applied to this council to vary the premises licence issued in respect of the premises known as Southwark

Brewing Company Limited, 46 Druid Street, London SE1 2EZ. The premises is described as a micro brewery and tap room. The variation is sought to extend the permitted hours on Friday and Saturday to cater for private parties when booked. The variation is summarised below:

- Sale of alcohol for consumption on/off premises
 - Friday and Saturday from 23:00 to 01:00
 - Operating Hours
 - Friday and Saturday from 23:00 to 01:00
11. The variation to the premises application form provides the applicant operating schedule. Parts J, K, L, M, N and O and P set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part P of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix B.

Designated premises supervisor

12. The designated premises supervisor is Peter Jackson who has a personal licence issued by Nuneaton & Bedworth Borough Council.

Representations from responsible authorities

13. Representations were submitted by the Metropolitan Police Service, the environmental protection team (EPT), Licensing (as a responsible authority) and public health.
14. The police state that having taken into consideration the very high concentration of similar premises in a relatively small geographical area, they believe the request for 1hours till 01:00 is likely to increase the cumulative impact on crime and disorder and public nuisance. There have been a number of complaints from local residents with regard to the cumulative impact of the premises in Druid Street, and are of the opinion that this variation application should be refused. They will be happy to discuss a compromise with the applicant based on Southwark's licensing policy hours, together with additional conditions to promote the prevention of crime and disorder and public nuisance licensing objectives.
15. The EPT representation is concerned that the proposed opening hours are contrary to the licensing policy hours for the area and are inappropriate in this location and the grant of a licence to these hours is highly likely to lead to similar requests from other premises on Druid Street and a cumulative impact both on existing TENs and on risk of setting an informal precedent for later hours for other premises.
16. The licensing representation is submitted under the prevention of crime and disorder and public nuisance, 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 is 23:00 daily. The application has not provided any further control measures within the operating schedule to address the licensing objectives and in particular the impact of patrons

leaving the area later at night. The late operation of the premises and of people leaving the premises late a night would impact upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises if it were allowed to open later and the possible impact of any rowdy and anti-social behaviour or crime and disorder.

17. The public health representation is based on all four of the licensing objectives and object to the hours sought. They have made recommendations to the applicant.
18. The representations are attached as Appendix C.

Representation from other persons

19. There are three representations from other persons (local ward councillors). They are concerned that noise nuisance is the major consequence of the boom of the brewery industry accelerating on Druid Street. This fact has a strong and negative impact on the rights of many residents to live in peace. If the application is successful, it would worsen the nuisance situation. Pupils and families will not support this increase of the noise and this will prevent them to fulfil their daily commitments. It should also take into account that some of these residents are elderly or people with disabilities. An increase in noise could also lead to frustration, anger and total disorder.
20. The representations are attached as Appendix D.

Conciliation

21. The representations were forwarded to the applicant. The licensing sub committee will be updated of any developments on 22 October 2018.

Premises history

22. The premises has an existing licence number 848020. A licence has been issued to this premises since 29 July 2014.

Temporary event notices

23. Below is the recent history of TENs applied for in respect of the premises.

	Date of event	Time of event and activities
1	7 - 8 Sept 2018	23:00 to 01:00 - Alcohol
2	1 – 2 Sept 2018	23:00 to 01:00 - Alcohol
3	21 April 2018	23:00 to 00:00 - Alcohol
4	29 March 2018	23:00 to 00:00 - Alcohol
5	17 – 18 March 2018	23:00 to 01:00 - Alcohol
6	10 to 11 March 2018	23:00 to 01:00 - Alcohol
7	3-4 Feb 2018	23:00 to 01:00 - Alcohol

Complaints

24. There are no recorded complaints during the times when TENs have been submitted.

The local area

25. A map of the area is attached to this report as Appendix E. The premises is identified by a triangle at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius.

Public houses/restaurant/brewery

- Marquis of Wellington PH, 21 Druid Street, London SE1 (Monday to Wednesday until 23.00 Thursday until 00.00, Friday and Saturday until 01.00 and Sun until 00.00) - Currently closed.
- Elmadero, Railway Arch 840, 30 Druid Street, London SE1 (Monday to Sunday until 23.00)
- Southwark Brewing Company Limited, 46 Druid Street, London SE1 (Monday to Sunday until 23.00)
- Doodle Bar, 60 Druid Street, SE1 (Sunday to Thursday until 00:00, Friday and Saturday until 01:00)
- St John Bakery Company Ltd, 72 Druid Street, London SE1 (Monday to Sunday until 23.00)
- Bea's of Bloomsbury Railway Arch, 76 Druid Street, London SE1 (Monday to Sunday until 22.00)
- Speckmobile Railway Arch, 76 Druid Street, London SE1 (Monday to Saturday until 23.00 and Sunday until 22:30)
- Hawkes, 92 Druid Street, London SE1 (Monday to Sunday until 23:00)
- Comptoir Gourmand, 98 Druid Street, London SE1 (Monday to Sunday until 23:00)
- Anspach & Hobday, 116 - 118 Druid Street, London SE1 (Monday to Sunday until 23:00)
- Bottles, 128 Druid Street, London SE1 (Monday to Sunday until 23.00)
- Lemporio, 134 Druid Street, London SE1 (Sunday to Wednesday until 22.00 and Thursday to Saturday until 23:00)
- Thames Takeaway, 140 Tanner Street, London SE1 (Sunday to Thursday until 00:00 and Sunday until 00:30)
- Ronnies Supermarket, 116-118 Tanners Street, London SE1 (Monday to Saturday until 23:00 and Sunday until 22:30)

- Lassco, Ropewalk and Arches 46 and 48 to 53, London SE1 (Wednesday to Saturday until 22:00 and Sunday until 17:00)
- Lassco, 37 Maltby Street, London SE1 (Monday to Sunday until 23:00)
- Maltby Restaurant, 40 Maltby Street, London SE1 (Monday and Tuesday until 23:30, Wednesday and Sat till 01:00; Sun till 17:30).

Deregulation of entertainment

26. On 6 April 2015 entertainment became deregulated and as a result:

- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
- Live amplified music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people.

27. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Southwark statement of licensing policy

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

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

- Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
29. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
30. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
- Closing time for restaurant, cafés, public houses, wine bars or other drinking establishments: 23:00 daily

Resource implications

31. A fee of £190 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band B.

Consultation

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

36. 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.

37. 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.
38. 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.
39. 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

40. 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.
41. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. 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.
43. 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.
44. 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.
45. 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

46. 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

47. 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.
48. 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

49. 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.
50. 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.

51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. 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

57. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Current licence
Appendix B	Variation application
Appendix C	Representations from responsible authorities
Appendix D	Representation from other persons
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	10 October 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	8 October 2018	

Licensing Act 2003 Premises Licence

12

APPENDIX A



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

Premises licence number

848020

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Southwark Brewing Company Limited 46 Druid Street London SE1 2EZ	
Ordnance survey map reference (if applicable),	
Post town London	Post code SE1 2EZ
Telephone number 020 3302 4190	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises 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 11:00 - 23:00
Tuesday 11:00 - 23:00
Wednesday 11:00 - 23:00
Thursday 11:00 - 23:00
Friday 11:00 - 23:00
Saturday 09:00 - 23:00
Sunday 10:00 - 23:00

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

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises


Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	09:00 - 23:00
Sunday	10:00 - 23:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	09:00 - 23:00
Sunday	10:00 - 23:00

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

Peter Jackson
Southwark Brewing Company Limited,
Scimitar Way
Whitley Business Park
CV3 4GA

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

8781463

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**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. PERS/1000/13
Authority Nuneaton & Bedworth Borough Council

Licence Issue date 08/05/2015



Anti-Social Behaviour, Noise Nuisance &
Licensing Manager
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

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

288 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

289 That a CCTV system be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police 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

293 That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months.

332 All children using the premises will be supervised by an adult

340 During the limited opening hours, the premises will be well supervised by fully trained, competent personnel.

341 Challenge 25 will be implemented during all trading sessions.

342 Clear opening and closing times, with last admission time, will be displayed.

343 In addition to the general support a full safety survey had been carried out by Chubb contractors and additional signage, fire extinguishers will be installed and maintained

344 All waste will be properly controlled and a process to clean any exterior mess will be carried out at the end of any session

4AB All staff will be trained in the Challenge 25 age verification scheme

289 Each session will be supervised by a personal licence holder or fully trained supervisor. The premises are monitored by CCTV 24hrs a day and recordings kept for 31 days.

340 The premises are monitored by CCTV and signs informing customers of this are displayed around the premises.

4AA A Challenge 25 policy is in place - anyone looking under 25 is challenged and ID is checked.

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

Annex 4 - Plans - Attached

Licence No. 848020

Plan No. N/A

Plan Date N/A

28/08/2018

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

Ref No. 1083011

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

	Southwark Brewing Company Limited
Premises licence number	845255

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

£	36,750
---	--------

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

Address Line 1	46 DRUID STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 2EZ
Ordnance survey map reference	
Description of the location	Micro-brewery and tap room
Telephone number	02033024190

Part 2 - Applicant details

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

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

Please tick	Yes
-------------	-----

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

(DD/MM/YYYY)	
--------------	--

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

	Extended hours available on Friday and Saturday evenings for Private Parties when booked. Move closing time from 23.00 to 01.00. as previously been covered by TENs.
--	--

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	23:00
Tues	11:00	23:00
Wed	11:00	23:00

Thur	11:00	23:00
Fri	11:00	01:00
Sat	11:00	01:00
Sun	11:00	23:00

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

	The Tap Room bar is not open at all of these times, but these allow us to open when required. Main times are Tuesday and Thursday 19.00-23.00, Friday 17.00-23.00, Saturday 11.00-23.00 and Sunday 11.00-16.00.
--	---

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)

	This would be only when specifically requested by a person booking a private function at the Tap Room, as has previously been covered by TENS.
--	--

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

	None
--	------

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

Day	Start	Finish
Mon	11:00	23:00
Tues	11:00	23:00
Wed	11:00	23:00
Thur	11:00	23:00
Fri	11:00	01:00
Sat	09:00	01:00
Sun	10:00	23:00

State any seasonal variations (Please read guidance note 6)

	The Tap Room bar is not open at all of these times, but these allow us to open when required. Main times are Tuesday and Thursday 19.00-23.00, Friday 17.00-23.00, Saturday 11.00-23.00 and Sunday 11.00-16.00.
--	---

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)

	This would be only when specifically requested by a person booking a private function at the Tap Room, as has previously been covered by TENS.
--	--

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

	None
--	------

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

	[REDACTED]

Reason for not uploading the premises licence

--	--

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

	All Staff will be adequately trained in the four licensing objectives and the premises will be adequately staffed at all times when open to the public
--	--

b) the prevention of crime and disorder

	Adequate supervisory control will be provided at all times, including security staff when appropriate, ensuring the prevention of crime and disorder
--	--

c) public safety

	All staff will maintain observation of the environment ensuring the safety of the public
--	--

d) the prevention of public nuisance

	All staff will be trained that no persons who are or appear to be under the influence of alcohol will be served. Special attention will be made when the public are leaving the premises to ensure noise levels are kept to acceptable levels.
--	--

e) the protection of children from harm

	All children under 18 must be accompanied by an adult. A strict "Challenge 25" programme will be followed ensuring that anyone that could be underage is prevented from purchasing alcohol, and only endorsed ID's will be accepted.
--	--

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

Upload proposed	
-----------------	--

plans	
Upload existing plans	[REDACTED]

Checklist

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

I agree to the above statement

	I agree
PaymentDescription	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
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	Peter William Jackson
Date (DD/MM/YYYY)	[REDACTED]
Capacity	Premises License Holder

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	[REDACTED]

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	Peter Jackson [REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

Please tick to indicate agreement

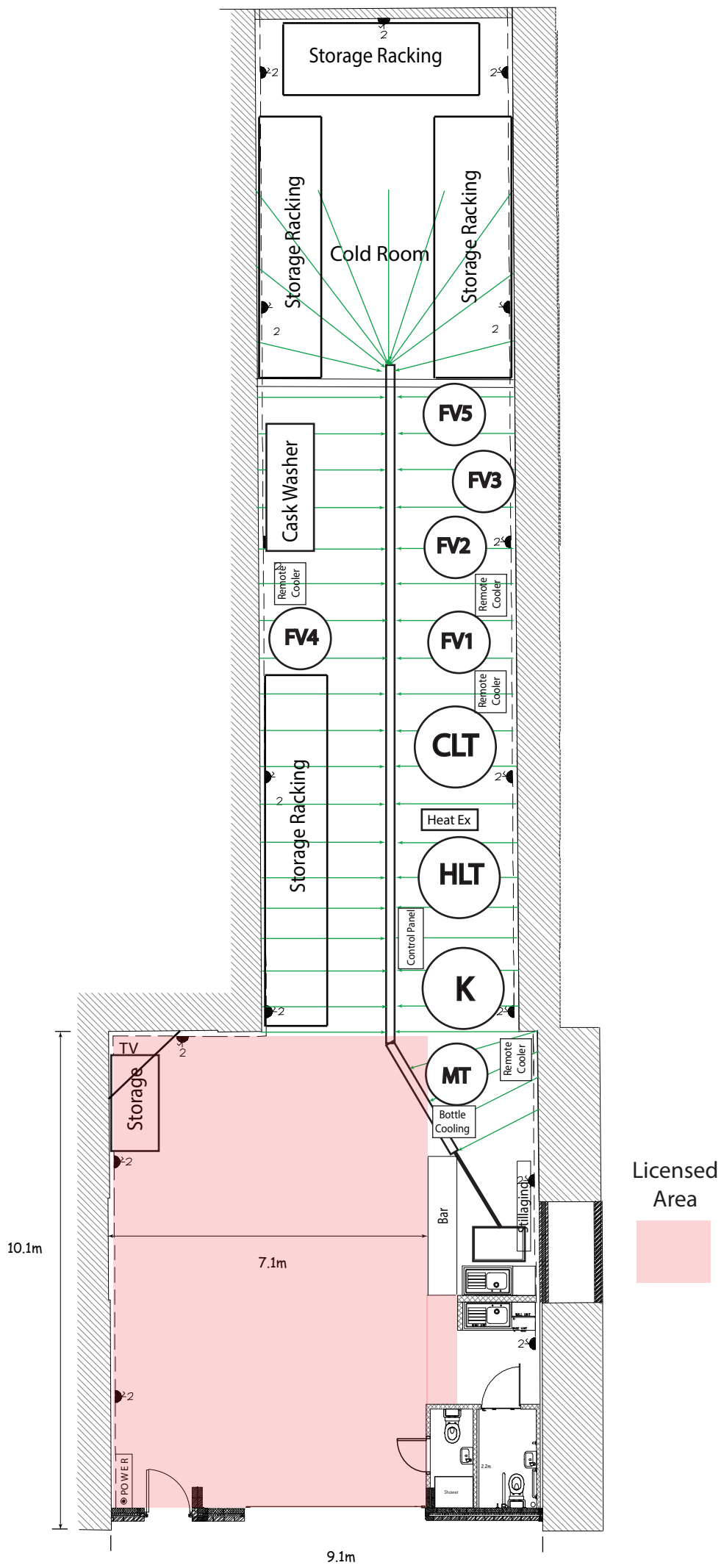
<input type="checkbox"/>	I am a company or limited liability partnership
--------------------------	---

I agree to the above statement

<input 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.

27
LAYOUT 2018



Licensed Area



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/3219 /18

Date: 23/09/2018

Dear Sir/Madam

Re:- Southwark Brewing Company Ltd 46 Druid Street SE1 2EZ

Police are in possession of an application from the above to vary their current premises licence 864663. The application seeks to vary the times that the premises are permitted to be open to the public and to extend the supply of alcohol both on and off the premises on a Friday and Saturday night only.

The current closing times and alcohol supply on Friday and Saturday is 11pm, the application seeks to extend this until 0100hrs on both days.

Southwark's statement of licensing policy for public houses in a district town centre such as this is midnight on Friday and Saturdays.

Taking this into consideration and that there is a very high concentration of similar premises in a relatively small geographical area, I believe the request for 1am is likely to increase the cumulative impact on crime and disorder and public nuisance.

There have been a number of complaints from local residents with regard to the cumulative impact of the premises in druid street, I am of the opinion this variation should be refused.

I would be happy to discuss a compromise with the applicant based on Southwark's licensing policy hours, together with additional conditions to promote the prevention of crime and disorder and public nuisance licensing objectives.

Submitted for consideration.

PC Ian Clements 362MD
Licensing Officer
Southwark Police Licensing Unit

From: Earis, Richard
Sent: Tuesday, September 25, 2018 10:28 AM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Objection to Major Variation - Southwark Brewing Company Limited, 46 Druid Street

RE: Major Variation - Southwark Brewing Company Limited, 46 Druid Street

I have considered the above and I would like to object under the prevention of public nuisance licensing objective.

The reasons for the objection are:

- The proposed opening hours are contrary to the Licensing Policy hours for the area and are inappropriate in this location
- Grant of a License to these hours is highly likely to lead to similar requests from other premises on Druid Street and a cumulative impact both on existing TENs and on risk of setting an informal precedent for later hours for other premises. This is why the Policy is in place to provide consistency
- The location is sensitive, with residents close by and a history of complaints on the street (history of complaints not specifically relating to this premises)

Kind Regards,

Richard

Richard Earis
Principal Environmental Protection Officer
Environmental Protection Team

020 7525 2469

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

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

www.southwark.gov.uk

visit: <http://www.southwark.gov.uk/air-quality>



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

I therefore submit this representation and recommend that the application is refused.

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

From: Public Health Licensing
Sent: Tuesday, September 18, 2018 1:00 PM
To: Regen, Licensing
Cc: Shapo, Leidon; Public Health Licensing
Subject: RE: Consultation - Major Variation, 46 Druid Street

To Whom it may concern:

RE: Southwark Brewing Company Limited, 46 Druid Street, SE1 2EZ

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

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

The prevention of crime and disorder

Prevention of public nuisance

Public safety

Protection of Children from harm

General Comments

The applicant requests a variation for the opening hours and supply of alcohol on and off the premises to be brought to 01:00 on Fridays and Saturdays.

The current application grants the establishment the following alcohol sale and opening hours:

Current licensed times	Opening Hours	Alcohol sales On & Off Premises
Monday – Friday	11:00 – 23:00	11:00 – 23:00
Saturday	09:00 – 23:00	09:00 – 23:00
Sunday	10:00 – 23:00	10:00 – 23:00

Concerns relating to this application

This premises is located in the Riverside ward. This ward accounts for the 4th highest number (9%) of all ambulance call outs in Southwark between 2016 – 2018 (see Table 1). This thus shows that alcohol-fuelled activities are having a negative impact on the ward.

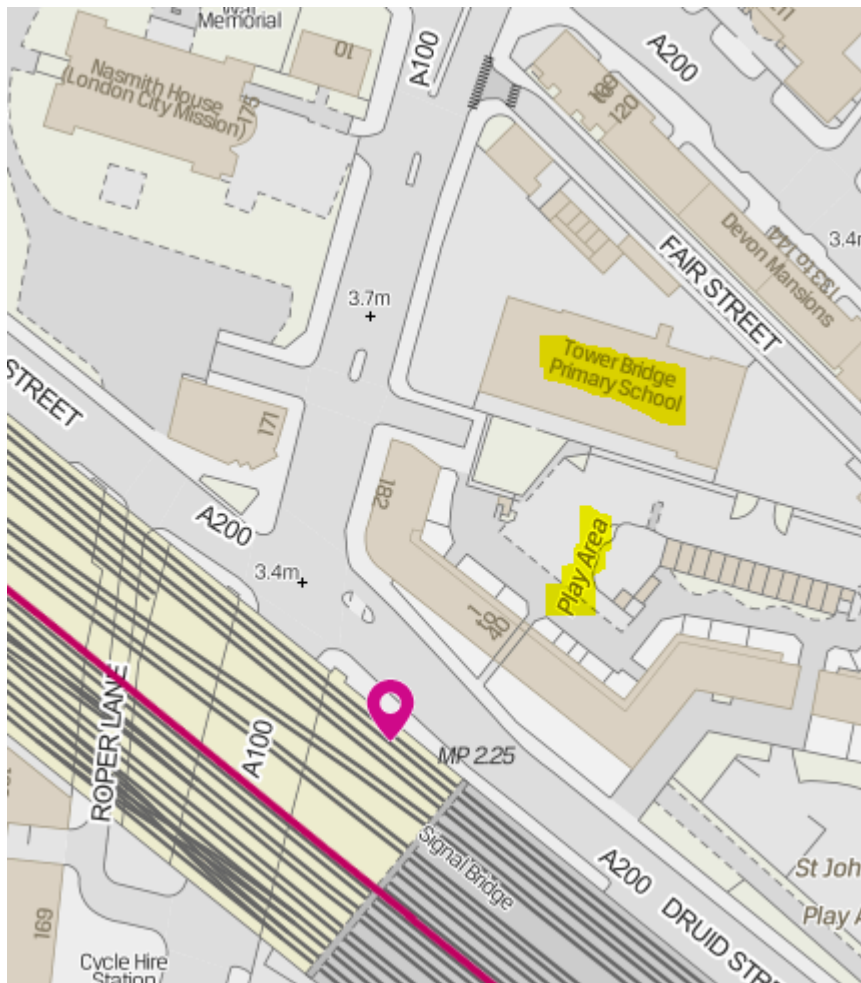
Table.1 – Alcohol related ambulance call-outs in Southwark, by ward, 2016 – 2018.

WARD	Ambulance Call- Outs	Percentage
Cathedrals	473	19%
Chaucer	241	10%
Grange	224	9%
Riverside	217	9%
The Lane	183	7%
Camberwell Green	178	7%
Newington	153	6%
East Walworth	138	5%
Rotherhithe	103	4%
Peckham	78	3%
South Bermondsey	71	3%
Brunswick Park	68	3%
Livesey	65	3%
Faraday	61	2%
Nunhead	44	2%
South Camberwell	42	2%
Village	42	2%
East Dulwich	38	1%
College	34	1%
Peckham Rye	34	1%
Surrey Docks	29	1%
TOTAL	2510	100%

Figure 2 shows that the premises is located within walking distance of Tower Bridge Primary School and a play area, this thus increases the likelihood of children living nearby. According to the Statement of Licensing Policy, this premises is located in a residential area and thus this variation could result in more individuals drinking outside the premises for longer hours. Late night and early morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour in the area. The increased noise from more individuals consuming alcohol after 23:00 in the local area could also have an impact on the sleep of residents living around this premises. A WHO report (2011) has found that fragmented sleep can result in short and long term health implications including; cognitive dysfunction, abnormal growth hormone release, increase of diastolic BP and increased risk of accidents. Certain groups of people are more vulnerable to noise including children, chronically ill and elderly people and shift workers (for more information see the evidence review attached).

Finally, it has been shown (report attached to email) that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015).

Figure 2 – Map showing proximity of premises to primary school and play area



Recommendations

I thus recommend that this variation be rejected in its current state, as the hours of extension fall outside the recommended Statement of Licensing Policy hours, and the current license already permits sales within the maximum recommended opening hours.

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)

Buying alcohol at later times is associated with drinking excessive amounts of alcohol, which in turn increases the likelihood of harm to the drinker and others.

There is evidence of this from a number of scientific studies from high-income countries across the last 3 decades. Extending the terminal hour of alcohol sales has increased alcohol-related harm (Smith 1988a, b; Smith 1990; Ragnarsdottir et al. 2002). Recently it was shown that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). Within the UK, extensions of the hours of alcohol sales have been associated with increased per capita consumption of beer, increases in the number of alcohol-related diagnoses in hospitals, and increases in violent crime (Bruce 1980; Duffy & De Moira 1996). Within London, increases in alcohol-related overnight attendances to the ED and alcohol-related admission rates were associated with the 2005 implementation of the 2003 Act. The increases included a rise in the number of alcohol-related attendances as a consequence of injury and assault (Newton et al. 2007).

In light of this evidence, several scientific reviews have concluded that restricting the hours of alcohol sales is an effective strategy for reducing excessive alcohol consumption and related harms (Grover & Bozzo 1999; Stockwell & Gruenewald 2004; Smith 1988; Popova et al. 2009). A number of international bodies, including the World Health Organisation, have recommended the control of hours of alcohol sales as a means to reduce alcohol misuse and alcohol-related harms. We in the Public Health team at Southwark Council are heeding this advice by recommending stronger policies to reduce alcohol misuse and alcohol-related harm. Indeed, stronger policies have been associated with a reduced likelihood of youth drinking and youth binge drinking (Xuan et al. 2015), and binge drinking in the general population (Xuan et al. 2015). One of our recommendations is that the hours of alcohol sales be restricted. We are seeking a terminal hour of 0000 for all off-licenses.

I would like some restriction on high-strength beers, lagers, and ciders, given that many purchasers of these drinks are alcohol misusers, and that one of these drinks exceeds the NHS's Safer Drinking Guidelines.

The NHS's Safer Drinking Guidelines state that males should not regularly drink more than 3-4 units of alcohol, and that females should not regularly drink more than 2-3 units. We decided to ask for the 5% because:

- One 330mL bottle of 5% beer/lager/cider contains 1.7 units of alcohol
- One 440mL can of 4.5% beer/lager/cider contains 2 units of alcohol
- One 440mL can of strong beer/lager/cider contains 4.5 units of alcohol

Bruce D. Changes in Scottish drinking habits and behaviour following the extension of permitted evening opening hours. *Health Bull.* 1980;38(3):133–7

de Goeij MCM, Veldhuizen EM, Buster MCA, Kunst AE. The impact of extended closing times of alcohol outlets on alcohol-related injuries in the nightlife areas of Amsterdam: a controlled before-and-after evaluation. *Addiction.* 2015; 110: 955-964

Duffy JC, De Moira ACP. Changes in licensing law in England and Wales and indicators of alcohol-related problems. *Addiction Res.* 1996;4(3):245–71

Grover PL, Bozzo R. Preventing problems related to alcohol availability: environmental approaches. DHHS, SAMHSA, CSAP; 1999

Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J.* 2007;24:532–4

Popova S, Giesbrect N, Bekmuradov D, Patra J. Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol Alcohol.* 2009;44:500–16

Ragnarsdottir T, Kjartansdottir A, Davidsdottier S. Effect of extended alcohol serving hours in Reykjavik, Iceland. In: Room R, editor. *The effects of Nordic alcohol policies.* Helsinki, Finland: Nordic Council for Alcohol and Drug Research; 2002. pp. 145–54

Rossow I, Norström T. The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. *Addiction;* 107(3): 530–537

Smith DI. Effect on casualty traffic accidents of changing Sunday alcohol sales legislation in Victoria, Australia. *J Drug Issues.* 1990;20(3):417–26

Smith DI. Effectiveness of restrictions on availability as a means of preventing alcohol-related problems. *Contemp Drug Prob.* 1988:627–84

Smith DI. Effect on casualty traffic accidents of the introduction of 10 p.m. Monday to Saturday hotel closing in Victoria. *Aust Drug Alcohol Rev.* 1988;7:163–6

Smith DI. Effect on traffic accidents of introducing flexible hotel trading hours in Tasmania, Australia. *Br J Addict.* 1988;83:219–22

Stockwell T, Gruenewald P. Controls on the physical availability of alcohol. In: Heather N, Peters TJ, Stockwell T, editors. *International handbook of alcohol dependence and problems.* Chichester, UK: Wiley; 2004. pp. 699–719

Licensing Act 2003 – Protection of Children from Harm

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

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

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

References:

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

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

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

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

Party 1

From: Hougbo, William
Sent: Friday, September 21, 2018 8:32 PM
To: Regen, Licensing
Subject: Representation Against Application 864663
To Whom It May Concern

Dear Sir/ Madam,

This is to certify that I am objecting to this above application.

1/Noise nuisance is the major consequence of the boom of the brewery industry accelerating on Druid Street. This fact has a strong and negative impact on the rights of many residents to live in peace.

2/ I have repetitively visited the residents in the Arnold Estate who stated that they are constantly suffering from the noise at night.

3/If that license application would be successful; it would worsen the nuisance situation. Pupils and families will not support this increase of the noise and this will prevent them to fulfil their daily commitments.

4/ It is unfair for residents to undergo such experience while their paying their rents, bills and government taxes.

5/ We should also take into account that some of these residents are elderly or people with disabilities.

6/ An increase of noise could also lead to frustration, anger and total disorder.

In that sense, I definitely object to further settlement of such business in that particular area; knowing that there are other areas available and suitable for the purpose.

Yours sincerely

William

Councillor William Hougbo
Liberal Democrat Councillor for London Bridge and West Bermondsey Ward
Southwark Liberal Democrat spokesperson on Community Safety and Youth Services
Tel. no. 0207 525 5335
Mobile 077 313 40235
E-Mail william.hougbo@southwark.gov.uk

Party 2**From:** O'Brien, Damian**Sent:** Saturday, September 22, 2018 6:32 PM**To:** Regen, Licensing**Cc:** Tahir, Sarah; Members Enquiries; Ali, Humaira; Hougbo, William**Subject:** FW: RE: Hop Kingdom Tap Room - 16 Druid Street, LDO = 19/10/2018, 865016

Dear Licensing

I write in objection to this licensing application as it will contribute to public nuisance. As you will be very aware, the residents of the Arnold Estate are already suffering unacceptable levels of noise and nuisance due to the drinking establishments already operating in the area.

I am especially against the licensing hours which should conform to neighbouring establishments, such as the Rinneroon application at arch 130 which was recently approved. Licensing hours on Druid Street should be no later the 22:30hrs with premises closure at 23:00. Preferably earlier on Sunday to Thursday evenings.

I trust these concerns will be taken into account.

Kind regards,

Damian O'Brien
London Bridge & West Bermondsey Councillor
Southwark Liberal Democrats
07985 116257
020 7525 0233
@damian_obr

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

Party 3

From: Ali, Humaira
Sent: Saturday, September 22, 2018 8:13
AM To: Regen, Licensing
Subject: Licensing application 864663
To whom it may concern,

Regarding the late licensing application on Druid Street

The community as a whole is supportive of new ventures in Maltby Street and Druid Street railway arches however an unintended consequence has been disruption to residents living closest to the railway arches. Many residents complain of late night noise through loud talking and sometimes drunkenness outside the premises, disruption to sleep and to their children's ability to sleep, antisocial behaviour including littering, urination against their homes, food being thrown into their gardens which then leads to rat infestations.

It should be noted that whilst some local Bermondsey residents do attend these establishments, many are from other areas of London. It's very easy to not be aware of the surrounds when you aren't local. I would suggest that being under the influence of alcohol also reduces one's ability to consider noise and sometimes behavioural impact.

Residents who for many years have experienced a relatively calm, quiet and collective neighbourhood as the arches were at best housing auto repair shops that closed at 6pm, are now faced with a sense of being trapped as they cannot move elsewhere and the noise/antisocial behaviour has reached critical levels. Some have tried to challenge late night drinkers and been met with abuse.

When these new ventures started I don't believe this was an outcome that anyone would desire.

A license to open later than 11pm therefore is not appropriate on 3 grounds:

- 1. Disruption to any family's ability to sleep at night including children**
- 2. Potential increase in antisocial behaviour**
- 3. Residents feeling less safe in their homes especially when trying to tackle noise or antisocial behaviour impacting their families**

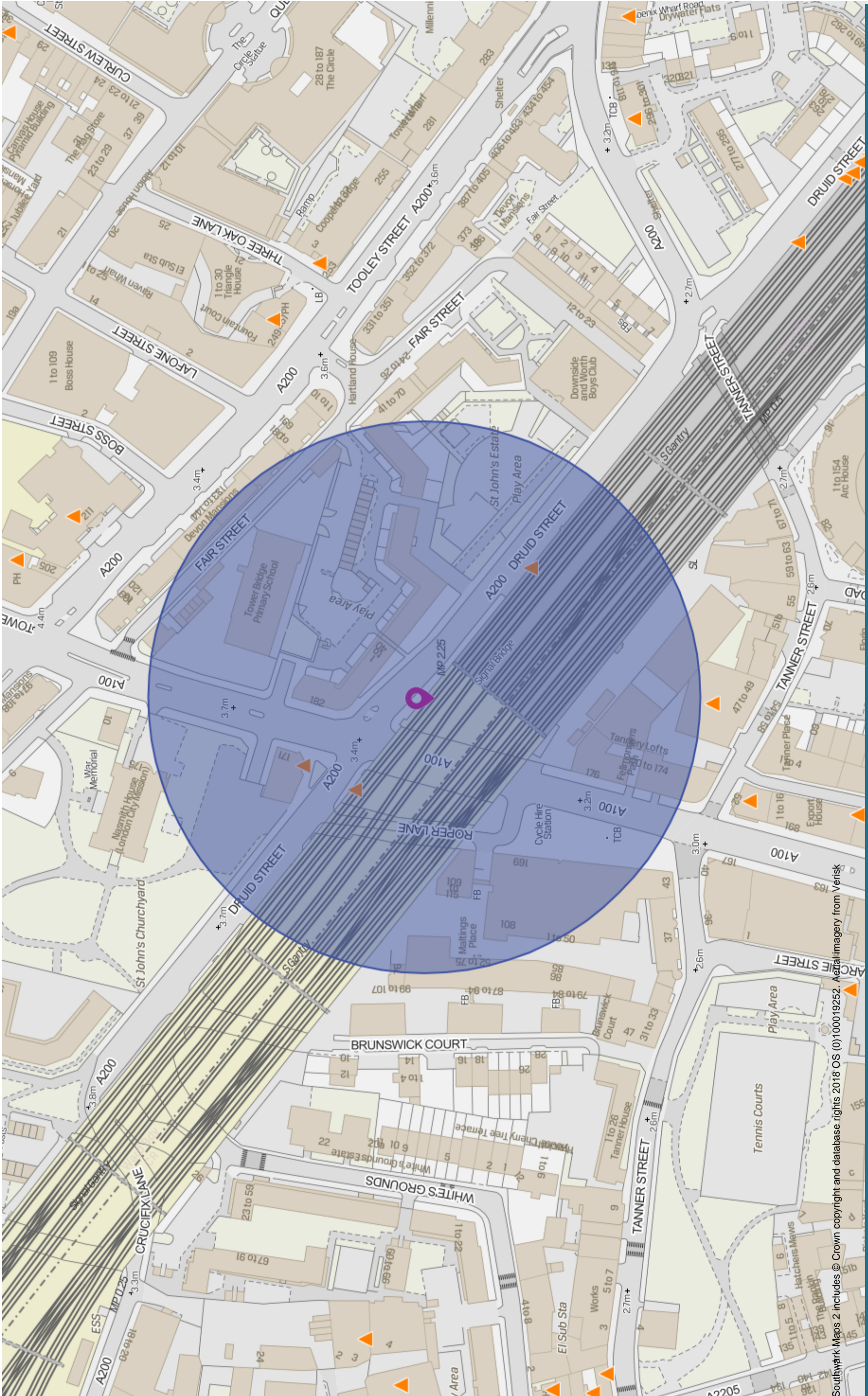
I therefore request that this application is declined. As a local councillor I would like to work together with businesses and local

residents to discuss ways of cohabiting that work for everyone.

All the best

Cllr Humaira Ali
London Bridge and West Bermondsey ward
Spokesperson for Equality and Citizenship
Tel:020 75255359, Mob:07731 340208

Southwark Brewing Company
46 Druid Street, SE1 2EZ



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50 m

2-Oct-2018



Item No. 6.	Classification: Open	Date: 22 October 2018	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Tropical, 186-188 Old Kent Road, London SE1 5TY	
Ward(s) or groups affected:		Faraday	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Carlos Fernando Delgado Armijos to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY.
2. Notes:
 - The application seeks to vary the premises licence held under current legislation in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to outstanding representations submitted by local residents and is therefore referred to the sub-committee for determination.
 - Paragraph 8 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
 - Paragraphs 10 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix D.
 - Paragraphs 15 to 19 of this report deal with the representations submitted in respect of the application from the responsible authorities and are attached in Appendix C.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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 interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence issued in respect of the premises known as the was issued on 21 April 2016 following a vary DPS and allows the following licensable activities:
 - The sale of alcohol to be consumed on the premises:
 - Monday to Sunday from 11:00 to 00:00.
 - The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 00:00.
 - The provision of regulated entertainment in the form of recorded music (indoors):
 - Monday to Sunday from 23:00 to 00:00.
 - The provision of regulated entertainment in the form of performances of dance and anything similar (indoors):
 - Monday to Sunday from 20:00 to 00:00.
 - Opening hours:
 - Monday to Sunday from 10:00 to 00:30.

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

The variation application

10. On 29 August 2018 Carlos Fernando Delgado Armijos applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY.

11. The application for variation is described as follows:

“...To extend all licensable activities on the premises licence to 02:00hrs Friday and Saturday. To extend the closing time of the premises licence to 02:30hrs on Friday and Saturday to allow for a 30 minute drinking up time and dispersal of customers...”

12. The following hours are being requested for variation:

- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday from 12:00 to 02:00.
- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 02:00.
- The provision of regulated entertainment in the form of recorded music (indoors):
 - Friday and Saturday from 16:00 to 02:00.
- The provision of regulated entertainment in the form of performances of dance and anything similar (indoors):
 - Friday and Saturday from 16:00 to 02:00.
- Opening hours:
 - Monday to Sunday from 10:00 to 00:30.
- Additional non-standard hours
 - On new Year's Eve the premises shall be opened from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

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

Designated premises supervisor

14. The designated premises supervisor (DPS) under the existing premises licence is Carlos Fernando Delgado Armijos, also the Applicant, holding a personal licence with the London Borough of Southwark.

Representations from responsible authorities

15. The Metropolitan Police Service have made a representation. They have raised concerns that the hours applied for are excessive, but ask that if an extension is given, that SIA staff are available.
16. Southwark public health have made a representation. The concerns are raised in relation to the extension of hours outside of the Southwark licensing policy and the potential for complaints resulting from excess noise.
17. Southwark's environmental protection team have made a representation in relation to the hours being outside of the hours recommended in the Southwark licensing policy and draw attention to the existing planning permissions, which the current licence already exceeds.
18. The licensing authority have made a representation under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. They advise that the application is inconsistent with the hours in relation to the Southwark licensing policy and if granted, would be inappropriate for this area.
19. Copies of all the representations made by responsible authorities are available in Appendix C.

Representations from other persons

20. No representations have been received from other persons.

Conciliation

21. Copies of representations were provided to the Applicant's agent on 27 September 2018. At the point of publication of this report, the Applicant's agent had not responded the concerns of the responsible authorities.

Operating history

22. The first premises licence was issued on 12 March 2007 and has been through a number of DPS variations and transfers, up to the present licence which came to Carlos Fernando Delgado Armijos on 21 April 2016.
23. An application to vary the premises licence was previous made by Carlos Fernando Delgado Armijos in October 2016 to also extend the hours, but was withdrawn by the Applicant.
24. There is a long history of temporary events notices (TENs) issued to the premises. The following are all TENs issued over the last 24 months to the point the report was published:

Applicant	Activities	Dates	Counter Notice
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 29/10/2016 to 30/10/2016 23:00 - 03:00	No
Carlos	Sale by retail of alcohol to	From 16/12/2016	No

Applicant	Activities	Dates	Counter Notice
Fernando Delgado Armijos	be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	to 17/12/2016 00.00-03.00 both days	
Carlos Fernando Delgado Armijos	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment Provision of Late night Refreshment	From 10/02/2017 to 11/02/2017 00.00-03.00 both days	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	13/05/2017 to 00.00-03.00	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 17/06/2017 to 18/06/2017 23:00-03:00	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 29/07/2017 to 30/07/2017 23:00-03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 18/08/2017 to 19/08/2017 23:00-03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 01/09/2017 to 02/09/2017 23:00 - 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 15/09/2017 to 16/09/2017 23:00 - 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 29/09/2017 to 30/09/2017 23:00 - 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 13/10/2017 to 14/10/2017 11:30 - 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 24/11/2017 to 25/11/2017 23:00 - 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 16/12/2017 to 16/12/2017 00:00 - 03:30	No

Applicant	Activities	Dates	Counter Notice
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 16/02/2018 to 18/02/2018 11:30 - 03:30 16th - 17th 11:30 - 03:30 17th -18th	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 23/03/2018 - 25/03/2018 - 23:30 - 03:30. 24/03 -	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 15/06/20218 to 16/06/2018 23:30 to 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 29/06/2018 to 30/06/2018 23:30 – 03:30	Yes - rejected late TEN too late
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 13/07/2018 to 14/07/2018 23:30 – 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 03/08/2018 to 04/08/2018 23:30 to 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 17/08/2018 to 18/08/2018 23:30 to 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 30/08/2018 to 01/09/2018 23:00 to 03:00	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 14/09/2018 to 15/09/2018 23:00 to 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 28/09/2018 to 29/09/2018 23:00 to 03:30	No
Carlos Fernando Delgado Armijos	Provision of Late night Refreshment	From 12/10/2018 to 13/10/2018 23:30 to 03:30	Yes – number of late TENs exceeded

25. One complaint was received by the licensing authority and copied to the environmental protection team from a local resident on 4 April 2018. It stated that there was loud music from the premises at weekends. The dates in question did have temporary events notices granted. The premises were visited by night time economy team and licensing enforcement officers gave advice. No complaints have been received since.

Map

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

Le Joint Wine and Snacks Bar, 193 Old Kent Road, London SE1 5NA

- The sale of alcohol (both on and off sales):
 - Monday to Sunday 10:00 to 02:30.
- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 02:30.

Daniels Bar and Restaurant, 207 Old Kent Road, London SE1 5NA

- The sale of alcohol (on sales):
 - Monday to Saturday from 11:00 to 00:00
 - Sunday from 12:00 to 23:30.
- The provision of late night refreshment (indoors):
 - Monday to Saturday from 23:00 to 00:30
 - Sunday from 23:00 to 00:00.

Costa Azul Mexican Bar and Grill, 190-1892 Old Kent Road, London SE1 5TY

- The sale of alcohol (on sales):
 - Monday to Wednesday from 11:00 to 00:00
 - Thursday from 11:00 to 01:00
 - Friday and Saturday from 10:00 to 03:00
 - Sunday from 10:00 to 01:00.
- The provision of late night refreshment (indoors):
 - Monday to Thursday from 11:00 to 01:00
 - Friday and Saturday from 10:00 to 02:00
 - Sunday from 10:00 to 01:00.

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

- Monday to Thursday from 11:00 to 00:00
- Friday and Saturday from 11:00 to 03:30
- Sunday from 11:00 to 02:00.
- The provision of regulated entertainment in the form of recorded music (indoors):
 - Monday to Thursday from 11:00 to 00:00
 - Friday and Saturday from 11:00 to 03:00
 - Sunday from 11:00 to 02:00.

- The provision of regulated entertainment in the form of performances of dance (indoors):
 - Monday to Thursday from 18:00 to 00:00
 - Friday and Saturday from 17:00 to 02:00
 - Sunday from 17:00 to 00:00.

New Wing Fu, 227 Old Kent Road, London SE1 5LU, licensed for:

- The sale of alcohol (off sales):
 - Monday to Sunday from 12:00 to 00:00 (midnight).
- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 00:00 (midnight).

Eurotraveller Hotel, 194-202 Old Kent Road, London SE1 5TY, licensed for:

- The sale of alcohol (on sales):
 - Monday to Sunday : 24 hours.
- The provision of regulated entertainment in the form of live and recorded music and performances of dance (indoors):
 - Monday to Saturday from 11:00 to 23:00
 - Sunday from 11:00 to 22:00.

Deregulation of entertainment

27. On 6 April 2015 entertainment became deregulated and as a result:

- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
- Live amplified music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people.

28. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Southwark council statement of licensing policy

29. 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.
30. 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.
31. Within Southwark’s statement of licensing policy, the premises are identified as being outside a cumulative impact area but within a residential area.
32. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:
- Restaurants and cafes:
 - Monday to Sunday : 23:00 daily.
 - Public houses, wine bars and other drinking establishments:
 - Monday to Sunday : 23:00 daily.
 - Night clubs:
 - Night clubs (with sui generis planning classification) are not considered appropriate for this area.

Resource implications

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

Consultation

34. Consultation has been carried out in respect of this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper twice (there was an error on the initial advert; however, this was republished within the specified time period to the satisfaction of the Licensing Authority). A similar notice exhibited at the premises for a period of 28 consecutive days. This was inspected by a Licensing Officer during the consultation period and found to be compliant.

Community impact statement

35. 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

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

Principles for making the determination

38. 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.
39. 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.
40. 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.
41. 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

42. 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.
43. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
44. 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.
45. 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.
46. 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.
47. 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

48. 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

49. 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.
50. 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

51. 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.
52. 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.
53. 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.
54. 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.

55. 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.
56. 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.
57. 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.
58. 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

59. 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

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

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations from responsible authorities:
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Andrew, Principal Licensing Officer	
Version	Final	
Dated	9 October 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	9 October 2018	

Licensing Act 2003 Premises Licence



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

Premises licence number

851458

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Tropical 186-188 Old Kent Road London SE1 5TY Ordnance survey map reference (if applicable), 178567533318	
Post town London	Post code SE1 5TY
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Recorded Music - Indoors
Performance of Dance - Indoors
Entertainment Similar to live/recorded music - Indoors
Late Night Refreshment - Indoors
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	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 00:30
Friday	10:00 - 00:30
Saturday	10:00 - 00:30
Sunday	10:00 - 00:30

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Recorded Music - Indoors

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

Performance of Dance - Indoors

Monday	20:00 - 00:00
Tuesday	20:00 - 00:00
Wednesday	20:00 - 00:00
Thursday	20:00 - 00:00
Friday	20:00 - 00:00
Saturday	20:00 - 00:00
Sunday	20:00 - 00:00

Entertainment Similar to live/recorded music - Indoors

Monday	20:00 - 00:00
Tuesday	20:00 - 00:00
Wednesday	20:00 - 00:00
Thursday	20:00 - 00:00
Friday	20:00 - 00:00
Saturday	20:00 - 00:00
Sunday	20:00 - 00:00



Late Night Refreshment - Indoors

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

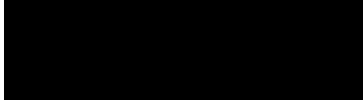
Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 00:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licenceCarlos Fernando Delgado Armijos
**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**Carlos Fernando Delgado Armijos
**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**
Authority L.B. Southwark

Licence Issue date 21/04/2016


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

Annex 1 - Mandatory conditions

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

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

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

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).

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a 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

172 a.The Licensee / Duty Manager shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises.

b.If required, at least one suitably trained first aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

255 a.Fire extinguishers and equipment as approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.

b.Portable fire extinguishers shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an antifreeze agent shall be examined and recharged in compliance with manufacturer's instructions.

c.Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.

d.All testing of fire extinguishers and equipment shall be at the expense of the licensee.

296 Only responsible drinks promotions will be allowed at the premises.

298 That suitable notices shall be displayed stating "No Drugs".

311 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner

312 That no parts of the outside curtilage, including the patio area, shall be used for the purpose of entertainment; either live performance or recorded performance provided via speaker.

332 All children on the premises under 18 will be accompanied by a parent or responsible adult at all times

340 No entertainment will be allowed in the exterior patio area by way of either live performance; or recorded performance provided via speakers.

112 Non standard timing on New Years Eve to finish at 06:00 for permitted licensable activities.

113 Non standard timing on New Years Eve to finish at 07:00 for operating hours.

288 The premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality and should be able to capture a clear facial image of all persons that enter the venue.

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to Officers of the Police and the Council.

341 There shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage and able to download the footage to a removal device on request of the Police or other authorised officer.

326 That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by Police or other authorised officer.

342 On each night the premises are in operation under the premises licence, there will be no new entry or re-entry to the premises one hour prior to the terminal hour for the provision of licensable activities, save for those that leave the premises for the purpose of smoking.

343 Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment is kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive facade to ensure compliance with the licensing objective regarding the prevention of public nuisance.

4AG The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.

4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.

4AI Condition 4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, The Designated Premises Supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

344 There shall be no children on the premises after 10pm on Sundays to Thursdays

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

841 That the rear door to the premises is to be kept closed after 20:00 Hours.

842 That Stock and Refuse are not to be moved at the rear of premises after 20:00 Hours.

Annex 4 - Plans - Attached

Licence No. 851458

Plan No. N/A

Plan Date N/A

29/08/2018

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

Ref No. 1083875

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

	Carlos Fernando Delgado Armijos
Premises licence number	848596

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

£	16000
---	-------

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

Address Line 1	Tropical
Address Line 2	186 - 188 Old Kent Road
Town	Southwark
County	
Post code	SE1 5TY
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Part 2 - Applicant details

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

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

Please tick	Yes
-------------	-----

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

(DD/MM/YYYY)	
--------------	--

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

	To extend all licensable activities on the premises licence to 02:00hrs Friday and Saturday.
	To extend the closing time of the premises licence to 02:30hrs on Friday and Saturday to allow for a 30 minute drinking up time and dispersal of customers.

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

	f) Recorded music (If ticking, fill in box F)
	g) Performance of dance (If ticking, fill in box G)
	h) anything of similar description to that falling within (e), (f) or (g) (Fill in box H)

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

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

Supply of alcohol (if ticking fill in box J)

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

Will the playing of recorded music take place indoors or outdoors or both? (Please read guidance note 4)

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

Please give further details here (Please read guidance note 5)

	Amplified music for the enjoyment of customers.
--	---

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	16:00	
		02:00
Sat	16:00	
		02:00
Sun		

State any seasonal variations for playing recorded music (Please read guidance note 6)

	On new Year's Eve the premises shall be opened from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.
--	---

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. (Please read guidance note 7)

	N/A
--	-----

Will the performances of dance take place indoors or outdoors or both? (Please read guidance note 4)

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

Please give further details here (Please read guidance note 5)

	Customers will be permitted to dance at weddings, birthdays, christenings and funeral gatherings.
--	---

Standard days and timings for Performance of dance (Please read guidance note 8)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	16:00	
		02:00
Sat	16:00	
		02:00

Sun		
-----	--	--

State any seasonal variations for the performance of dance (Please read guidance note 6)

	On New Year's Eve the premises shall be opened from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.
--	---

Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed. (Please read guidance note 7)

	N/A
--	-----

Please give a description of the type of entertainment you will be providing

	Recorded Music and Dancing.
--	-----------------------------

Will the entertainment take place indoors or outdoors or both? (Please read guidance note 4)

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

Please give further details here (Please read guidance note 5)

	On New Year's Eve the premises shall be opened from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.
--	---

Standard days and timings for Anything of a similar description to that falling within (e), (f) or (g) (Please read guidance note 8)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	16:00	
		02:00
Sat	16:00	
		02:00
Sun		

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (Please read guidance note 6)

	On New Year's Eve the premises shall be opened from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.
--	---

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed. (Please read guidance note 7)

	N/A
--	-----

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 4)

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

Please give further details here (Please read guidance note 5)

	South American food will be provided to customers and any alcohol purchased at the restaurant will be ancillary to the sale of food.
--	--

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 8)

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

State any seasonal variations for the provision of late night refreshment (Please read guidance note 6)

	On New Year's Eve the premises shall be opened from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.
--	---

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

	N/A
--	-----

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

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

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

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

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

	On New Year's Eve the premises shall be opened from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.
--	---

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)

	N/A
--	-----

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, nudity or gambling will be permitted at the premises at any time.
--	---

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	12:00	
		02:30
Sat	12:00	
		02:30
Sun		

State any seasonal variations (Please read guidance note 6)

	On New Year's Eve the premises shall be opened from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.
--	---

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)

	N/A
--	-----

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

	None
--	------

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

	Please tick otherwise state reason for not uploading

Reason for not uploading the premises licence

	The current premises licence will be sent back in the post to Southwark Council Licensing (First Class Royal Mail)
--	--

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

	<p>In preparation for this licensing application the applicant has had regard to the Southwark Council Statement of Licensing Policy, section 182 Guidance and the Licensing Act 2003.</p> <p>The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.</p>
--	--

b) the prevention of crime and disorder

	<p>A CCTV system will 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.</p> <p>CCTV cameras will cover key areas including headshots of persons entering the premises, the till and entrance and toilet entrance area.</p> <p>All CCTV footage must be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.</p> <p>Digital recording CCTV comprising a multi camera system will be operational within the premises. The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium. A CD or DVD burner will also form part of the system to facilitate making copies of the images.</p> <p>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 ancillary to their meal.</p>
--	---

	<p>The Licensee may authorize in writing a Duty Manager, to deputise for him/her. This written authorization shall be kept on the premises and shall be readily available for inspection by any Authorised Officer of the Council or Police.</p> <p>The Licensee must be satisfied that anyone appointed as a Duty Manager understands the need to comply with the conditions of the licence and is competent to perform the functions of Duty Manager.</p> <p>All staff involved in the sale of alcohol shall be trained in the responsible retailing of alcohol. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.</p> <p>An incident log book will be operated at all times the premises is in operation. This incident log book will record any incidents of crime and disorder and will be available immediately upon request by a police officer or an authorized officer of the council.</p> <p>Free easily accessible drinking water will be available to customers of the premises in the bar area.</p>
--	---

c) public safety

	<p>A fire log book shall be kept at the premises. The details of any outbreak of fire at the premises and any subsequent action taken shall be recorded in the fire log book. The fire log book shall be made available to officers of the council, police or fire brigade on request</p> <p>All fire extinguishers at the premises will be checked annually.</p> <p>Sufficient portable fire - fight equipment of a type suitable in respect of the operation of the premises shall be kept at the premises in unobstructed and easily accessible locations.</p> <p>Staff shall be trained in the use of the fire fighting equipment and a record of such training (including the date of the training, and the names and signatures of the trainee and trainer) shall be kept in the fire log book.</p> <p>The fire alarm system at the premises shall be maintained and kept in full working order.</p> <p>The Licensee / Duty Manager shall ensure that all necessary safety checks have been carried out before the admission of the public.</p> <p>All escape routes and exits including external exits shall be maintained unobstructed, in good order with non- slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.</p> <p>Security lighting will be in operation at the front of the premises whilst licensable activities are taking place at the premises. The security lighting will be set at a level that does not cause light pollution.</p>
--	---

d) the prevention of public nuisance

	<p>A private hire company number will be clearly advertised at the premises for patrons to book a taxi home.</p> <p>A daily designated member of staff will manage the booking service of private hire vehicles for patrons use.</p> <p>A duty managers mobile contact number will be visible and on display to members of the public / patrons to raise any complaints in relation to the operation of the premises.</p>
--	---

	<p>No parts of the outside exterior area of the restaurant shall be used for the purpose of entertainment.</p> <p>The licensees shall ensure that a suitable person will be designated with the duty and responsibility to inspect the immediate vicinity of the restaurant and neighbourhood at regular periods / intervals for loud singing, playing musical instruments, playing amplified music or amplified voices emanating from the said premises. Where loud singing, playing musical instruments, playing amplified music or amplified voices are audible in the neighborhood, the licensee shall take all reasonable steps and endeavours to ensure that no noise nuisance / statutory noise nuisance is caused which is likely to affect local resident(s).</p> <p>At the end closing hour for the premises announcements shall be made requesting customers leave the premises in a quiet and orderly manner.</p> <p>Notices regarding noise nuisance shall be displayed on the premises door.</p> <p>A zero tolerance approach to noise disturbance by patrons will be in operation at the premises which will be enforced strictly by SIA staff employed and in operation at the premises.</p> <p>All doors and windows to the premises shall be fully closed during any licensed entertainment, other than for the access and egress of patrons to and from the premises.</p> <p>The licensee shall ensure that no noise or vibration associated with the licensable activities emanating from the licensed premises including external areas is perceptible at or within the site boundary of any adjoining residential accommodation.</p> <p>The licensee shall arrange to join a pub watch scheme if in operation in the local area.</p> <p>No food or drinks obtained from the premises will be permitted to be consumed outside of the premises at anytime.</p> <p>That all staff shall receive training on the contents of the premises licence and their roles and responsibilities to uphold the premises licence conditions.</p> <p>Excessive noise will not be tolerated at the premises. Customers who cause excessive noise will be asked to leave the premises.</p>
--	---

e) the protection of children from harm

	<p>Children will only be permitted into the premises after 19:00hrs accompanied with an adult.</p> <p>Children will be required to leave the premises by 00:00hrs</p> <p>That an age identification scheme shall be established and maintained. The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.</p> <p>Regular staff meetings shall be held to discuss underage drinking, the laws attached and any updates.</p> <p>That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.</p> <p>That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.</p>
--	--

	Challenge 25 signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that Challenge 21 policy applies and proof of age may be required.
--	--

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

Upload proposed plans	
Upload existing plans	

Checklist

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

I agree to the above statement

	I agree
PaymentDescription	
AuthCode	
LicenceReference	
PaymentContactEmail	

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

Full name	Carlos Fernando Delgado Armijos
Date (DD/MM/YYYY)	29/08/2018
Capacity	Premises Licence Holder / DPS

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	Richard Van Marle
------------------	-------------------

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

Please upload proof of entitlement to work in the UK

<input type="checkbox"/>	Identity-Compliance.pdf
--------------------------	---

I agree to the above statement

<input 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.



APPENDIX C

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: MD/3221/18

Date: 26th September 2018

Re:- Tropical, 186-188 Old Kent Road, London SE1 5TY

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to the premises licence to operate between 16.00hrs and 02.30hrs Friday & Saturday with a licensable activities stopping at 02.00hrs. The venue is situated in a residential area as stipulated within the Southwark statement of licensing policy, which recommends a closing time of 23.00hrs. However, the Old Kent road already has a number of this type of premises and I would consider it as more commercial in this location. Because of this, I would recommend a terminal hour in line with a major town centre, which is specified as 01.00hrs Friday and Saturday and 00.00hrs Sunday to Thursday within the policy. The current licence already allows for a terminal hour of 00.30hrs.

The operating schedule indicates that this a restaurant, the application and current licence contain a number of control measures in order to restrict the operation to this specific manner.

The police object to the granting of the licence in its current format on the grounds of crime and disorder. If the Licensing sub-committee consider granting any extension to the hours of operation, we would like to see the following condition added to the licence.

- That two SIA registered door supervisors will be engaged when the premises are in operation Friday and Saturday and New Years Eve, and will be employed at all times after 21:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented

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

Yours Sincerely

Working for a safer Southwark

PC Graham White 288MD

Licensing Officer

Southwark Police Licensing Unit

ENVIRONMENTAL PROTECTION

Heron, Andrew

From: Prickett, Mark
Sent: 26 September 2018 16:34
To: Regen, Licensing
Cc: Tear, Jayne; Heron, Andrew; [REDACTED]
Subject: Major variation application - Tropical, 186-188 Old Kent Road
Attachments: 1083875.pdf; 12-AP-3234 decision notice.pdf

Dear Licensing,

The Environmental Protection Team have reviewed the major variation application for Tropical, 186-188 Old Kent Road, SE1 5TY.

The variation is "To extend all licensable activities on the premises licence to 02:00hrs Friday and Saturday. To extend the closing time of the premises licence to 02:30hrs on Friday and Saturday to allow for a 30 minute drinking up time and dispersal of customers".

The applicant is seeking the following licensable activities;

- Recorded music (indoors) – Friday and Saturday 16:00 – 02:00 following morning. “Amplified music for the enjoyment of customers.”
- Performance of dance (indoors) - Friday and Saturday 16:00 – 02:00 following morning. “Customers will be permitted to dance at weddings, birthdays, christenings and funeral gatherings.”
- Anything similar (indoors) - Friday and Saturday 16:00 – 02:00 following morning.
- Late night refreshment (indoors) - Friday and Saturday 23:00 – 02:00 following morning. “South American food will be provided to customers and any alcohol purchased at the restaurant will be ancillary to the sale of food.”
- Supply of alcohol (on the premises) - Friday and Saturday 12:00 – 02:00 following morning.

Revised opening hours – Friday & Saturday: 12:00 – 02:30.

EXISTING LICENCE

A copy of the existing licence can be found here:

<http://app.southwark.gov.uk/Licensing/LicPremisesGrantedDetails.asp?systemkey=851458>

The premises currently is permitted to open to 00:30 Friday & Saturdays, with licensable activities until 00:00.

The existing licence contains the following conditions with relation to prevention of public nuisance licensing objective;

311 - That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner

312 - That no parts of the outside curtilage, including the patio area, shall be used for the purpose of entertainment; either live performance or recorded performance provided via speaker.

340 - No entertainment will be allowed in the exterior patio area by way of either live performance; or recorded performance provided via speakers.

342 - On each night the premises are in operation under the premises licence, there will be no new entry or re-entry to the premises one hour prior to the terminal hour for the provision of licensable activities, save for those that leave the premises for the purpose of smoking.

343 - Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment is kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive facade to ensure compliance with the licensing objective regarding the prevention of public nuisance.

841 - That the rear door to the premises is to be kept closed after 20:00 Hours.

842 - That Stock and Refuse are not to be moved at the rear of premises after 20:00 Hours.

PLANNING PERMISSION

Planning permission for an A3 restaurant at ground floor at 186-188 Old Kent Road was granted under application number 12/AP/3234. The decision notice for this planning permission is attached.

Condition 14 of the permission restricts opening hours for the restaurant to 23:00;

- 14 The A3 restaurant uses hereby permitted on the ground floor shall only operate within the hours of 07:00 to 23:00.

Reason

To limit noise and disturbance to those residing in the hotel and residential accommodation above in accordance with saved policy 3.2 Protection of amenity Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

EPT STANCE

This major variation of a premises licence seeks longer hours of operation that is permitted under the relevant planning permission.

The following is extracted from Southwark's Licensing Policy 2016-2020 regarding planning matters:

Planning & building regulations regimes

95. The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Each regime involves consideration of different (albeit related) matters. Neither licensing nor planning committees are bound by decisions made by the other.

96. However, this Authority will look to ensure proper integration with the planning regime. While it is understood that there is no legal basis for a licensing authority to refuse a licence application solely because it does not have planning permission, it would be inconsistent for the authority to give a licence for an activity when planning permission for the same activity has been refused. Therefore, it is expected that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the council would expect the applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be.

Considering the proposed extended opening hours exceeding the relevant planning permission, EPT therefore **make representation** against this application with concern that the longer hours sought could lead to noise disturbance and public nuisance to residents / hotel guests above.

Kind regards

Mark Prickett
Principal Enforcement Officer
Environmental Protection Team
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX
Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>
Construction web pages: <http://www.southwark.gov.uk/construction>

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

Applicant Mr J. Paţel
Eurotraveller Hotel Limited

LBS Registered Number 12/AP/3234**Date of Issue of this decision** 13/12/2012**Planning Permission was GRANTED for the following development:**

Demolition of existing single storey restaurant building on site of no.186-188 Old Kent Road. Demolition of existing 3 storey building containing 2no. shop units at ground floor and 2no. residential apartments above, on site of no.190-192 Old Kent Road. Erection of 4 storey block on site of 186-188 Old Kent Road containing restaurant at ground floor and 3no. residential apartments on the floors above. Erection of 4 storey block on site of 190-192 containing a restaurant unit (Use Class A3) at ground floor and 15no. hotel bedrooms on the floors above, an annex of the adjacent hotel building at 194-202 Old Kent Road.

At: 186-192 OLD KENT ROAD, LONDON, SE1 5TY**In accordance with application received on** 03/10/2012 12:02:24 **Your Ref. No.:**

and Applicant's Drawing Nos. Site plan, E01, E02, E03, E04, E05, E06, P01 B, P02 B, P03 B, P04 B, P05 C, P06 C, P07, Planning/design access statement, noise impact assessment May 2009

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

Core Strategy 2011

- Strategic Policy 3 - Shopping, leisure and entertainment
- Strategic Policy 5 - Providing new homes
- Strategic Policy 10 - Jobs and Businesses
- Strategic Policy 12 - Design and Conservation
- Strategic Policy 13 - High Environmental standards

Southwark Plan 2007 (July) - saved policies

- 1.8 (Location of developments for retail and town centre uses)
- 1.9 (Change of Use within a protected shopping frontage)
- 1.12 (Hotels and Visitor accommodation)
- 3.1 (Environmental effects)
- 3.2 (Protection of Amenity)
- 3.6 (Air Quality)
- 3.7 (Waste reduction)
- 3.9 (Water)
- 3.11 (Efficient use of land)
- 3.12 (Quality in design)
- 3.13 (Urban design)
- 3.14 (Designing out crime)
- 3.19 (Archaeology)
- 4.2 (Quality of residential accommodation)
- 4.3 (Mix of dwellings)
- 4.6 (loss of residential accommodation)
- 5.2 (Transport impacts)
- 5.6 (Car parking)

London Plan 2011

Policy 4.1 Developing Londons Economy
 Policy 4.5 Londons Visitor Infrastructure
 Policy 4.7 Retail and town centre development
 Policy 7.6 Architecture
 Policy 6.13 Parking

National Planning Policy Framework (NPPF) 2012

Particularly part 2 'Vitality of town centres' and part 7 'Quality in Design'

Particular regard was had to the principle of uses proposed, the degree of impact on amenities, the quality of the accommodation provided and impacts from the adjoining highway, the design of the proposals and the impact on highways issues. Due to the nature of the proposals these aspects were considered to be acceptable subject to the conditions imposed. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following twenty conditions:

- 1 The development hereby permitted shall be begun before the end of one year from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 Samples of the materials to be used in the carrying out of this permission shall be provided on site and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of the materials in the interest of the appearance of the building in accordance with Policy 3.12 'Quality in Design' of the Southwark Plan (UDP) July 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2011.

- 3 The refuse storage arrangements shown on the approved drawings for the residential units, hotel extension and restuarants hereby permitted shall be provided in accordance with the approved plans and be available for use prior to first occupation and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 4 Details of the facilities to be provided for the secure storage of cycles shall be submitted to (2 copies) and approved by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with policy 5.3 'Walking and Cycling' of the Southwark Plan (UDP) July 2007.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**LBS Reg. No. 12/AP/3234****Date of Issue of this decision 13/12/2012**

- 5 All residential premises shall be designed to attain the following internal noise levels;
Bedrooms - 30dB_Laeq,T* and 45dB LA_fmax
Living Rooms - 30db Laeq,T*

*T - Night-time 8 hours between 23:00-07:00 and daytime 16 hours between 07:00-23-00.

Reason

To ensure that occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 'High Environmental Standards'.

- 6 The flats hereby permitted sharing a party element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The sound insulation of the party element shall be sufficient to ensure that NR25 is not exceeded in residential premises due to noise from the commercial premises. The specification required to meet the above standard shall be installed prior to first occupation of the dwellings hereby permitted and shall be permanently retained as such thereafter.

Reason

To ensure that the occupiers and users of the proposed development do not suffer loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 7 Prior to commencement of works details of the extract ducts for the kitchen fume extraction systems for the two restaurants hereby permitted, which shall show the extract ducts routed internally through the rear of these buildings to discharge points no less than 1m above the adjacent eaves heights at the top of the buildings at the rear, shall be submitted to and approved in writing by the Local Planning Authority. The ducts shall be installed in strict accordance with the approved details prior to the first operation of these restaurants and thereafter permanently retained as such.

Reason:

To ensure that occupiers of the permitted and adjacent premises do not suffer a loss of amenity by reason of noise nuisance or smells, or the appearance of the ducts, in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 8 The rated noise level from any plant, including the kitchen extraction plant, together with any associated ducting, shall be 10 dB (A) or more below the measured LA90 level at the nearest noise sensitive premises. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed in accordance with the above standard and retained as such thereafter.

The method of assessment shall include:

- i) A schedule of all plant and equipment installed,
- ii) Locations of the plant and ducting and associated attenuation and damping equipment,
- iii) Manufacturer specifications of sound emissions in octave or third octave detail,
- iv) The location of all most affected noise sensitive receptor locations and the most affected windows,
- v) Distances between plant and equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location,
- vi) The lowest existing La90, T measurement as already established,
- vii) New noise monitoring data, measurement evidence and any calculations demonstrating that the plant/ducting complies with the planning condition.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise/vibration

nuisance from plant and machinery in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

- 9 Prior to commencement of works, a report detailing steps to minimise the exposure of future occupiers of the development to air pollution shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation as may be approved shall be installed in strict accordance with the approved details prior to first occupation and thereafter retained as such.

Reason

To ensure that end users of the premises do not suffer a loss of amenity by reason of pollution in accordance with saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (UDP) July 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 10 Prior to implementation of the permission the developer shall submit a written construction management plan, detailing how the demolition and construction will be carried out with minimum impact to users of the highway and adjoining premises for approval in writing by the Local Planning Authority. The Construction Management plan will confirm that building work will be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday.

Reason

To protect free movement along the highway and prevent harm to local amenity in accordance with saved policies 3.2 Protection of Amenity and 5.2 Transport Impacts Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 11 No development shall take place until the applicant, or their successors in title has secured the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation which has been submitted (2 copies) by the applicant and approved by the Local Planning Authority.

Reason

To ensure that the archaeological operations (programme of archaeological evaluation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived, and in order to accord with Policy 3.19 'Archaeology' of the Southwark Plan (2007).

- 12 No development shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which has been submitted to the Local Planning Authority and approved in writing.

Reason:

To ensure that the archaeological operations (programme of archaeological mitigation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived, and in order to accord with Policy 3.19 'Archaeology' of the Southwark Plan (2007).

- 13 Within six months of the completion of archaeological site works the applicants shall supply an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive and this document shall be submitted to the Local Planning Authority and approved in writing.

Reason:

To ensure that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived and the project is published in a suitable way. This will be demonstrated by the production of a document following the guidance of Management of Archaeological Projects II (MAP II assessment report) and in order to accord with Policy 3.19 'Archaeology' of the Southwark Plan (2007).

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**LBS Reg. No. 12/AP/3234****Date of Issue of this decision 13/12/2012**

- 14 The A3 restaurant uses hereby permitted on the ground floor shall only operate within the hours of 07:00 to 23:00.

Reason

To limit noise and disturbance to those residing in the hotel and residential accommodation above in accordance with saved policy 3.2 Protection of amenity Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

- 15 The A3 restaurant use(s) hereby permitted shall not be occupied until a completion certificate in respect of the entirety of the development hereby permitted is issued by the Architect or Engineer employed to supervise the construction work of this development and that certificate is received by the Local Planning Authority.

Reason

To avoid piecemeal development of the site and secure improvement to the streetscene in accordance with saved policies 3.11 Efficient use of land and 3.12 Quality in design of the Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2011.

- 16 The development shall be operated in accordance with the Site and Servicing Management Plan approved by application ref 06-AP-0762. The development shall not be carried out otherwise than in accordance with any approval given.

Reason

In order that the Council may be satisfied that the servicing of the building will be carried out in a satisfactory manner in the interests of highway safety in accordance with saved Policy 3.11 'Efficient Use of Land' and Policy 3.13 'Urban Design' of the Southwark Plan 2007

- 17 Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted without the prior written consent of the Local Planning Authority.

Reason

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with saved Policies 3.2 'Protection of Amenity' and 3.12 'Quality in Design' of the Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2012.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**LBS Reg. No. 12/AP/3234****Date of Issue of this decision 13/12/2012**

- 18** No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building[s] as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure[s] of any building[s] hereby permitted without the prior written consent of the Local Planning Authority.

Reason

In order to ensure that no additional plant etc. is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with saved Policies 3.2 'Protection of Amenity' and 3.12 'Quality in Design' of the Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2012.

- 19** Detailed drawings of the means of access and egress for people with disabilities to all parts of the development hereby approved, including full details of threshold levels, shall be submitted to and approved by the local planning authority before any work is commenced on the development. The submission shall include, as appropriate, elevations, plans and cross-sections of the building at a scale of 1:50 and of all doors and handrails at a scale of 1:20. Provision in accordance with the details thus approved shall be made prior to the occupation of the development and shall thereafter be permanently retained to the satisfaction of the City Council as local planning authority.

Reason

To make sure that there is reasonable access for people with disabilities and to ensure a satisfactory appearance.

- 20** The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: P01 B, P02 B, P03 B, P04 B, P05 C, P06 C, P07,

Reason:

For the avoidance of doubt and in the interests of proper planning.

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance.

The local planning authority delivered the decision in a timely manner.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

www.southwark.gov.uk**PLANNING PERMISSION****LBS Reg. No.** 12/AP/3234**Date of Issue of this decision** 13/12/2012Signed *Gary Rice*

Head of Development Management

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to planning.applications@southwark.gov.uk

checked by _____

UPRN: 200003372270

TP/2168-188

PLANNING PERMISSION

LBS Registered Number: 12/API/3234

Date of issue of this decision: 13/12/2012



www.southwark.gov.uk

IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APPEAL TO THE SECRETARY OF STATE.** If you are aggrieved by this decision of the council as the local planning authority to grant permission subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you appeal you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at www.planningportal.gov.uk/pcs. You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at www.planning-inspectorate.gov.uk. The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application form and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.
- [3] **PROVISIONS FOR THE BENEFIT OF THE DISABLED.** Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
- (i) Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
 - (ii) Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
 - (iii) Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.
- [4] **OTHER APPROVALS REQUIRED PRIOR TO THE IMPLEMENTATION OF PLANNING PERMISSION.** The granting of planning permission does not relieve the developer of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities [including the London Borough of Southwark] entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property.
- [5] **WORKS AFFECTING THE PUBLIC HIGHWAY.** You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.
- [6] **THE DULWICH ESTATE SCHEME OF MANAGEMENT.** Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].
- [7] **BUILDING REGULATIONS.** You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].
- [8] **THE PARTY WALL Etc. ACT 1996.** You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a

neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

IMPORTANT: This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.



SCANNED ON
28 DEC 2012
PLANNING (GD)

SCANNED ON
28 DEC 2012
PLANNING (GD)

PUBLIC HEALTH**Heron, Andrew**

From: Regen, Licensing
Sent: 21 September 2018 14:48
To: [REDACTED]
Cc: Heron, Andrew
Subject: FW: Consultation - Major Variation, 186-188 Old Kent Road
Attachments: Alcohol crime and harm report.docx

160 Tooley Street | London | SE1 2QH

From: Public Health Licensing
Sent: Friday, September 21, 2018 2:31 PM
To: Regen, Licensing
Cc: Public Health Licensing; Shapo, Leidon
Subject: RE: Consultation - Major Variation, 186-188 Old Kent Road

To Whom it may concern:

RE: Tropical, 186 – 188 Old Kent Road, SE1 5TY

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):

General Comments

The applicant requests a variation to amend the hours for entertainment similar to live/recorded music indoors, performance of dance indoors, late night refreshment, and sale of alcohol on the premises.

The current granted hours are:

Currently granted hours	Entertainment similar to live/recorded music indoors	Late night refreshment	Performance of dance	Recorded music	Supply of alcohol on the premises
Monday - Sunday	20:00 – 00:00	23:00 – 00:00	20:00 – 00:00	23:00 – 00:00	11:00 – 00:00

Days which Opening hours apply to	Currently granted Opening hours
--	--

Wednesday - Monday	10:00 – 00:30
Tuesday	10:00 – 01:30

The requested hours are:

Requested hours	Opening hours	Entertainment similar to live/recorded music indoors	Late night refreshment	Performance of dance	Recorded music	Supply of alcohol on the premises
Friday & Saturday	12:00 - 02:30	16:00 – 02:00	23:00 – 02:00	16:00 – 02:00	16:00 – 02:00	12:00 – 02:00

Concerns relating to this application

This premises is located in the East Walworth ward. Figure 1 depicts a high number of On-Licenses in East Walworth, in addition to this, East Walworth currently accounts for 7% of all alcohol related alcohol-related ambulance call outs in Southwark (thus placing it in the 2nd highest quintile). Thus alcohol has resulted in a cumulative impact in Southwark.

Figure 1 – Number of licensed premises in East Walworth

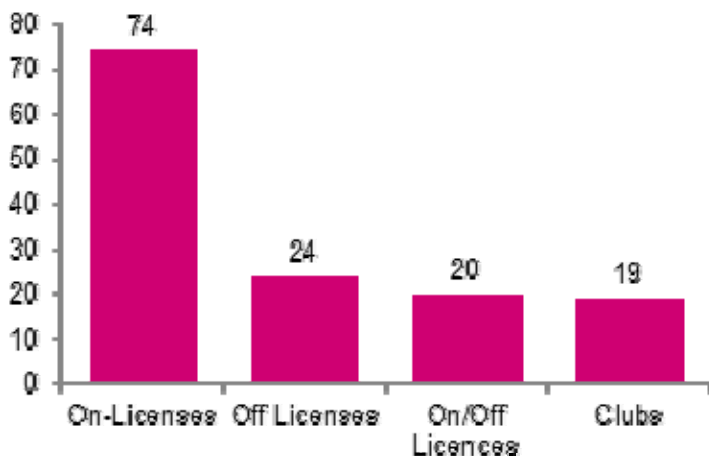
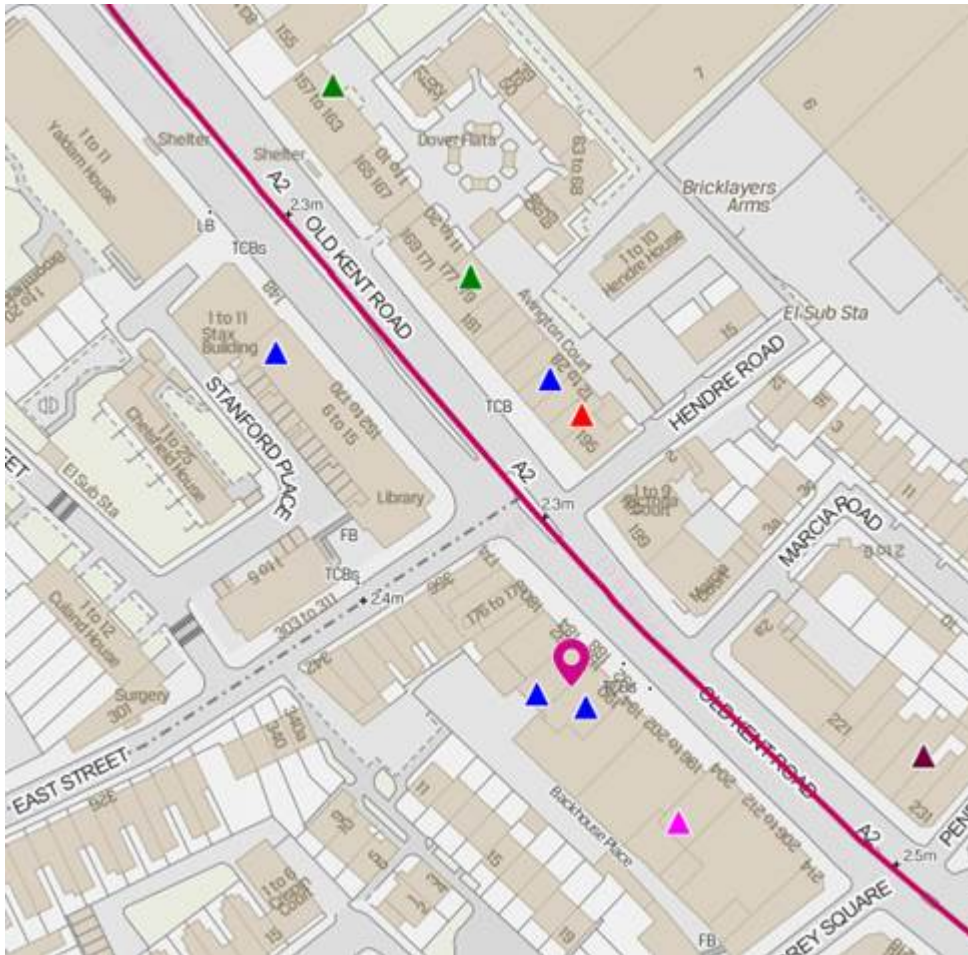


Figure 2 shows that the premises is located within walking distance of 1 drinking establishment in a residential area. Thus the increased hours for the entertainment and alcohol supply (from this variation) could result in a cumulative impact of more noise and disorder for local residents during late-night hours along with complaints.

Figure 2 – Map excerpt showing location of the premises and proximity to other premises.



▲ Licensed premises - Drinking Establishments

▲ Licensed premises - Eateries

▲ Licensed premises - Off-Sales

▲ Licensed premises - Other

▲ Licensed premises - Takeaways

Finally, it has been shown (report attached to email) that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015).

Recommendations

As the premises is already granted operation hours that are an hour above those recommended by the Southwark Statement of Licensing Policy for restaurants in residential areas (23:00), I recommend that the variation be rejected in its current state (especially as the entertainment provided at late hours in this residential area has a high likelihood of generating complaints).

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

Please copy my supervisor –Leidon– who can be reached at Leidon.Shapo@southwark.gov.uk in any further correspondence regarding this case.

Yours sincerely,

Aakulan Kangatharan

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

From: Jerrom, Charlie

Sent: Thursday, August 30, 2018 10:09 AM

To: Alcohol@homeoffice.gsi.gov.uk ; Qau Safeguarding; Costin, Holly; DIP Team; FireSafetyRegulationSE@london-fire.gov.uk (FSR-AdminSupport@london-fire.gov.uk); Graham White; Highwayslicensing; Moore, Ray; Planning.Enquiries; Public Health Licensing; Reg Env Protection; Reg Health and Safety; Sharpe, Carolyn; southwark.repro@pbms.co.uk; Taylor, Dan; Tear, Jayne; West Team diary

Subject: Consultation - Major Variation, 186-188 Old Kent Road

Buying alcohol at later times is associated with drinking excessive amounts of alcohol, which in turn increases the likelihood of harm to the drinker and others.

There is evidence of this from a number of scientific studies from high-income countries across the last 3 decades. Extending the terminal hour of alcohol sales has increased alcohol-related harm (Smith 1988a, b; Smith 1990; Ragnarsdottir et al. 2002). Recently it was shown that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). Within the UK, extensions of the hours of alcohol sales have been associated with increased per capita consumption of beer, increases in the number of alcohol-related diagnoses in hospitals, and increases in violent crime (Bruce 1980; Duffy & De Moira 1996). Within London, increases in alcohol-related overnight attendances to the ED and alcohol-related admission rates were associated with the 2005 implementation of the 2003 Act. The increases included a rise in the number of alcohol-related attendances as a consequence of injury and assault (Newton et al. 2007).

In light of this evidence, several scientific reviews have concluded that restricting the hours of alcohol sales is an effective strategy for reducing excessive alcohol consumption and related harms (Grover & Bozzo 1999; Stockwell & Gruenewald 2004; Smith 1988; Popova et al. 2009). A number of international bodies, including the World Health Organisation, have recommended the control of hours of alcohol sales as a means to reduce alcohol misuse and alcohol-related harms. We in the Public Health team at Southwark Council are heeding this advice by recommending stronger policies to reduce alcohol misuse and alcohol-related harm. Indeed, stronger policies have been associated with a reduced likelihood of youth drinking and youth binge drinking (Xuan et al. 2015), and binge drinking in the general population (Xuan et al. 2015). One of our recommendations is that the hours of alcohol sales be restricted. We are seeking a terminal hour of 0000 for all off-licenses.

I would like some restriction on high-strength beers, lagers, and ciders, given that many purchasers of these drinks are alcohol misusers, and that one of these drinks exceeds the NHS's Safer Drinking Guidelines.

The NHS's Safer Drinking Guidelines state that males should not regularly drink more than 3-4 units of alcohol, and that females should not regularly drink more than 2-3 units. We decided to ask for the 5% because:

- One 330mL bottle of 5% beer/lager/cider contains 1.7 units of alcohol
- One 440mL can of 4.5% beer/lager/cider contains 2 units of alcohol
- One 440mL can of strong beer/lager/cider contains 4.5 units of alcohol

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LICENSING**MEMO: Licensing Unit**

To Licensing Unit **Date** 26 September 2018

Copies

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

Email jayne.tear@southwark.gov.uk

Subject Re: Tropical, 186-188 Old Kent Road, London, SE1 5TY –
Application to vary a premises licence

I write with regards to the above application to vary the premises licence submitted by Carlos Fernando Delgado Armijos under the Licensing Act 2003, which seeks to extend the following licensable activities:

- To extend recorded music (indoors) on Friday and Saturday to start from 16:00 (rather than 23:00) and to finish at 02:00 the following day (rather than 00:00)
- To extend performance of dance on Friday and Saturday to start from 16:00 (rather than 20:00) and to finish at 02:00 the following day (rather than 00:00)
- To extend anything of a similar description to live music, recorded music and performance of dance (indoors) on Friday and Saturday to start from 16:00 (rather than 20:00) and to finish at 02:00 the following day (rather than 00:00)
- To extend late night refreshment (indoors) on Friday and Saturday from 00:00 to 02:00 the following day
- To decrease the supply of alcohol (on the premises) on Friday and Saturday to start from 12:00 (rather than 11:00) and to extend on Friday and Saturday to finish at 02:00 the following day (rather than 00:00)
- To decrease the opening hours on Friday and Saturday to start from 12:00 (rather than 10:00) and to extend the opening hours on Friday and Saturday to finish at 02:30 the following day (rather than 00:30)
- Overall opening times shall be on Sunday to Thursday from 10:00 to 00:30, Friday and Saturday from 12:00 to 02:30 the following day

The premises was described in the previous application as a *'Bar/Restaurant with a South American cultural feel and cuisine'*.

The nature of this variation is described within the application as *'To extend all licensable activities on the premises licence to 02:00 Friday and Saturday. To extend the closing time of the premises licence to 02:30 on Friday and Saturday to allow for a 30 minute drinking up time and dispersal of customers'*.

The description above is not consistent with the hours actually asked for within the application as the application is not only asking to extend the hours forward to 02:30 the following day on Friday and Saturday. It is also asking to start the licensable activities earlier and to decrease the opening hours on a Friday and Saturday by 2 hours to start at 12:00 rather than 10:00.

My representation is submitted under the prevention of crime and disorder, the prevention of public nuisance licensing and public safety 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 is 23:00 daily. **Night Clubs (with sui generis planning classification) are not considered appropriate for this area.**

The later operation of the premises and of people leaving the premises later a night would impact further upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises if it were allowed to open later and the possible impact of any rowdy and anti-social behaviour or crime and disorder.

Further to this most of the conditions offered within the operating schedule are currently on the existing licence and no further control measures have been offered to promote the licensing objectives.

Due to this limited information I ask the applicant to provide the following:

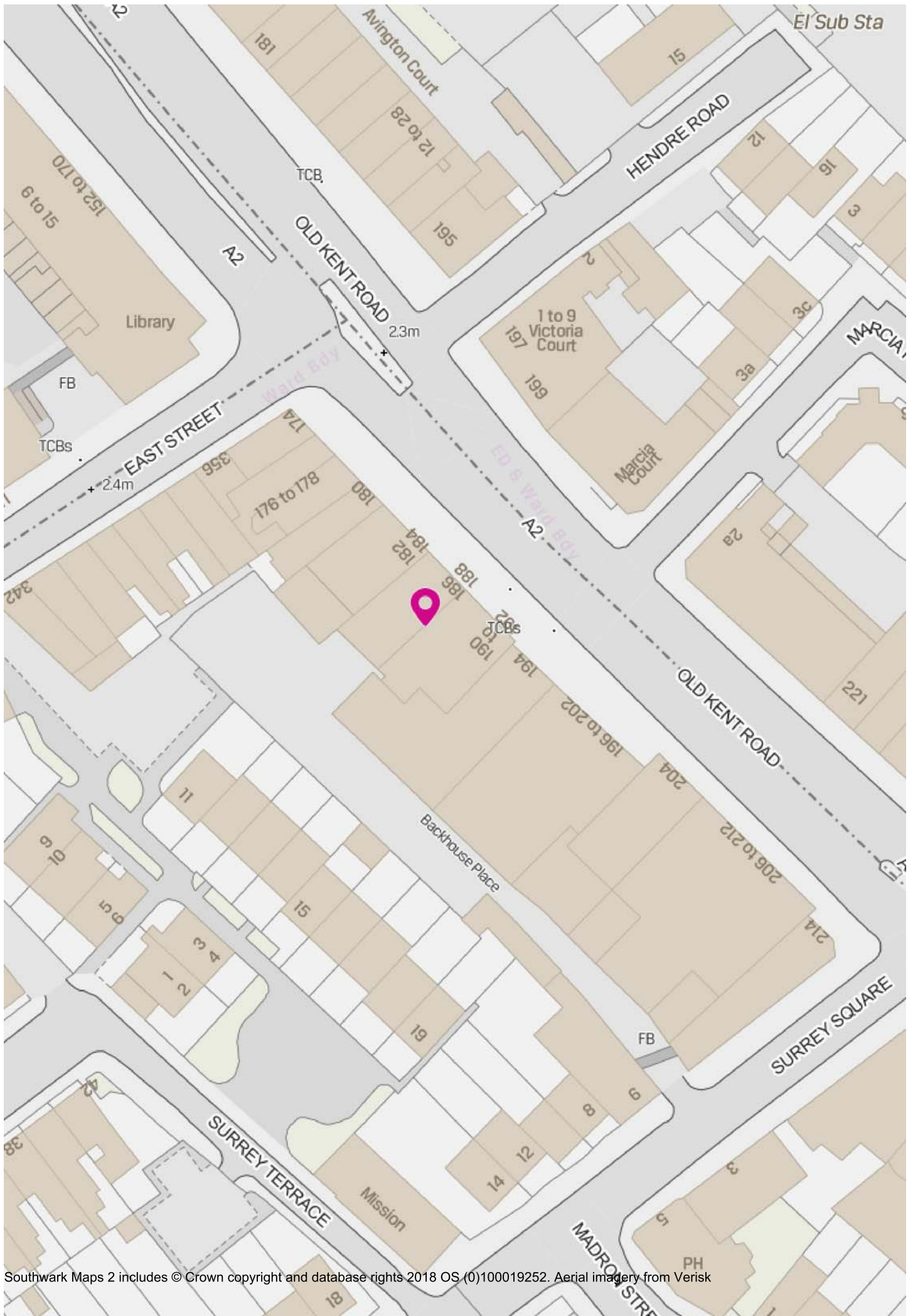
- An accommodation limit for the premises
- To provide a written dispersal policy for the premises

I may submit further comments once all of the information has been received.

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



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

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

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