

## Licensing Sub-Committee

Monday 29 October 2018

10.00 am

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

### Membership

Councillor Sunil Chopra  
Councillor Charlie Smith  
Councillor Kath Whittam

### Reserves

Councillor Sirajul Islam

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 19 October 2018



## **Licensing Sub-Committee**

Monday 29 October 2018  
10.00 am

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

### **Order of Business**

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
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#### **PART A - OPEN BUSINESS**

**1. ELECTION OF CHAIR**

To elect a chair for this meeting.

**2. APOLOGIES**

To receive any apologies for absence.

**3. CONFIRMATION OF VOTING MEMBERS**

A representative of each political group will confirm the voting members of the committee.

**4. 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.

**5. 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.

**6. LICENSING ACT 2003: BLACK SWAN STUDIOS, 2-3 BLACK SWAN YARD, LONDON SE1 3XW**

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**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: 19 October 2018

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 29 October 2018	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Black Swan Studios, 2-3 Black Swan Yard, London SE1 3XW	
<b>Ward(s) of group(s) affected</b>		London Bridge and West Bermondsey	
<b>From</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Colorset Inc Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Black Swan Studios, 2-3 Black Swan Yard, London, SE1 3XW.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 19 of this report deal with the representations submitted in respect of the application. Copies of the representation submitted by the responsible authorities and attached to this report in Appendix B and copies of representations from other persons attached in Appendix C. A map showing the location of the premises is attached to this report as Appendix E.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

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

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 30 August 2018 Colorset Inc Limited applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Black Swan Studios, 2-3 Black Swan Yard, London SE1 3XW. The premises are described in the application as being:
  - "Open plan multi purpose, self contained, ground floor space with refreshment area and bar area. Brick walls, concrete flooring."
9. The hours applied for are summarised as follows:
  - The sale by retail of alcohol (on sales only):
    - Monday to Friday from 12:00 to 23:00
    - Saturday and Sunday from 10:00 to 23:00.
  - Opening hours:
    - Monday to Friday from 12:00 to 23:00
    - Saturday from 10:00 to 23:00
    - Sunday from 10:00 to 23:30.
10. The Designated Premises Supervisor is to be Thomas Phelan, who holds a personal licence with the Borough of Broxbourne Council.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

### **Representations from responsible authorities**

12. Representations have been received from three responsible authorities, but have since all been conciliated.
13. A representation had been received from the Metropolitan Police (Licensing Division) which raises concerns regarding the prevention of crime and disorder. Six additional conditions were requested and have since been agreed. The representation is therefore withdrawn. The conditions are:
  - That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
  - That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
  - That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and signed and updated every six months. The records shall, upon request, be made immediately available to officers of the police and the council.
  - That there shall be no more than five smokers outside at any time and this shall be monitored by staff.
  - That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed at all times until the end of business and all patrons have vacated the premises they will be engaged to monitor admission and readmissions to the premises, security, protection, screening and dealing with conflict.
14. A sixth condition requiring off sales to be in sealed containers is no longer required as the Applicant has withdrawn the off sales element of the application.
15. A representation has been provided by this council's environmental protection team, again asking for additional conditions. These have been accepted the representation withdrawn. These conditions are:
  - That clearly legible signage will be prominently displayed at all exits where it can be seen and easily read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.
  - That customers may not be allowed to congregate outside the premises.
  - That the entrance door will be fitted with a thick, close fitting fireproof curtain to minimise noise outbreak as patrons enter and exit the premises.
  - That external areas will be closed to patrons at 22.00.
  - That noise from plant, patrons and activities at the premises will be managed to ensure that public nuisance shall not be caused in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.
  - That external waste handling, collections and deliveries will only occur between 08:00 and 20:00.

16. A representation has been submitted by the licensing authority in their role as responsible authority. The representation asks for an adjustment in hours for the sale of alcohol and additional conditions, which have been agreed and the representation subsequently withdrawn. The new hours and conditions are as follows:
- The sale by retail of alcohol (on sales only):
    - Monday to Friday from 12:00 to 22:30
    - Saturday from 10:00 to 22:30
    - Sunday from 10:00 to 22:00.
  - The accommodation limit for the premises shall not exceed 120 patrons.
  - That the written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised officers of the council or the police and all relevant staff shall be trained in the implementation of the dispersal policy.
17. The representations and details of withdrawals between the applicant and the responsible authorities are all available in Appendix B.

### **Representations from other persons**

18. Representations have been received from two persons in the immediate vicinity. One is concerned with the hours. The other appears to have ongoing issues with the premises and has submitted objections to a planning application, using the same complaints for the licensing application. Redacted versions of the representations are available in Appendix C.

### **Conciliation**

19. All representations were sent to the applicant. All representations from the responsible authorities have been conciliated and withdrawn. The applicant has been offered the opportunity to write to the objectors. At the time this report was composed, this had not taken place.

### **Premises history**

20. The premises has previously held a premises licence under the name of Black Swan Yard Limited. This company was dissolved in November 2017 and the licence was not transferred within the legislative timeframe and therefore lapsed. A copy of the previous licence is available for members' information in Appendix D. A new application has therefore been submitted, though this is not a new premises.
21. The premises has been granted a number of temporary events notices in the last year as listed below:

<b>Applicant</b>	<b>Activities</b>	<b>Dates</b>	<b>Counter Notice</b>
Tom Phelan	Sale by retail of alcohol to be consumed on/off the premises Provision of Regulated Entertainment	8/11/2017 to 18/11/2017 12:00 to 22:00	No
Russell Milton	Sale by retail of alcohol to be consumed on/off the premises	15/09/2018 to 15/09/2018 10:00 to 22:00	No
Lucy Chilvers	Provision of late night	21/09/2018 to	No

Applicant	Activities	Dates	Counter Notice
	refreshment Provision of Regulated Entertainment	21/09/2018 17:00 to 23:00	

22. The licensing department has one complaint registered against the premises in the last year:

Date	Complainant	Complaint	Action
30/07/2018	Local Resident	Noise from music	Complainant written to, visits carried out by night time economy (NTE) team on 03/08/2018 and 01/09/2018, no issued found

### Map

23. A map showing the location of the premises is attached to this report as Appendix E. Bermondsey Street has a growing number of licensed premises, the following are a list of licensed premises in the immediate vicinity of the application:

#### **Fashion and Textile Museum, 83 Bermondsey Street, London SE1 3XF**

- The sale by retail of alcohol (on sales):
  - Monday to Sunday from 09:00 to 23:00.
- The provision of regulated entertainment in the form of films, live and recorded music, indoor sporting events and performances of dance (indoors):
  - Monday to Sunday from 09:00 to 23:00.

#### **Chapter 72, 72 Bermondsey Street, London SE1 3UD**

- The sale by retail of alcohol (both on and off sales):
  - Monday to Saturday from 07:00 to 22:30
  - Sunday from 08:00 to 21:30.

#### **Giddy Grocer, 80 Bermondsey Street, London SE1 3UD**

- The sale by retail of alcohol (off sales):
  - Monday to Sunday from 11:00 to 23:00.
- The sale by retail of alcohol (on sales):
  - Monday to Sunday from 11:00 to 22:30.
- The provision of regulated entertainment in the form of recorded music (indoors):
  - Monday to Sunday from 11:00 to 23:00.

#### **B Street Deli, 88 Bermondsey Street, London SE1 3UB**



- The sale by retail of alcohol (both on and off sales)
  - Monday to Sunday from 09:00 to 23:30.
- Late night refreshment (indoors):
  - Monday to Sunday from 23:00 to 23:30

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

24. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
  - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
  - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
25. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
26. Within Southwark's statement of licensing policy, the premises sits outside of a cumulative impact policy area and within a residential area. Under the Southwark statement of licensing policy 2016-2020 the premises within this application would fall under the recommended closing times:

- Closing time for Restaurants and Cafes:
  - Monday to Sunday until 23:00.
- Closing time for Public Houses Wine bars or other drinking establishments:
  - Monday to Sunday until 23:00.

### **Resource implications**

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

### **Consultation**

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

### **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

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

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

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

- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

### **Conditions**

35. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
36. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
37. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
38. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
39. 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**

40. 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**

41. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.
    - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.

- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
42. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

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

49. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
50. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### Guidance

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

### Strategic Director of Finance and Governance

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

## BACKGROUND DOCUMENTS

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

## APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by Responsible Authorities
Appendix C	Representations submitted by Other Persons
Appendix D	Copy of previous premises licence
Appendix E	Map of the locality

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	16 October 2018	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
Date final report sent to Constitutional Team		16 October 2018

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

**APPENDIX A**

29/08/2018

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

Ref No. 1083628

## Name of Applicant

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

	Colorset Inc Limited
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## Premises Details

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

£	29,000
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

## Premises trading name

	Colorset Inc Limited T/A Black Swan Studios
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Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	2/3 Black Swan Yard
Address Line 2	Bermondsey Street
Town	London
County	London
Post code	SE1 3XW
Ordnance survey map reference	
Description of the location	
Telephone number	

## Applicant Details

Please select whether you are applying for a premises licence as

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

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

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

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

## Other Applicants

## Personal Details - First Entry

Name	Colorset Inc Limited T/A Black Swan Studios
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## Address - First Entry

Street number or building name	2/3 Black Swan Yard
Street Description	Bermondsey Street
Town	London
County	London
Post code	SE1 3XW
Registered number ( where applicable )	08499963
Description of applicant ( for example, partnership, company, unincorporated association etc )	Limited Company

## Contact Details - First Entry

Telephone number	
Email address	

## Operating Schedule

When do you want the premises licence to start?

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

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General description of premises ( see guidance note 1 )



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

	Open plan multi purpose , self contained, ground floor space with refreshment area and bar area. Brick Walls, Concrete flooring.
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If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
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## Operating Schedule part 2

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

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


## Provision of late night refreshment

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## Supply of alcohol

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

## I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? ( Please read guidance note 3 )

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

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

--	--

Standard days &amp; timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variations for the provision of late night refreshment ( Please read guidance note 5 )

--	--

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 6 )

--	--

## J - Supply of Alcohol

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

	<del>Both</del> ON
--	--------------------

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

Day	Start	Finish
Mon	12:00	23:00
Tues	12:00	23:00
Wed	12:00	23:00
Thur	12:00	23:00
Fri	12:00	23:00
Sat	10:00	23:00
Sun	10:00	23:00

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

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

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

--	--

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

	<a href="#">Designated-Premises-Supervisor-Form-Online.pdf</a>
--	--

## Premises Supervisor

Full name of proposed designated premises supervisor

First names	THOMAS JOSEPH
Surname	PHELAN

DOB

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

Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	
County	
Post code	

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

Personal licence number ( if known )	
Issuing authority ( if known )	

K

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

	None
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## Business - Application for a premises licence to be granted under the Licensing Act 2003

## L - Hours premises are open to public

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

Day	Start	Finish
Mon	12:00	23:00
Tues	12:00	23:00
Wed	12:00	23:00
Thur	12:00	23:00
Fri	12:00	23:00
Sat	10:00	23:00
Sun	10:00	22:30

State any seasonal variations ( Please read guidance note 5 )

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

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## M - Steps to promote four licencing objectives

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

	<p>As a licensed premises we know that it is necessary to carry out our functions and operate our businesses with a purpose of promoting good working practices. We promise to continue these objectives through our existing procedures and any other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).</p> <p>We have strong management controls in place and training for all staff so that they are aware of the importance of the premises licence and the requirements to meet the four licensing objectives and pay particular attention to ensuring the following:</p> <ol style="list-style-type: none"> <li>1) That there is no selling of alcohol to underage people</li> <li>2) We do not tolerate drunk and disorderly behaviour within our building and our security staff ensure that anyone who might be disruptive is escorted away from the premises.</li> <li>3) Our staff are trained to be vigilant in preventing the use and sale of illegal drugs at our venue.</li> <li>4) Our security staff ensure that there is no violent or anti-social behaviour</li> </ol>
--	---

b) the prevention of crime and disorder

	<p>We have a CCTV System installed to monitor the premises in order to address the prevention of crime objective. Recordings are kept on a hard drive for 30 days.</p> <p>All our events where alcohol is on the premises have trained and badged security staff both to deter crime and in the unlikely event (given that our events are small and usually invited guests to corporate functions or weddings/family parties) in three years of previous trading we have never had any issues.</p>
--	--

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

	<p>All staff are trained not to sell alcohol to drunk or intoxicated customers.</p> <p>Our security staff are vigilant preventing illegal drug use at the venue and we have no past events of this nature.</p> <p>Staff are trained in asking customers to use premises in an orderly and respectful manner at all times.</p>
--	---

## c) public safety

	<p>We have fixed internal and external lighting to ensure that all visitors using our venue are illuminated at all times.</p> <p>We have step free access to the venue and toilet facilities.</p> <p>Underage ID checks are carried out by the trained staff at events</p> <p>All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.</p>
--	--

## d) the prevention of public nuisance

	<p>We have prominent, clear and legible notices displayed at the exit and surrounding area requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.</p> <p>Deliveries of goods necessary for the operation of the business are generally done during normal working hours of 9am to 6pm and are carried out at such a time or in such a manner as prevent nuisance and disturbance to nearby residents.</p> <p>Any staff who arrive early morning or depart late at night at the end of a function have been trained to conduct themselves in a professional and respectful manner to avoid causing disturbance to nearby residents.</p> <p>Customers will be asked not to stand around loudly talking in courtyard outside the premises when smoking and we have signage to re enforce that.</p> <p>The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises Our rubbish is usually collected at 8am at the same time as other business and residents in the area.</p> <p>Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.</p>
--	--

## e) the protection of children from harm

	<p>We have a "Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.</p> <p>Our staff are trained about requirement for persons' identification, age establishment etc. and have had training and instruction from the council under a former licence at the same premises.</p>
--	---

Please upload a plan of the premises

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

	FLOOR-PLAN-MEASUREMENTS-R.pdf
--	-------------------------------

Please upload any additional information i.e. risk assessments

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## Checklist

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

## Home Office Declaration

Please tick to indicate agreement

	I am a company or limited liability partnership
--	---

## Declaration

I agree to the above statement

	Yes
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 12). If completing on behalf of the applicant, please state in what capacity.

Full name	R Gowing-Scopes
Date (DD/MM/YYYY)	28/08/2018
Capacity	Accountant

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

Full name	R Gowing-Scopes
Date (DD/MM/YYYY)	28/08/2018

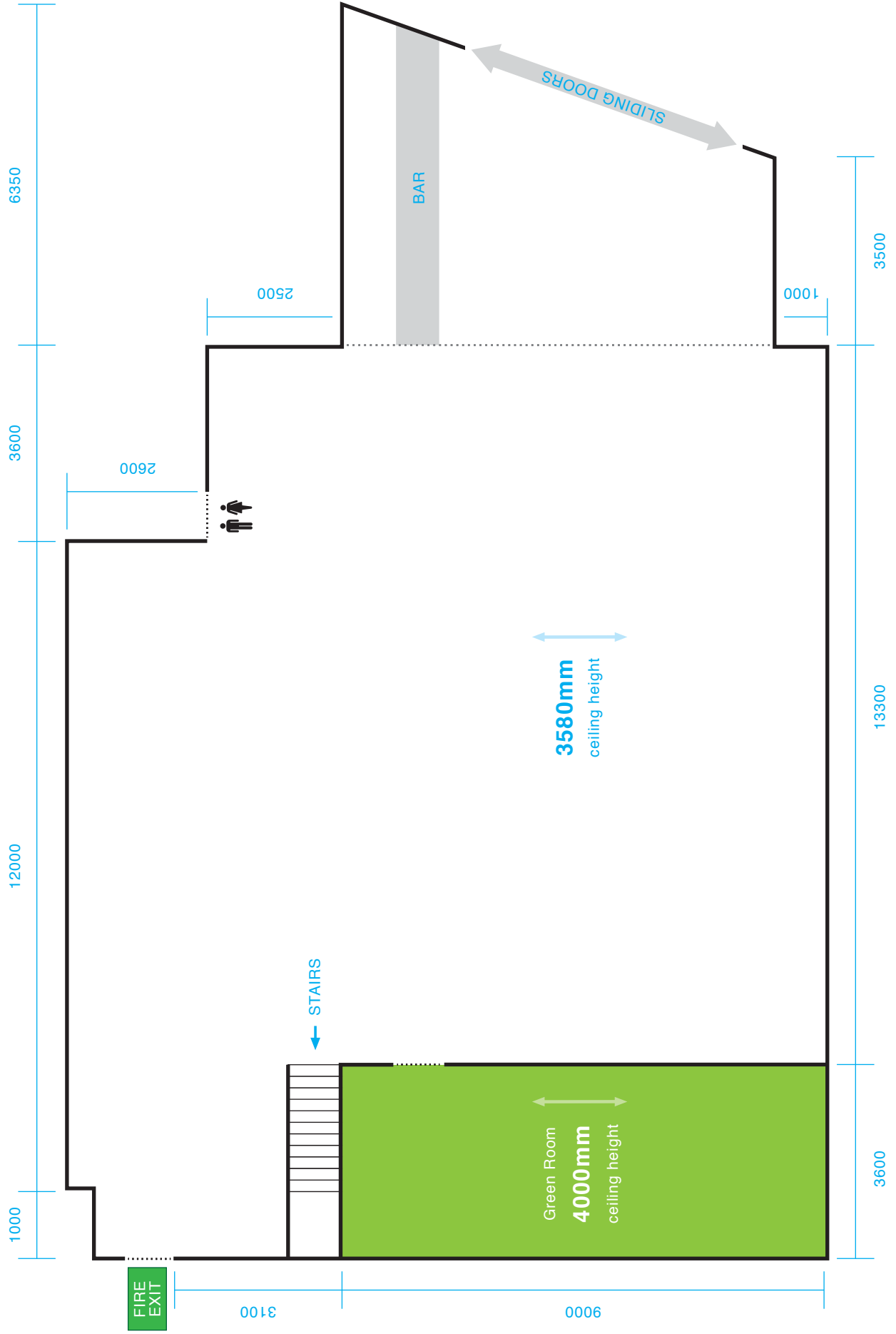
## Business - Application for a premises licence to be granted under the Licensing Act 2003

Capacity	Accountant
----------	------------

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

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

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





**APPENDIX B****POLICE**

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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/3222/18

**Date:** 27<sup>th</sup> September 2018

**Re:- Colorset Inc T/A Black Swan Yard, 2-3 Black swan Yard, London**

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence described in the application as open plan multipurpose space.

The hours applied for are inside that recommended within the Southwark Statement of licensing policy. The premises are situated in a designated strategic cultural area under the policy. We would like to see 30 minutes between the sale of alcohol stopping and the terminal hour to allow for drinks to be finished and a controlled exit of all patrons.

The application contains a number of suggested control measures however Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable.

The police object to the granting of the licence in its current format, as the conditions do not address the concerns of the police regarding crime and disorder and public nuisance.

We would like to the following conditions included on the licence wording of each condition is essential in order to negate any ambiguity and to comply with the home office guidance.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. 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.

3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and signed and updated every 6 months. The records shall, upon request, be made immediately available to Officers of the Police and the Council.
4. That there shall be no more than five smokers outside at any time and this shall be monitored by staff.
5. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed at all times 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 and dealing with conflict.
6. All off sales must be sold in sealed containers for consumption away from the premises.

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

Yours Sincerely

**PC Graham White 288MD**

Licensing Officer  
Southwark Police Licensing Unit

**POLICE WITHDRAWAL****Heron, Andrew**

**From:** Graham.S.White@met.pnn.police.uk on behalf of SouthwarkLicensing@met.pnn.police.uk  
**Sent:** 08 October 2018 12:11  
**To:** Heron, Andrew  
**Cc:** Regen, Licensing  
**Subject:** : Re Colorset Inc /Black Swan Studios your ref MD/3222/18  
**Attachments:** Colorset-Black Swan Yard.doc

Andrew,  
 Please find below conditions agreed with applicant. I have also attached original rep.  
 We withdraw are objection  
 Regards  
 Graham

**PC Graham White 288MD**

*Licensing Officer*  
*Southwark Police Licensing Unit*  
*323 Borough High Street*  
*London*  
*SE1 1JL*  
*Tel: 0207 232 6756 (726756)*  
[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)  
[Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk)  
[www.met.police.uk](http://www.met.police.uk)




---

**From:** [REDACTED]  
**Sent:** 05 October 2018 11:00  
**To:** MD Mailbox - Southwark Licensing <SouthwarkLicensing@met.police.uk>  
**Subject:** RE: Re Colorset Inc /Black Swan Studios your ref MD/3222/18

Hello

Many thanks for stopping by the yard yesterday and meeting Tom Phelan, Frank Baptiste and I.

As per previous email and the conversation yesterday, the directors agree to your 6 points:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises. This has been in place since 2015.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. 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.
3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and signed and updated every 6 months. The records shall, upon request, be made immediately available to Officers of the Police and the Council.

4. That there shall be no more than five smokers outside at any time and this shall be monitored by staff. We will arrange for additional signage to be placed just outside and inside the door so exiting smokers are fully aware.
5. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed at all times 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 and dealing with conflict.
6. All off sales must be sold in sealed containers for consumption away from the premises. There are no off sales, but we will ensure that no drinks are taken outside the building when leaving at the end of a function, or going outside to smoke.

I am pleased that we have been able to deal with your concerns satisfactorily and hope that this will enable our application to progress and be accepted.

Please contact me if there are any additional matters that I can assist with.

Yours

Ricca  
Accountant  
Colorset Inc Limited T/A Black Swan Studios  
Mobile on request  
[REDACTED]

---

**From:** [Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk) [<mailto:Graham.S.White@met.police.uk>] **On Behalf Of**  
[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)  
**Sent:** 04 October 2018 15:37  
**To:** [REDACTED]  
**Subject:** RE: Re Colorset Inc /Black Swan Studios your ref MD/3222/18

Ricca,  
Thank you for the meeting today.  
Please confirm that you agree to all 6 conditions as worded to be included on the licence  
Regards

**PC Graham White 288MD**  
*Licensing Officer*  
*Southwark Police Licensing Unit*  
*323 Borough High Street*  
*London*  
*SE1 1JL*  
*Tel: 0207 232 6756 (726756)*  
[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)  
[Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk)  
[www.met.police.uk](http://www.met.police.uk)



---

**From:** [REDACTED]  
**Sent:** 03 October 2018 15:56  
**To:** MD Mailbox - Southwark Licensing <[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)>  
**Subject:** RE: Re Colorset Inc /Black Swan Studios your ref MD/3222/18

Hi

Finally received the email – Yes tomorrow at 12.30 is good for me – I look forward to meeting with you then.

If you are running late please give me a call on the same mobile number.

Yours

Ricca  
 Accountant  
 Colorset Inc Limited T/A Black Swan Studios  
 Mobile on request  
 [REDACTED]

---

**From:** [Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk) [<mailto:Graham.S.White@met.police.uk>] **On Behalf Of**  
[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)  
**Sent:** 03 October 2018 13:33  
**To:** [REDACTED]  
**Subject:** RE: Re Colorset Inc /Black Swan Studios your ref MD/3222/18

Ricca,  
 Thanks for the email. I have a meeting tomorrow at the council which should be finished about midday and would be happy to come to you afterwards about 12.30ish.  
 Regards

**PC Graham White 288MD**  
*Licensing Officer*  
*Southwark Police Licensing Unit*  
*323 Borough High Street*  
*London*  
*SE1 1JL*  
*Tel: 0207 232 6756 (726756)*  
[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)  
[Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk)  
[www.met.police.uk](http://www.met.police.uk)




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**From:** [REDACTED]  
**Sent:** 03 October 2018 13:15  
**To:** MD Mailbox - Southwark Licensing <[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)>  
**Cc:** 'Mills, Dorcas' <[Dorcas.Mills@SOUTHWARK.GOV.UK](mailto:Dorcas.Mills@SOUTHWARK.GOV.UK)>  
**Subject:** RE: Re Colorset Inc /Black Swan Studios your ref MD/3222/18

Hello

Further to my previous email, I have now spoken with your colleague Keith and set out my replies to your points below.

To give some back ground for this application – we have been trading with a premises licence since 2015. Due to a slightly complicated admin issue, which it will be easier to explain verbally, we have had to apply for a licence in a different company name. we sought guidance from Charlie Jerrom at LB Southwark Licensing team and the application was completed with his assistance.

#### Your points

- The hours applied for are inside that recommended within the Southwark Statement of licensing policy. The premises are situated in a designated strategic cultural area under the policy. We would like to see 30 minutes between the sale of alcohol stopping and the terminal hour to allow for drinks to be finished and a controlled exit of all patrons.

We have for the past three years given last drinks times at 10.30 and patrons have been advised that the premises closes at 11pm. We therefore have no issues of continuing to do what we have successfully done for any events where alcohol is on the premises.

The application contains a number of suggested control measures however Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable.

The police object to the granting of the licence in its current format, as the conditions do not address the concerns of the police regarding crime and disorder and public nuisance.

We would like the following conditions included on the licence wording of each condition is essential in order to negate any ambiguity and to comply with the home office guidance.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.

As stated above we have successfully traded for the past three years and have a CCTV system installed with two internal and one external camera.

2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. 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.

I understand that our footage is currently kept for 30 days, but this can be simply adjusted to fit in line with your requirements. We have staff who are familiar with the usage of the equipment and footage can be downloaded if required.

3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and signed and updated every 6 months. The records shall, upon request, be made immediately available to Officers of the Police and the Council.

We are a dry hire venue and any staff at events are provided by a reputable company who are a contractor to us and or our client. They would hold the personnel and training records of their staff. Thus I would like to discuss this with you further verbally to ensure that we comply with your requirements as closely as possible.

4. That there shall be no more than five smokers outside at any time and this shall be monitored by staff.

We have over the past three years monitored the number of smokers outside the building and will continue to do so.

5. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed at all times 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 and dealing with conflict.

We use a contractor who provides SIA security personnel at events where alcohol is on site. We generally have the same guys and this is most helpful to us as they have a good understanding of the venue and the site as a whole. They lock up the premises after events and ensure that all patrons have safely left the venue.

6. All off sales must be sold in sealed containers for consumption away from the premises.

There are no "off" sales as part of this application. This was an administration error and was removed from the application the day after it became live and thus is not applicable.

I would be pleased to meet with you at the premises to go through things face to face and look forward to speaking with you when you are back in the office later today to discuss the above and a possible time to meet.

You can call me on [REDACTED]

I look forward to speaking with you later today.

Yours

Ricca  
Accountant  
Colorset Inc Limited T/A Black Swan Studios  
Mobile on request  
[REDACTED]  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 03 October 2018 11:17  
**To:** 'SouthwarkLicensing@met.police.uk' <[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)>  
**Cc:** 'Mills, Dorcas' <[Dorcas.Mills@SOUTHWARK.GOV.UK](mailto:Dorcas.Mills@SOUTHWARK.GOV.UK)>  
**Subject:** Re Colorset Inc /Black Swan Studios your ref MD/3222/18

Hello

I have tried repeatedly to contact you this morning on [REDACTED]

Not sure if there is an issue with your line, but it just rings out and there is no voicemail so I cannot leave a message.

I am eager to speak with you to clear up a few matters regarding our application and this can be done more easily over the phone and then confirmed in writing.

I will keep calling the number in the hope that someone will pick up, but would also ask that you call me on [REDACTED] so that we can talk through the issues.

I hope to speak with someone during the course of today.

Yours

Ricca  
Accountant

## ENVIRONMENTAL PROTECTION TEAM

**Heron, Andrew**

**From:** Regen, Licensing  
**Sent:** 27 September 2018 08:43  
**To:** [REDACTED]  
**Subject:** FW: EPT rep. Premises licence application - 2-3 Black Swan Yard  
**Attachments:** 1083628.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Kirty Read**

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

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

**Postal Address:**

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

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

---

**From:** Prickett, Mark  
**Sent:** Wednesday, September 26, 2018 6:21 PM  
**To:** Regen, Licensing  
**Cc:** Mills, Dorcas; [REDACTED]  
**Subject:** EPT rep. Premises licence application - 2-3 Black Swan Yard

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence application for Colorset Inc Limited, 2-3 Black Swan Yard, SE1 3XW.

The premises is described as "Open plan multi purpose , self contained, ground floor space with refreshment area. Brick Walls, Concrete flooring."

The application seeks the following licensable activities;

- Late night refreshment (indoors): 12:00 – 23:00 Monday to Friday, 10:00 – 23:00 Saturday, 10:00 – 22:30 Sunday. "All food and drinks will be consumed on the premises"
- Supply of alcohol (both on and off the premises): 12:00 – 23:00 Monday to Sunday
- Hours open to the public: 12:00 – 23:00 Monday to Friday, 10:00 – 23:00 Saturday, 10:00 – 22:30 Sunday.

Section M part d) of the application form has been reviewed which details measures to promote the prevention of public nuisance licensing objective;

- *We have prominent, clear and legible notices displayed at the exit and surrounding area requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.*



- *Deliveries of goods necessary for the operation of the business are generally done during normal working hours of 9am to 6pm and are carried out at such a time or in such a manner as prevent nuisance and disturbance to nearby residents.*
- *Any staff who arrive early morning or depart late at night at the end of a function have been trained to conduct themselves in a professional and respectful manner to avoid causing disturbance to nearby residents.*
- *Customers will be asked not to stand around loudly talking in courtyard outside the premises when smoking and we have signage to re enforce that.*
- *The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises Our rubbish is usually collected at 8am at the same time as other business and residents in the area.*
- *Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.*

## EPT STANCE

EPT are aware that licensed events have been taking place at the premises for several years, by way of Temporary Events Notice (TEN) applications.

A review of the website (<http://www.blackswanstudios.co.uk>) shows a variety of different private (i.e. wedding), public and corporate events taking place.

Since 2015 through the deregulations to the Licensing Act 2003, an alcohol on-licensed premises is permitted to put on live and recorded music for an audience no more than 500 people.

If this licence is granted then it is assumed both live and recorded music will continue to be utilised at the premises, but on a more regular occurrence rather than is existing through the TEN regime.

EPT therefore have noise concerns over an intensified use of this event space which is surrounded by existing commercial office and residential properties. There is no mention within the application how music noise levels will be controlled?

The premises also has sliding front doors which will significantly decrease the sound insulation properties of the building when open.

The site is also to the rear of Bermondsey Street with lower ambient and background levels as it is away from the main road, meaning any noise from music and patrons from the use of this premises could be more perceptible.

The applicant has also sought off-sales but no further information is provided for why?

EPT therefore **make representation** against this application as the proposed use of the premises raises concern of potential public nuisance being caused to existing commercial and residential neighbours. Further information on this matter is requested from the applicant.

EPT are also aware that the applicant has recently sought to amend the planning use of the building to include uses for A1 (shops) and A3 (restaurants and café). The premises is currently permitted through planning to only be B1 (Business). This application was under application number 18/AP/1774 and was withdrawn by the applicant. Details of the application can found here;

[https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= STHWR\\_DCAPR\\_9578507](https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= STHWR_DCAPR_9578507)

EPT note however though that due to the application being withdrawn, the current planning use of the building remains as B1 (Business) only. The intended use of the premises outlined within this licence application would appear to be in contrast of the B1 permitted use.

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>

London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



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

**Heron, Andrew**

---

**From:** Prickett, Mark  
**Sent:** 09 October 2018 15:36  
**To:** 'Finance'  
**Cc:** Regen, Licensing; Heron, Andrew  
**Subject:** RE: EPT rep. Premises licence application - 2-3 Black Swan Yard

Ricca,

Thank you for confirming to the 6 conditions put forward in my earlier email.

Licensing – in light of the above please consider this email as confirmation that EPT's representation has been conciliated.

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>  
London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



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

---

**From:** Finance [REDACTED]  
**Sent:** Tuesday, October 09, 2018 1:36 PM  
**To:** Prickett, Mark  
**Subject:** Re: EPT rep. Premises licence application - 2-3 Black Swan Yard

Hi Mark

Thanks for your email.

In reply to your points:

The directors confirm the we do and will continue to have, prominent and clear signs both internally and externally asking that patrons leave quietly,

Patrons are advised not to congregate outside the premises after an event and we have two security present at all events and they remind patrons as they are walking up the alley toward Bermondsey Street.

The entrance door has a close fitting fireproof curtain to minimise noise during entrance and exit.

We will ensure that external areas are closed to patrons after 22.00 save for entrance and exit after the event.

We will continue to manage noise to ensure that public nuisance is not caused to locals and exposed noise sensitive surrounding premises

Deliveries and refuse collections are generally within your prescribed times of 8am and 8pm.

I trust that this meets with your agreement.

If we can do anything further to assist, please do not hesitate to contact me.

Yours

Ricca

On 9 Oct 2018, at 10:33, Prickett, Mark <[Mark.Prickett@southwark.gov.uk](mailto:Mark.Prickett@southwark.gov.uk)> wrote:

Ricca,

Thank you for sending through the old licence and your additional comments below that I now have had time to review.

I note that there are no increase in hours proposed and also no intensified use intended, with it noted that weddings are no longer to be arranged at the premises.

With this in mind, EPT request that the same conditions on the previous licence relating to the prevention of public nuisance licensing objective are applied to the new licence. The conditions requested are as follows;

- Clearly legible signage will be prominently displayed at all exits where it can be seen and easily read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.
- That customers may not be allowed to congregate outside the premises.
- The entrance door will be fitted with a thick, close fitting fireproof curtain to minimise noise outbreak as patrons enter and exit the premises.
- External areas will be closed to patrons at 22.00.
- Noise from plant, patrons and activities at the premises will be managed to ensure that public nuisance shall not be caused in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.
- External waste handling, collections and deliveries will only occur between 08.00 and 20.00hrs.

Please advise if you agree to the above 6 conditions? If so then EPT will be in a position to remove its representation.

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>  
 London Low Emission Construction Partnership - <http://www.llecp.org.uk/>

<image001.jpg>

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**From:** [REDACTED]  
**Sent:** Friday, September 28, 2018 1:40 PM  
**To:** Prickett, Mark; Regen, Licensing  
**Cc:** Mills, Dorcas  
**Subject:** RE: EPT rep. Premises licence application - 2-3 Black Swan Yard

Hello

Further to your email and our subsequent conversation yesterday afternoon.

In reply to your points:

EPT are aware that licensed events have been taking place at the premises for several years, by way of Temporary Events Notice (TEN) applications.

We had not as you previous email stated trading using TENS, we had a full premises licence and had there not been an admin issue on this we would have simply continued to use the licence that had been held for the past three and a half years. As explained yesterday this current licence application is on exactly the same premises. Everything is the same as was, the only change is the trading name of the company holding the licence.

A review of the website (<http://www.blackswanstudios.co.uk>) shows a variety of different private (i.e. wedding), public and corporate events taking place.

As you have stated our website shows a variety of events taking place in our flexible space. That is quite right, we have this year had bookings from Theatre companies using us as a rehearsal space for a month for some new Harold Pinter productions, company conferences, Product launches, Art appreciation and education classes, we have been used by a major clothing provider for their UK base as offices for 6 weeks. And our booking for the remainder of the year mirror these types of events.

Since 2015 through the deregulations to the Licensing Act 2003, an alcohol on-licensed premises is permitted to put on live and recorded music for an audience no more than 500 people.

If this licence is granted then it is assumed both live and recorded music will continue to be utilised at the premises, but on a more regular occurrence rather than is existing through the TEN regime.

As stated above we have not traded using TENS – we had a premises licence since 2015, this current licence application is on exactly the same premises. Everything is the same as was, the only change is the trading name of the company holding the licence and the fact that we have stopped taking bookings for weddings.

EPT therefore have noise concerns over an intensified use of this event space which is surrounded by existing commercial office and residential properties. There is no mention within the application how music noise levels will be controlled?

The premises also has sliding front doors which will significantly decrease the sound insulation properties of the building when open.

The site is also to the rear of Bermondsey Street with lower ambient and background levels as it is away from the main road, meaning any noise from music and patrons from the use of this premises could be more perceptible.

There is no intensified use of the premises, we plan to continue to trade as we have successfully done since the previous licence was granted in 2015. To my knowledge there were a couple of minor issues regarding noise and these were dealt with at the time and to my understanding were fully resolved.

The management had taken on board the noise issues and looked at the type of events we were hosting where loud music was present and the answer was weddings. These are usually booked a long time in advance and we therefore fulfilled any long standing bookings to host wedding receptions where invitations had been sent out and all the advance plans had been made, but have now removed ourselves from any wedding platforms and our last wedding was the 9<sup>th</sup> of August this year.

The large door you mention are usually only open to allow delivery and collection of large equipment.

The building was used for almost 10 years as a large format printing business and had large and noising equipment going often from 8am until 9 pm 6 days per week with constant deliveries and collections by couriers in large vans and also on motor bikes and in the summer month the dock doors were open to allow for ventilation and this obviously allowed the sound of the equipment to “escape”. Since 2015 when the previous licence was given the building is now massively quieter than the printing years.

The applicant has also sought off-sales but no further information is provided for why?

As explained over the phone yesterday this was a misunderstanding on the application and was reported to Charlie Jerrom in Licencing and was removed from the website and all parts of the application from day two after it went live. I confirm that we have no requirement to make off sales

EPT therefore **make representation** against this application as the proposed use of the premises raises concern of potential public nuisance being caused to existing commercial and residential neighbours. Further information on this matter is requested from the applicant.

Once the admin issue which I explained to you yesterday was brought to light, I sought advice from the licencing team/ Charlie Jerrom and Kirty Read and we were advised that as this was simply a change of name (all be it with the added complication of the company no longer trading due to the admin issue at this end) this was just part of the admin process that we had to go through and as we did not have a string of complaints against us and any minor issues had been satisfactorily handled by us, that this was merely a paper exercise.

We also discussed the previous conditions applied to the licence held on the same premises where the licence was in the name of Black Swan Yard Limited, following our chat yesterday I sent you the conditions by email.

I can only emphasise that other than stopping taking bookings for weddings which seemed to be the cause of any noise, we are continuing to do what we were given a licence for in 2015.

I hope that this covers everything we discussed yesterday.

Should you require anything further, please do not hesitate to contact me.

Yours

Ricca  
Accountant  
Colorset Inc Limited T/A Black Swan Studios  
Mobile on request  
[REDACTED]

---

**From:** Prickett, Mark [<mailto:Mark.Prickett@southwark.gov.uk>]

**Sent:** 26 September 2018 18:21

**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>

**Cc:** Mills, Dorcas <[Dorcas.Mills@SOUTHWARK.GOV.UK](mailto:Dorcas.Mills@SOUTHWARK.GOV.UK)>; [REDACTED]

**Subject:** EPT rep. Premises licence application - 2-3 Black Swan Yard

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence application for Colorset Inc Limited, 2-3 Black Swan Yard, SE1 3XW.

The premises is described as "Open plan multi purpose , self contained, ground floor space with refreshment area.

Brick Walls, Concrete flooring."

The application seeks the following licensable activities;

- Late night refreshment (indoors): 12:00 – 23:00 Monday to Friday, 10:00 – 23:00 Saturday, 10:00 – 22:30 Sunday. "All food and drinks will be consumed on the premises"
- Supply of alcohol (both on and off the premises): 12:00 – 23:00 Monday to Sunday
- Hours open to the public: 12:00 – 23:00 Monday to Friday, 10:00 – 23:00 Saturday, 10:00 – 22:30 Sunday.

Section M part d) of the application form has been reviewed which details measures to promote the prevention of public nuisance licensing objective;

- *We have prominent, clear and legible notices displayed at the exit and surrounding area requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.*
- *Deliveries of goods necessary for the operation of the business are generally done during normal working hours of 9am to 6pm and are carried out at such a time or in such a manner as prevent nuisance and disturbance to nearby residents.*

- *Any staff who arrive early morning or depart late at night at the end of a function have been trained to conduct themselves in a professional and respectful manner to avoid causing disturbance to nearby residents.*
- *Customers will be asked not to stand around loudly talking in courtyard outside the premises when smoking and we have signage to re enforce that.*
- *The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises Our rubbish is usually collected at 8am at the same time as other business and residents in the area.*
- *Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.*

### EPT STANCE

EPT are aware that licensed events have been taking place at the premises for several years, by way of Temporary Events Notice (TEN) applications.

A review of the website (<http://www.blackswanstudios.co.uk>) shows a variety of different private (i.e. wedding), public and corporate events taking place.

Since 2015 through the deregulations to the Licensing Act 2003, an alcohol on-licensed premises is permitted to put on live and recorded music for an audience no more than 500 people.

If this licence is granted then it is assumed both live and recorded music will continue to be utilised at the premises, but on a more regular occurrence rather than is existing through the TEN regime.

EPT therefore have noise concerns over an intensified use of this event space which is surrounded by existing commercial office and residential properties. There is no mention within the application how music noise levels will be controlled?

The premises also has sliding front doors which will significantly decrease the sound insulation properties of the building when open.

The site is also to the rear of Bermondsey Street with lower ambient and background levels as it is away from the main road, meaning any noise from music and patrons from the use of this premises could be more perceptible.

The applicant has also sought off-sales but no further information is provided for why?

EPT therefore **make representation** against this application as the proposed use of the premises raises concern of potential public nuisance being caused to existing commercial and residential neighbours. Further information on this matter is requested from the applicant.

EPT are also aware that the applicant has recently sought to amend the planning use of the building to include uses for A1 (shops) and A3 (restaurants and café). The premises is currently permitted through planning to only be B1 (Business). This application was under application number 18/AP/1774 and was withdrawn by the applicant. Details of the application can found here;

<https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= STHWR DCAPR 9578507>

EPT note however though that due to the application being withdrawn, the current planning use of the building remains as B1 (Business) only. The intended use of the premises outlined within this licence application would appear to be in contrast of the B1 permitted use.

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>  
 London Low Emission Construction Partnership - <http://www.llecp.org.uk/>

<image004.jpg>

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Ricca

Accountant

Colorset Inc Ltd 1/A Black Swan Studios

Mobile on request

# MEMO: Licensing Unit

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<b>To</b>	Licensing Unit	<b>Date</b>	26 September 2018
<b>From</b>	Jayne Tear	<b>Telephone</b>	020 7525 0396
<b>Email</b>	<a href="mailto:jayne.tear@southwark.gov.uk">jayne.tear@southwark.gov.uk</a>		

---

**Subject** Re: Colorset Inc. Limited, T/A 2/3 Black Swan Yard, Bermondsey Street, London, SE1 3XW - Application for a premises licence

I write with regards to the above application for a premises licence submitted by Colorset Inc. Limited which seeks to the following licensable activities:

- The supply of alcohol (on & off the premises) on Monday to Friday from 12:00 to 23:00 and on Saturday and Sunday from 10:00 to 23:00
- Premises shall be open to the public on Monday to Friday from 12:00 to 23:00 and on Saturday and Sunday from 10:00 to 23:00

In premises described within the application as *'Open plan multi purpose, self contained, ground floor space with refreshment area and bar area. Brick walls, concrete flooring'*.

This premise is situated within the Bankside, Borough, London Bridge Strategic Cultural Area and under the Southwark Statement of Licensing policy 2016 – 2020 the appropriate closing times for public houses, wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and on Friday and Saturday is 00:00 hours.

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

The application has not left any time between the last sale of alcohol and the closing time when patrons should have left the premises, this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the same time of closing which can lead to antisocial behavior problems when patron have left the premises.

To promote the licensing objectives I ask the applicant to consider reducing the finish times for the supply of alcohol 'on sales' as follows: (which will allow for half an hour drinking up time)

- Supply of alcohol 'on the premises' on Monday to Friday from 12:00 to 22:30 and on Saturday and Sunday from 10:00 to 22:30

Due to the limited information provided in the operating schedule and to further address the licensing objectives I ask the applicant to provide the following information:

- An accommodation limit for the premises (to be conditioned)

- A written dispersal policy for the premises (to be conditioned)

And to consider adding the following conditions:

- Any '*off sales*' of alcohol shall be provided in sealed containers and taken away from the premises
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as '*off sales*' should not be opened and consumed in the vicinity of the premises

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

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

<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

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

## LICENSING WITHDRAWAL

**Heron, Andrew**

---

**From:** Tear, Jayne  
**Sent:** 10 October 2018 15:46  
**To:** 'Finance'  
**Cc:** Heron, Andrew; Mills, Dorcas  
**Subject:** RE: FW: Colorset Inc/ Black Swan Studios

**Importance:** High

Dear Ricca,

Thank you for your quick response, I can now confirm that my representation is withdrawn based on my email (Date: 10/10/2018 15:16) attached below,

With kindest regards

Jayne

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

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

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



Womens Safety Charter

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

---

**From:** Finance [REDACTED]  
**Sent:** Wednesday, October 10, 2018 3:33 PM  
**To:** Tear, Jayne  
**Subject:** Re: FW: Colorset Inc/ Black Swan Studios

Hello

Thanks for your message.

I confirm that off sales was an admin issue and was removed from the application the day after it went live. Thus there never was an off sales and this is not part of the licence.

The directors confirm that they agree to the conditions you set below relating to number of patrons, supply of alcohol and opening hours and to keep the dispersal policy with the licence and that all staff will be trained and aware of this policy.

If I can help in any other way, please do not hesitate to contact me.

Yours

Ricca

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

From: "Tear, Jayne" <[Jayne.Tear@SOUTHWARK.GOV.UK](mailto:Jayne.Tear@SOUTHWARK.GOV.UK)>

Date: 10/10/2018 15:16 (GMT+00:00)

To: "

Subject: FW: Colorset Inc/ Black Swan Studios

Dear Ricca,

Thank you for the attached dispersal policy.

With regards to my representation. It is my understanding that you have now removed 'off sales' of alcohol from the application, therefore the 2 conditions that I asked for within my representation concerning 'off sales' of alcohol are no longer necessary.

On the telephone yesterday you told me that the accommodation limit for the premises is 120 patrons.

Would you agree to the following conditions to be added to the premises licence should it be granted:

- The accommodation limit for the premises shall not exceed 120 patrons
- The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised officers of the council or the police and all relevant staff shall be trained in the implementation of the dispersal policy.

And to amend the licensable activities to the following (which allows for the half hour drinking up time):

- Supply of alcohol 'on the premises' on Monday to Friday from 12:00 to 22:30, on Saturday 10:00 to 22:30 and on Sunday from 10:00 to 22:00

Your closing hours will be as stated on your original application which is:

- Closing hours will be on Monday to Friday from 12:00 to 23:00, on Saturday 10:00 to 23:00 and on Sunday from 10:00 to 22:30

If we can agree these final points I will be in a position to withdraw my representation,

With kindest regards

Jayne

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

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

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



Womens Safety Charter

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

---

**APPENDIX C****PERSON A**

2

Senders Email Address: [REDACTED]

Message:

Re licensing application 864674(Back Swan Yard)

,I object to the evening licensing hours continuing until 11pm each night as I am concerned about the noise and potential disorders I live opposite the entrance to 2/3 Black Swan Yard,at [REDACTED]

[REDACTED]

[REDACTED]

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

**Heron, Andrew**

---

**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 26 September 2018 15:58  
**To:** Beswick, Claire  
**Subject:** FW: License Number: 864674- Objection  
**Attachments:** Black Swan Yard Planning Objection 2018.PDF  
  
**Importance:** High

---

**From:** [REDACTED]  
**Sent:** Wednesday, September 26, 2018 2:36 PM  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** License Number: 864674- Objection  
**Importance:** High

**License Number: 864674**

Dear Sir/ Madam

We underline our objections to this license application which are comprehensively expressed in the attached letter dated 26 July 2018, which we sent objecting to the planning application put forward by Colorset for 2-3 Black Swan yard (18/AP/1774) on 30 May 2018. All reasons are equally applicable, we are therefore strongly opposed to this license application.

Kindly confirm receipt of our objection.

Regards

[REDACTED]





Shiva Ltd  
Lincoln Tower  
77 Westminster Bridge Road  
London SE1 7HA

www.shiva.net

Mr Craig Newton  
Chief Executive's Department  
Development management  
Planning Division  
Council Offices  
Tooley St  
SE1P 5LX

26 July 2018

**Planning Application Ref: 18/AP/1774**  
**2-3 Black Swan Yard, SE1 3XW**  
**Change of use from B1 to 'B1/A1/A3'**

Dear Mr Newton,

I write further in response to the current consultation on the above application. We are the owners of 1 Black Swan Yard and The Tanneries (coloured Blue and Green respectively on the attached plan, Fig 1). These premises are almost entirely in B1 use – mostly offices. We have a dozen or so business tenants on site and a continual flow of inquiries from prospective tenants for available space. There is a small amount of residential floorspace ancillary to the commercial units in Black Swan Yard and in Shakti building which is adjacent to it in the Tanneries. We have consent for two large live/work units immediately next to the north wall of 2-3 Black Swan Yard. This development is in the late stages of discharge of the pre-construction conditions.

You already have copies of our objections, dated 16 October and 21 December 2015 to the predecessor application for this change of use, the contents of which are mostly still applicable. This letter therefore focuses predominantly on those issues that arise specifically in relation to this subsequent incarnation.

## **Consultation**

Given the importance of the precedent that approval of this application would set the consultation has been entirely inadequate. The businesses that occupy all the many yards off Bermondsey St have an obvious interest in the possibility that the Council is about to relax its policy of protecting B1 uses in these yards. Even those directly interested in this particular case – including many of our tenants – have not been notified of the application.

## **Misleading application information**

It is for the Council to verify the information given in planning applications. In this case there are a number of representations made by the applicants that are clearly intended to mislead:

The previous contribution to the community of the applicants, described in the application letter as 'ambitious local entrepreneurs', should not be taken at the word of their agent. None of the Bermondsey St A3 premises cited in which they have been involved have in fact been anything other than property transactions whereby profits were pursued not by trading operations but through through capital gains on property. Note that their involvement in these ventures was short lived. The object was to increase the value of property by riding the Bermondsey St A3 property boom and get out with a profit.

The premises are described as 'under utilised' and 'vacant' as though this is for want of demand from B1 users. This is not the case at all. The applicants took on their current lease of the premises at a rent that is appropriate for B1 space. In fact, the lease permits only such use. They did so even long after their light industrial (printing) operations were relocated because they expect greater profits from using the space for occasional events than they could from sub-letting it or assigning the lease to a B1 user. (See the attached email offer from Shiva to take on the premises for B1 use on terms that show the applicants a significant profit - but which has not attracted a reply). Thus the reality is that the applicants have kept the premises vacant for commercial reasons, namely the profits available from hosting events and the capital gain they hope to realise from securing a profitable change of use.



These misrepresentations are interspersed with a string of commercially nonsensical references to everything they could think of to make them sound purely philanthropic and community spirited in their motives – knowing that they cannot be held to any of them and most, if not all would never materialise. Free workspace for those who can't afford to pay, Yoga, 'local' food kiosk, 'bring your own veg' for a 'refreshment token', smoothie workshops and skills training, meat-free Mondays: A parish fete without the commercial acumen. Nobody would believe it, least of all the applicants. It is the crudest of window dressing applied to a scheme to make money out of a change to profitably anti-social A3 use.

### **Policy implications and precedent**

This application purports to be for 'flexible use'. It is meaningless and unenforceable to grant consent for B1/A1/A3 use. Such a consent could not practically be restricted to prevent the premises being used 100% for activities in any one use class at the will of the operator. Free shared workspace is commercial nonsense to disguise an application that is really driven by the much more profitable A3 uses the applicant already pursues - but limited by the requirement for permission under temporary event notices.

There are some 20 yards off Bermondsey St. The main street already suffers from an excess of A3 premises, generally targeted at destination drinkers, with the implications they have for disruption and nuisance to local businesses and residents. To create a precedent by granting consent for conversion of B1 premises to A1/A3 simply because the owner/occupier wants to profit from the Bermondsey St bar/restaurant demand would pave the way for a huge aggravation of the already-existing alcohol saturation problem in Bermondsey St. The Tanneries alone would offer a similarly minded developer the opportunity to use the courtyards to convert the B1 ground floor premises (coloured pink on Fig.2) of the entire site to more profitable, but un-neighbourly, A1/A3 use.

Saved policy 1.4 specifies the conditions under which loss of B1 space will be considered. In this case the applicant has made no attempt to show these conditions are satisfied - as indeed it cannot. In fact it has refused all offers to take over its lease for B1 use.





Shiva has approached the applicant several times with a view to taking on its premises, either directly or on behalf of prospective tenants of the Tanneries who we often turn away because it is fully occupied. This refusal can only be driven by the financial incentive to obtain A1/A3 consent.

The applicant's agent (responsible for the application letter) has chosen to present the policy of preservation of B1 uses as inapplicable where the consent sought is temporary. This, it is claimed, is the advice that the Council has given by way of pre-application comment. It is fair to say that the pre-application advice letter is not as clear and categorical as it could have been. But it is very difficult to read it, as the applicant has chosen to, as inviting such change of use on a temporary basis as an **alternative** to showing that there is no demand for the building with its current B1 use. Any such interpretation of 1.4 would be quite irrational: If by making a 'temporary' application the applicant could obviate the need to show there is no demand for the premises in B1 use anyone could obtain such temporary consent. By sequential applications temporary use would de-facto become permanent while B1 demand remained strong, as it is here. Clearly the only rational interpretation of the pre-application advice, and indeed the policy itself, is that a temporary change of use may be considered where it can be demonstrated that there is an immediate lack of demand but where demand is expected to recover in the future.

### **Effect on surrounding residential amenity and neighbouring B1 users**

The applicants have been using the premises at 2-3 Black Swan Yard as an event space for several years. Significantly, they signed their present lease when that use of the building was already underway and they had already discontinued its use as B1 in favour of getting in on the A3 boom in Bermondsey St. Because the building does not have consent for A3 use it is necessary for the events hosted at the building to take place under the authority of Temporary Event Notices.

Our tenants, staff and those using the residential space in the Tanneries are thus fully aware of the implications of events taking place in 2-3 Black Swan Yard (and particularly the inevitable overspill and assembled groups outside the building) and we object to the proposed change of use for the following reasons:



### **Pedestrian-Vehicle conflict and access obstructions**

Black Swan Yard has a narrow entrance, not wide enough for pavements on either side of the carriageway. Significant pedestrian traffic is therefore incompatible with the access and egress of the commercial vehicles serving the business premises in the yard and also the main vehicular access of tenants, visitors and residents to the Tanneries. Clearly the demands of restaurant/retail premises for regular supplies and for waste disposal considerably exceed those of most light industrial or office premises and hence access problems that already exist will be aggravated. People attending the applicant's events are often ready to challenge vehicles attempting to enter the Yard itself from Bermondsey St or enter our car park, refusing to give way to allow vehicles to pass. This has resulted in occasionally violent confrontations requiring police attendances. Permanent use as A3 premises would make these conflicts routine. A couple of emails referring to the conflicts that have arisen from inconsiderate events hosted at the application site are attached for reference.

### **Noise**

The noise impact of allowing conversion of B1 spaces in the yards to A3 space is obvious. There are residential premises on all four sides of Black Swan Yard. The Applicant has produced a Noise Impact Assessment but it is not clear as to the specific residential premises it purports to consider and it denies both the existing and soon-to-be-commenced live-work space immediately next door to 2-3 Black Swan Yard. These are either already adversely affected by events held under temporary event notices, or will be once occupied.

Further, our Dockers Shelter building at Black Swan Yard was the subject of a consent for a substantially residential development some years ago. Under our ownership at least the site will not be developed to that or a similar scheme although it will inevitably be redeveloped in the medium term. For commercial and practical reasons the residential proportion will be likely to stand whether future development is carried out by us or others. Allowing Black Swan Yard to follow Bermondsey St itself into bar and restaurant use will obviously be damaging to existing and prospective residential elements of our site and significantly compromise the development potential and thus value of 1 Black Swan Yard.

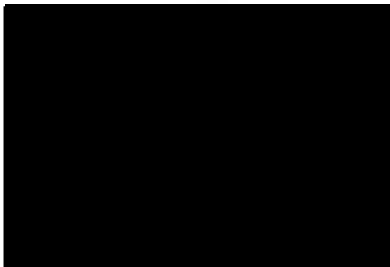


**Smell**

Restaurants and hot food vendors cause oppressive smells in their immediate environments, irrespective of any ventilation system specified. This effect is compounded in enclosed spaces. Black Swan Yard is surrounded by offices and residential premises. Numerous of these are within the Tanneries complex to the immediate north of the application site. These would stand to be adversely and unacceptably affected.

The conversion of the many yards off Bermondsey Street to A3 uses would be seriously detrimental to the character of the conservation area and should not be permitted. The existing saved policy 1.4 should therefore be rigorously maintained and this application should be refused.

Yours sincerely,



**Company Secretary**







FIG. 2





**OFFER FOR PREMISES**

From: [REDACTED]  
Subject: Re: Black Swan Yard A3 application 18/AP/1774  
Date: 25 July 2018 23:29

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Is anyone going to accept or reject this offer?

On 20 Jul 2018, at 12:48, [REDACTED] wrote:

[REDACTED]

[REDACTED]  
[REDACTED]  
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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Regards

[REDACTED]

**COMPLAINT ABOUT EVENTS**

**From:** [REDACTED]  
**Subject:** Fwd: black swan yard  
**Date:** 4 December 2016 at 22:37:06 GMT

[REDACTED]  
[REDACTED]  
[REDACTED]

During the past few months, but culminating in the past few days, a number of issues that affect us directly have arisen from the way in which you use Black Swan Yard .

As you are aware, we require vehicular access to our site 24/7. In recent months, vehicles seeking to either pick up or drop off items to your studio have clogged the shared driveway preventing us and our tenants from either exiting or entering our site. Frequently delivery drivers refuse to move their vans out of the way when asked, but instead continue to load or unload before making way. This is unacceptable. The security staff operating out of your studio must make it clear to delivery drivers that their vehicles must be removed, and returned if necessary, as soon as access is required by other users of the yard. Making people wait for the loading or unloading to be completed is in most cases unreasonable - and we will be the arbiters of what is and is not reasonable, not some delivery driver working for you or your clients.

Further, and more specifically, during the Uber tenancy and the Hackett sale over the past few days, crowds or queues of people formed and, once again, obstructed our vehicular access . We have been tolerant of the crowds and do not object per se to them freely congregating on our land but clearly they must be much better managed by you and your event staff.

Your visitors and clients freely avail themselves of parking space on our forecourt without even the courtesy of inquiring whether they are welcome to do so. The large wheely bins that sit on our side of Black Swan Yard are paid for by us but inevitably become filled with the rubbish of your visitors. These practices too require attention from you to ensure they are stopped.

Your space in Black Swan Yard does not have retail use, nor would it be eligible for such use in the way you are now indiscriminately operating it. The premises are simply not suitable for a chain store remainders clearance sale such as Hackett's this weekend. It was something I was not prepared to host at The Tanneries for the same reason. I trust you accept the need for more careful selection and control over those to whom you make the premises available and for what it is being used.

Regards

[REDACTED]

## **COMPLAINT ABOUT EVENTS**

**From:** [REDACTED]  
**Subject:** Account of encounter with [REDACTED]  
**Date:** 7 September 2017 at 16:57:48 BST  
**To:** [REDACTED]

I spoke to [REDACTED] yesterday.  
He told me to go and see [REDACTED] to take payment.

I went to see [REDACTED]  
I explained that the easiest scenario for me would be that she pay the mechanic (that I used to fix the puncture) on Abbey road directly.

She rudely refused.

I then told her sternly, but without the slightest degree of disrespect, that the fact I had not complained once about their business (despite its hugely antisocial nature) in the 2 years I've been their neighbour was clearly unacknowledged.

She then arrogantly insists that she has a great relationship with all neighbours.

I tell her I'm the closest neighbour and that black swan studios owes me at least some small amount of respect because I have tolerated all the noise and rubbish without ever making a single complaint.

She then refers to some incident that [REDACTED] had with one of their security guards (she's confusing [REDACTED] and I). I tell her to get her facts right before she goes throwing accusations around.

She then calls me a spoilt child.

I tell her to f\*ck off, that [REDACTED] will be informed and that she will regret her actions.

As I leave I tell her that it's exactly her kind of behaviour that will turn friends into enemies.

# Licensing Act 2003 Premises Licence



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

Premises licence number

852464

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Black Swan Yard Limited 2-3 Black Swan Yard London SE1 3XW  Ordnance survey map reference (if applicable), 179787533275	
<b>Post town</b> London	<b>Post code</b> SE1 3XW
<b>Telephone number</b>	

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

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	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 22:00

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

Sale by retail of alcohol to be consumed on premises

**The times the licence authorises the carrying out of licensable activities**

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

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

Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 22:00

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

BLACK SWAN YARD LTD  
 2-3 Black Swan Yard  
 London  
 SE1 3XW  
 02072340300

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

09611143

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

Thomas Joseph Phelan  
 14 Stansted Road  
 Hoddesden  
 EN11 0RH  
 tom@colorset.co.uk

**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. LN/201500073  
 Authority Broxbourne Council

Licence Issue date 18 June 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).

**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 a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.

**289** All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.

**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 and shall, upon request, be made immediately available to Officers of the Police and the Council.

**341** External waste handling, collections and deliveries will only occur between 08.00 and 20.00hrs.

**342** Noise from plant, patrons and activities at the premises will be managed to ensure that public nuisance shall not be caused in the vicinity of the premises or intrude inside the nearest or most exposed noise sensitive premises.

**343** External areas will be closed to patrons at 22.00.

**344** The entrance door will be fitted with a thick, close fitting fireproof curtain to minimise noise outbreak as patrons enter and exit the premises.

**345** That customers may not be allowed to congregate outside the premises.

**427** Clearly legible signage will be prominently displayed at all exits where it can be seen and easily read, requesting that customers leave the premises in a quiet and orderly manner that is respectful to neighbours.

**4AA** The premises shall operate an age check 'Challenge 25' policy whereby customers taking pre-paid 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 Southwark Proof of Age (SPA) card.

**346** Alcohol will not be provided to members of the public. Alcohol shall only be supplied to designated users and their bona fide guests/or guests that have pre-booked tickets and shall be sold as ancillary to those persons on the premises for the purpose of the event.

**347** A log of the names of persons invited as guests/or persons will be provided with tickets and the names of the designated user that invited them shall be kept at the premises for inspection by the police or authorised officers. The attendance log shall include dates, times and the purpose of the visit/event to the premises.

**348** All alcohol for events will be on a pre-order basis.

**349** Any event supplying alcohol would have food out on all tables and available at all times.

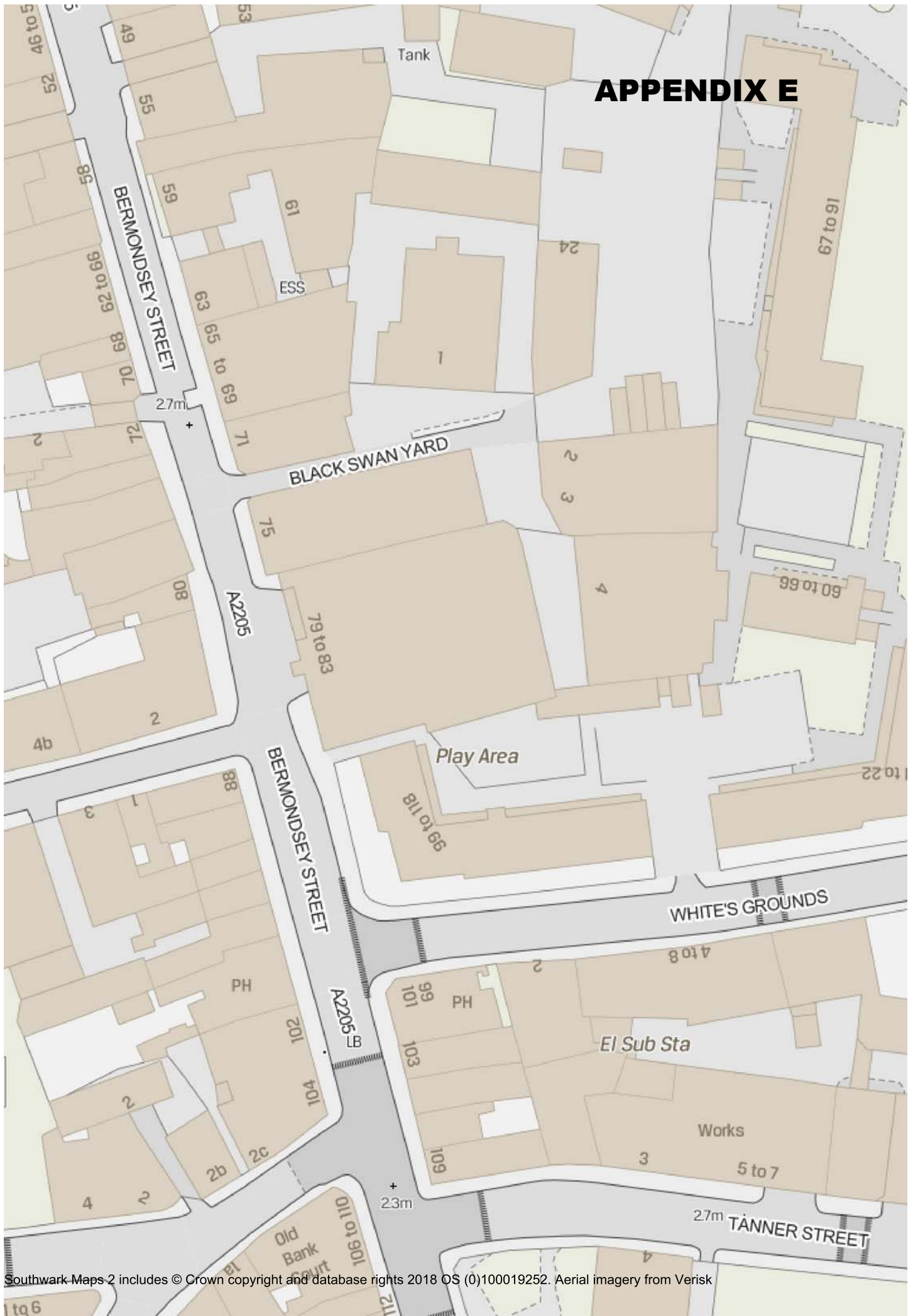
**350** All events are private and ticketed and the building would never be open to the public. For proposed events we would NOT accept DJ events, weddings, birthday parties or any other event that would encourage excessive drinking.

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

**Annex 4 - Plans - Attached**

Licence No. 852464  
Plan No. BSY233/WD001/110B  
Plan Date June 2015

# APPENDIX E



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

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

Name	No of copies	Name	No of copies
<b>Members</b>		<b>Officers</b>	
Councillor Sunil Chopra	1	Debra Allday, legal team	1
Councillor Charlie Smith	1	Andrew Heron, licensing team	1
Councillor Kath Whittam	1		
Councillor Sirajul Islam (reserve)	By email	Andrew Weir (spares)	4
		<b>Total printed copies:</b>	9
		<b>Dated:</b> 19 October 2018	