

Open Agenda



Licensing Sub-Committee

Monday 26 November 2018

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Sunny Lambe

Reserves

Councillor Sirajul Islam

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 16 November 2018



Licensing Sub-Committee

Monday 26 November 2018
10.00 am

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

Order of Business

Item No.	Title	Page No.
----------	-------	----------

PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.

5. LICENSING ACT 2003: BAR OM, 18 CHOUMERT ROAD, LONDON SE15 4SE 1 - 64

6. LICENSING ACT 2003: EL VERMUT, 28 NUNHEAD GREEN, LONDON, LONDON SE15 3QF 65 - 101

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

Item No.	Title	Page No.
----------	-------	----------

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: 16 November 2018

Agenda Item 5

Item No. 5.	Classification: Open	Date: 26 November 2018	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Bar Om, 18 Choumert Road, London SE15 4SE	
Ward(s) of group(s) affected		Rye Lane	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application submitted by Bar Om Limited for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as Bar Om, 18 Choumert Road, London SE15 4SE.
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 and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 9 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 13 to 17 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report in Appendices B and C. A map showing the location of the premises is attached to this report as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 14 September 2018 Bar Om Limited applied to this council for the grant of a premises licence in respect of Bar Om, 18 Choumert Road, London SE15 4SE.
9. The application is summarised as follows:
- Recorded music and the sale of alcohol to be consumed on the premises
 - Monday to Sunday from 11:00 to 23:00
 - Proposed opening hours of the premises
 - Monday to Sunday from 11:00 to 23:00.
 - The premises are described as a Vietnamese seafood restaurant.
10. The premises licence application form provides the applicant's operating schedule. Parts F, 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 then 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. Copies of the application and related correspondence are attached to this report as Appendix A.
11. **NB** The applicant amended the application to remove recorded music from the application. Please see appendix A for correspondence relating to this matter.

Designated premises supervisor

12. The proposed designated premises supervisor (DPS) is Hau Phan.

Representations from responsible authorities

13. Representations were submitted by the Metropolitan Police Service and by this council's licensing responsible authority.
14. The Metropolitan Police Service's representation suggested various control measures that the Metropolitan Police Service recommended should become conditions of any licence issued subsequent to the application. The applicant agreed to amend the application to include the suggested conditions and the Metropolitan Police Service withdrew their representation.
15. The licensing responsible authority's representation suggested various control measures that the licensing responsible authority recommended should become conditions of any licence issued subsequent to the application. The applicant agreed to amend the application to include the suggested conditions and the licensing responsible authority withdrew their representation.
16. Copies of the representations submitted by the responsible authorities, and related correspondence, are attached as Appendix B

Representations from other persons

17. One representation has been submitted by an 'other person'. The other person is a local resident. The representation objects to the application and contends that the intended operation of the premises may give rise to noise nuisance and also increased litter in on the locale. The representation refers to the Peckham cumulative impact policy (CIP), however the premises are described as a restaurant and the Peckham CIP doesn't apply to restaurant premises.

Conciliation

18. The applicant provided a reply to the other person. The reply outlined the intended style of operation in regards to the premises and invited questions from the other person. The other person has replied to the licensing unit with further comments and also stating that the other person wishes their representation and further comments to be considered by the licensing sub-committee.
19. Copies of the representation submitted by the other person, and related correspondence, are attached as Appendix C.

Premises history

20. No licence has been held in respect of the premises under current, or prior, licensing legislation.
21. On 14 September 2018 Bar Om Limited applied to this council for the grant of a premises licence in respect of Bar Om, 18 Choumert Road, London SE15 4SE.

Deregulation of entertainment

22. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08:00 and 23:00 on any premises.

- Live amplified music and recorded music are deregulated between 08:00 and 23:00 at on licensed premises for an audience of up to 500 people.
 - Plays and the performance of dance are deregulated between 08:00 and 23:00 for an audience of up to 500 people.
 - Indoor sporting events are deregulated between 08:00 and 23:00 for an audience of up to 1000 people.
23. Live music and recorded music can become licensable in on-licensed premises if the licensing authority removes the effect of deregulation following a licence review ('licence review mechanism').
24. The showing of films has not been de-regulated.

Map

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

Miss Tapas, 46 Choumert Road, London SE15 4SE licensed for:

- The sale of alcohol to be consumed on or off the premises:
 - Monday to Sunday from 17:00 to 23:00.

Swaizie Food Store, 1A Choumert Road, London SE15 4SE licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Saturday from 08:00 to 23:00
 - Sunday from 10:00 to 22:30.

Jamaica Flavour Limited, 207 Rye Lane, London SE15 4TP licensed for:

- The sale of alcohol to be consumed on the premises:
 - Sunday to Wednesday from 11:00 to 00:00 (midnight)
 - Thursday from 11:00 to 02:00 the following day
 - Friday and Saturday from 11:00 to 03:30 the following day.
- Recorded music:
 - Sunday to Wednesday from 09:00 to 00:00
 - Thursday from 09:00 to 02:00 the following day
 - Friday and Saturday from 09:00 to 03:30 the following day.
- Late night refreshment:
 - Sunday to Wednesday from 23:00 to 00:00.
 - Thursday from 23:00 to 02:00 the following day.
 - Friday and Saturday from 23:00 to 03:30 the following day.

- Performances of dance:
 - Thursday from 09:00 to 02:00 the following day
 - Friday and Saturday from 09:00 to 03:30 the following day
 - Sunday from 09:00 to 00:00.

Roosters Hut, 177-179 Rye Lane, London SE15 4TP licensed for:

- Late night refreshment:
 - Sunday to Thursday from 23:00 to 02:00 the following day
 - Friday and Saturday from 23:00 to 03:00 the following day.

Four Quarters, 187 Rye Lane, London SE15 4TP licensed for:

- The sale of alcohol to be consumed on the premises, films:
 - Sunday to Wednesday from 11:00 to 00:30 the following day
 - Thursday from 11:00 to 01:00 the following day
 - Friday and Saturday from 11:00 to 01:30 the following day.
- Late night refreshment:
 - Sunday to Wednesday from 23:00 to 00:30 the following day
 - Thursday from 23:00 to 01:00 the following day
 - Friday and Saturday from 23:00 to 01:30 the following day.
- Recorded music:
 - Thursday from 23:00 to 01:00 the following day
 - Friday and Saturday from 23:00 to 01:30 the following day.

Taco Queen, 191 Rye Lane, London SE15 4TP licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday from 09:00 to 23:00
 - Sunday from 09:00 to 22:00.

Rootz, 181 Rye Lane, London SE15 4TP licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday from 11:00 to 23:30
 - Sunday from 10:00 to 17:30.
- Late night refreshment:
 - Monday to Saturday from 23:00 to 00:00.

Morley's Fried Chicken, 163 Rye Lane, London SE15 4TL licensed for:

- Late night refreshment:
 - Sunday to Thursday from 23:00 to 00:00

- Friday and Saturday from 23:00 to 01:00 the following day.

Stella's African Food, 154 Rye Lane, London SE15 4NB licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday from 10:00 to 22:00.

Bargain Booze, 164 Rye Lane, London SE15 4NB licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Saturday from 08:00 to 22:00
 - Sunday from 10:00 to 22:30.
- **ASDA Supermarket, 174 Rye Lane, London SE15 4NB** licensed for:
 - The sale of alcohol to be consumed off the premises:
 - Monday to Saturday from 08:00 to 23:00
 - Sunday from 10:00 to 22:30.

Southwark council statement of licensing policy

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

- Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
27. 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.
28. The premises are located in Peckham major town centre area. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located in Peckham town centre area:
- Restaurants and cafes and take-away establishments:
 - Friday and Saturday: 01:00
 - Sunday to Thursday: 00:00.
 - Public houses, wine bars or other drinking establishments
 - Friday and Saturday: 00:00
 - Sunday to Thursday: 23:00.

Resource implications

29. 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 band B.

Consultations

30. 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

31. 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

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

Principles for making the determination

34. 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.
35. 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
36. 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

37. 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.
38. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
39. 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.

40. 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.
41. 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

42. 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

43. 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.
44. 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

45. 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.

46. 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.
47. 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.
48. 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.
49. 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.

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.

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

Guidance

52. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully

understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the application
Appendix B	Representations submitted by the responsible authorities and related correspondence
Appendix C	Representation submitted by the other person and related correspondence
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	13 November 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	14 November 2018	

14/09/2018

Business - Application for a premises licence to be granted under the Licensing Act 2003
 Ref No. 1093808

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

	Bar Om Ltd
--	------------

Premises Details

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

£	20750
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	Yes

Premises trading name

	Bar Om Ltd
--	------------

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

Address Line 1	18 CHOUMERT ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE15 4SE
Ordnance survey map reference	
Description of the location	
Telephone number	[REDACTED]

Applicant Details

Please select whether you are applying for a premises licence as

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

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

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

Other Applicants

Personal Details - First Entry

Name	[REDACTED]
------	------------

Address - First Entry

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

Contact Details - First Entry

Telephone number	[REDACTED]
Email address	[REDACTED]

Operating Schedule

When do you want the premises licence to start?

	01/10/2018
--	------------

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

--	--

General description of premises (see guidance note 1)

Type of premises - A3 Restaurant, Vietnamese Seafood
--

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

Less than 5000

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)

	f) recorded music

Provision of late night refreshment

j) Supply of alcohol

F - Recorded Music

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

Indoors

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

Music - Background ambience music

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

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

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

	Background ambience music
--	---------------------------

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

--	--

J - Supply of Alcohol

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

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

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

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

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

	Restaurant offering alcoholic beverages
--	---

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

--	--

Premises Supervisor

Full name of proposed designated premises supervisor

First names	[REDACTED]
Surname	[REDACTED]

DOB

Date Of Birth	[REDACTED]
---------------	------------

Address of proposed designated premises supervisor

Street number or Building name	[REDACTED]
Street Description	[REDACTED]
Town	[REDACTED]
County	[REDACTED]
Post code	[REDACTED]

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)

	Traditional Vietnamese Restaurant where children are welcomed, we do not intent to have any 'adult' only entertainment.
--	---

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	11:00	23:00
Tues	11:00	23:00
Wed	11:00	23:00
Thur	11:00	23:00
Fri	11:00	23:00
Sat	11:00	23:00
Sun	11:00	23:00

State any seasonal variations (Please read guidance note 5)

--	--

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)

--	--

M - Steps to promote four licencing objectives

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

	<p>Ensure comply with four licensing objectives including:</p> <ul style="list-style-type: none"> - the prevention of crime and disorder public safety - the prevention of public nuisance - the protection of children from harm
--	---

b) the prevention of crime and disorder

	<ul style="list-style-type: none"> - Ensure authorised activities and authorised hours - Any criminal offence (which should be reported to the police first) - Managing anti-social behaviour
--	--

c) public safety

	<ul style="list-style-type: none"> - Managing overcrowding (leading to an increased risk of violence or to the safety of people in the premises) - Managing fire issues (which should be reported to the fire service first) - Ensure First aider readily available. Anyone being hurt or having an accident in licensed premises (who should seek medical care and report to the relevant authorities)
--	--

d) the prevention of public nuisance

- | | |
|--|--|
| | <ul style="list-style-type: none"> - Food and Drinks can only be consumed on premises - Respect neighbours (noise control) - Security where necessary (threats to community safety) - Ensure no open food or drinks are removed from premises - Smoking only in designated area |
|--|--|

e) the protection of children from harm

- | | |
|--|--|
| | <ul style="list-style-type: none"> - Safeguarding Children - A recognised age verification scheme such as a PASS approved identity card - All staff responsible for selling age restricted goods will be trained to operate this scheme and staff training records will be maintained and audited - Display signage to notify the public that the premises operates a Proof of Age scheme - Use CCTV or other methods to monitor the outside the premises, to ensure that children are not purchasing by proxy - Keep a refusals book - Strict rules, children can only attend accomplished by an adult |
|--|--|

Please upload a plan of the premises

--	--

Please upload any additional information i.e. risk assessments

--	--

Checklist

- | | |
|--|---|
| | <ul style="list-style-type: none"> 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	[REDACTED]
AuthCode	[REDACTED]

LicenceReference	[REDACTED]
PaymentContactEmail	

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

Full name	[REDACTED]
Date (DD/MM/YYYY)	14/09/18
Capacity	Director and General Manager

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

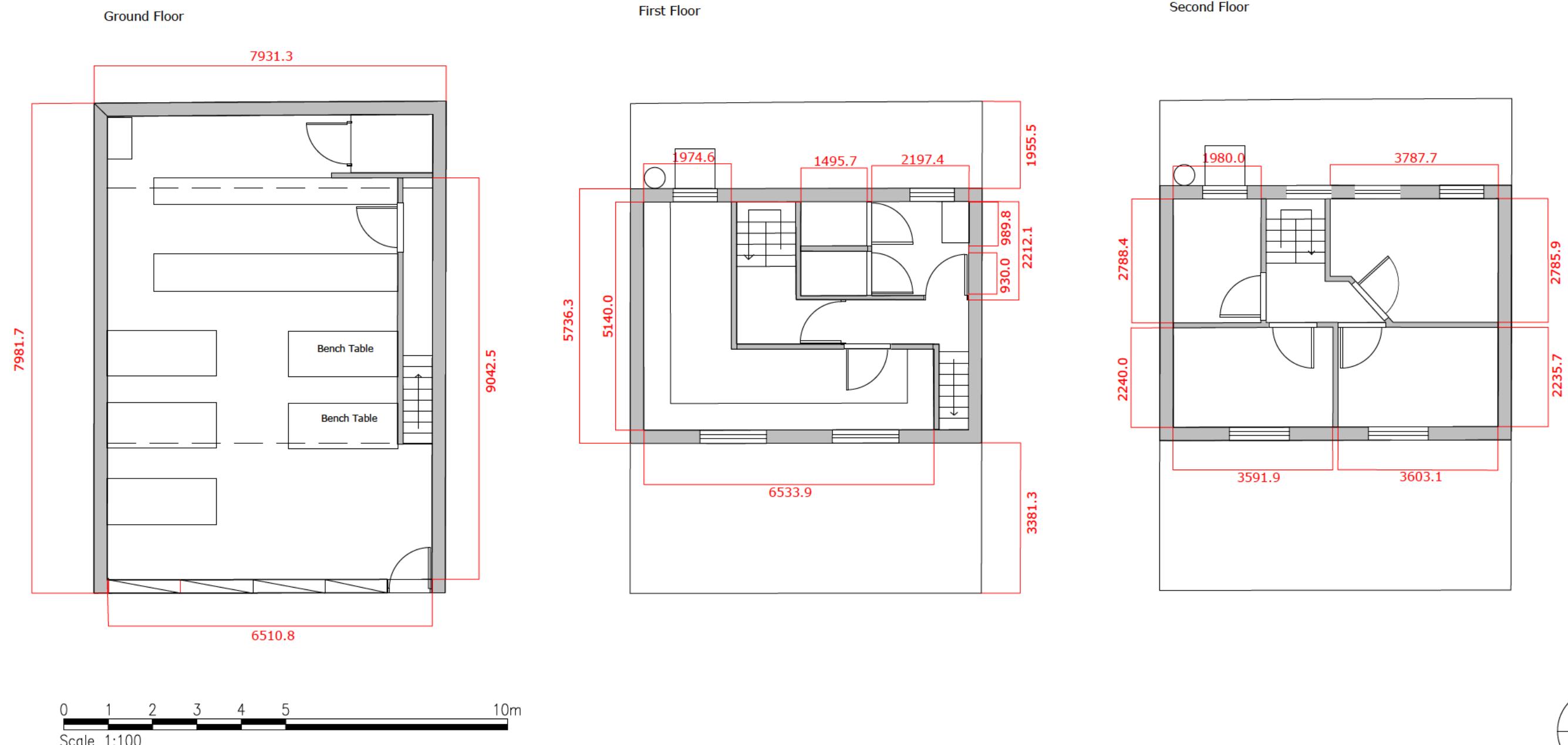
Full name	
Date (DD/MM/YYYY)	
Capacity	

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

Contact name and address for correspondence	[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.

DIMENSIONS PROPOSED



Revisions:

By: Date:

Figured dimensions only are to be used. All dimensions to be checked onsite. Differences between drawings and between drawings and specification or bills of quantities to be reported to the PRC Group. The copyright of the drawings and designs contained therein remains vested in the PRC Group

Client:

Project:
18-20 Choumert Road, London

Drawing Title:

Proposed Plan Dimensions

Scale @ A3:
1:100

Project Co-Ordinator:
AR

Date:
Jan 2018

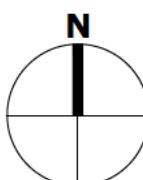
Job No:
01

Stage:
PL

Construction
Approval

Preliminary
Tender

Information



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

From:

Sent: Wednesday, September 19, 2018 5:55 PM

To: McArthur, Wesley

Subject: Re: Application for a premises licence - Bar Om, 18 Choumert Road, London, SE15 4SE (our ref: 864891)

Dear Wesley,

Please can you remove recorded music as a licensable activity from the above application.

Thank you,

General Manager / Director of Bar Om Limited

From: McArthur, Wesley

Sent: Tuesday, September 25, 2018 12:51 PM

To: Tear, Jayne; SSCB; 'SouthwarkLicensing@met.pnn.police.uk'; 'Ian.Clements@met.pnn.police.uk'; 'Graham.S.White@met.pnn.police.uk'; 'mark.A.Lynch@met.pnn.police.uk'; 'firesafetyregulationSE@london-fire.gov.uk'; Planning.Enquiries; environmental protection; Regen, Trading Standards; Regen, OHS; Public Health Licensing; Shapo, Leidon; Kangatharan, Aakulan; 'alcohol@homeoffice.gsi.gov.uk'; 'Dominic.Maragh2@homeoffice.gsi.gov.uk'; Fox, Roy; Earis, Richard; Binya, Raymond; Andrews, Ken

Subject: FW: Application for a premises licence - Bar Om, 18 Choumert Road, London, SE15 4SE (our ref: 864891)

Dear All,

As per the email below, the applicant in respect of the above application has removed recorded music from the application.

The application is now solely for:

Sale of alcohol / opening hours 11:00am to 23:00 Monday to Sunday

Please only base any comments you may have on the above, and not also recorded music.

Regards,

Wesley McArthur

Principal Enforcement Officer

London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From: Ian.Clements@met.pnn.police.uk [mailto:Ian.Clements@met.pnn.police.uk]
Sent: Wednesday, October 10, 2018 2:57 PM
To: Regen, Licensing; Tear, Jayne
Subject: Bar Om Ref 864891

Please see attached letter of representation for the above new premises licence

Kind Regards

Ian Clements



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

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

Tel: 020 7232 6756
 Email: SouthwarkLicensing@met.police.uk

Our reference: MD/3237/2018

Date: 10th October 2018

Dear Sir/Madam

Re:- Bar Om Ltd 18 Choumert Road SE15 4SE

Police are in possession of an application from the above for a new premises licence. The application describes the premises as restaurant serving Vietnamese seafood.

The operating schedule shows the following hours.

Opening Hours	
Mon - Sun	11.00hrs – 23.00hrs
Sale of alcohol on/off	
Mon – Sun	11.00hrs – 23.00hrs

The applicant has offered a number of control measures within the operating schedule, however as per the 182 guidance provided by the licensing act 2003 the conditions need to be precise and enforceable.

In order for this application to acceptable under the prevention of crime and disorder licensing objective we ask the applicant to consider the following control measures.

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

In addition to the above I notice that the operating schedule does not allow for any drinking up time to allow for the slow and safe dispersal of patrons. I recommend a drinking up time of 30 minutes. This could be achieved through a change in times for the supply of alcohol or a specific condition detailing the 30 minuets drink up time.

Submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

PC Ian Clements
Southwark Police Licensing Unit
Tel: 0207 232 6756

From:**Sent:** Monday, October 22, 2018 10:20 AM**To:** SouthwarkLicensing@met.police.uk; McArthur, Wesley**Subject:** FAO: PC Ian Clements - Your Ref. MD/3237/2018 - Bar Om, Choumert Road

Dear PC Clements,

Please find attached the reply to you recent representation.

I hope it meet your approval.

Kind Regards,

Date: 22/10/18

License application: 864891

RE: Reply to Representation from MPS dated 10/10/18

Your Ref. MD/3237/2018

Dear PC Clements,

In reply to your letter dated 10th October 2018, thank you for your guidance and advise. Please see our replies in below:

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

Response: We will have high quality CCTV in the customer areas and covering most areas including the entrance/exit doors, to function and be maintained as advised.

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.

Response: The CCTV system will have full record facilities and will be stored and made readily available for a period of at least 31 days.

3. A member of staff should be on duty at all times the premises are open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.

Response: All duty Manager and Supervisor will be trained and responsible for reviewing the CCTV systems

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

Response: All staff will be trained with records kept signed by the supervisor/manager and staff. These records will be made available when required by officers of the Police or Council.

5. Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons taking table meals there and as an ancillary to that person's meal.

Response: We are opening a Vietnamese cuisine Restaurant, and believe the food will be the main POI (point of interest) for our customers

6. No alcohol shall be taken outside of the premises at any time.

Response: Staff will be trained to look out for customers taking alcohol outside and to approach and inform them politely that it is not allowed. A sign will be placed near the front door so it is clearly visible as they are leaving the premises

7. Signage on entrance/exit requesting customers to respect neighbours and leave quietly.

Response: Staff will be trained to inform the customers politely and signage will be prominent to ensure Customers respect our neighbours and leave quietly.

8. In addition to the above I notice that the operating schedule does not allow for any drinking up time to allow for the slow and safe dispersal of patrons. I recommend a drinking up time of 30 minutes. This could be achieved through a change in times for the supply of alcohol or a specific condition detailing the 30 minutes drink up time.

Response: We have since revised our application and have applied for alcohol sales between 11am – 10.30pm, giving 30 minutes drinking up time. Signs will be clearly displayed to ensure customers are aware of this policy.

I hope our response meets your approval, please feel free to contact us otherwise.

Kind Regards,

General Manager and Director

From: Ian.Clements@met.pnn.police.uk [mailto:Ian.Clements@met.pnn.police.uk] **On Behalf Of** SouthwarkLicensing@met.pnn.police.uk

Sent: Thursday, October 25, 2018 5:27 PM

To:

Cc: Regen, Licensing; Heron, Andrew

Subject: RE: PC Ian Clements - Your Ref. MD/3237/2018 - Bar Om, Choumert Road

Dear

Thank you for your prompt and positive response, I am now in a position to withdraw my representation.

Kind Regards

Ian Clements

MEMO: Licensing Unit

To Licensing **Date** 12 October 2018

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject **Bar Om Ltd, 18 Choumert Road, London SE15 4SE**

I make this representation with regards to the new application for a premises licence by Bar Om Ltd for the premises 18 Choumert Road, London SE15 4SE.

My representation is based on the licensing objective for the prevention of crime and disorder, prevention of public nuisance.

The premises is described as “Type of premises - A3 Restaurant, Vietnamese Seafood”

The application asks for the flowing licensable activities:

Sale of alcohol on the premises

Monday to Sunday 11:00 to 23:00 hours

Opening Hours

Monday to Sunday 11:00 to 23:00 hours

The application has not allowed any time for patrons who purchase their alcohol close to 23:00 hours to consume it at a relaxed rate and leave the premises before the closing time which could cause patrons to rush their drinks and result in conflict with staff trying to close the premises on time and antisocial behaviour when the patron leave the premises.

The premises is situated in the Peckham Cumulative Impact Area, the policy does not apply to restaurants, however there is no condition offered in the operating schedule to ensure that the premises does not change operation at some later stage to become a bar.

I therefore ask for the application to be modified as follows:

- Sale of alcohol on the premises is changed to;
Monday to Sunday 11:00 to 22:30 hours
- A condition that the sale of alcohol shall be ancillary to the provision of substantial table meals.

David Franklin
Licensing Authority as a Responsible Authority

From:
Sent: Tuesday, October 16, 2018 8:54 AM
To: Regen, Licensing; Franklin, David
Cc: McArthur, Wesley; Tear, Jayne
Subject: Re: Bar Om Ltd, 18 Choumert Road, London SE15 4SE.docx

Dear David,

In regards to your recent representation, we are happy to adjust the application as advised.
Please accept this email as our change to the application on the points below:

- Sale of alcohol on the premises is changed to;

Monday to Sunday 11:00 to 22:30 hours

- A condition that the sale of alcohol shall be ancillary to the provision of substantial table meals.

Please let me know if there are anything else needed from me.

Kind Regards,

From:
Sent: Wednesday, October 17, 2018 11:54 AM
To:
Cc: Franklin, David; McArthur, Wesley
Subject: RE: Bar Om Ltd, 18 Choumert Road, London SE15 4SE.docx
Importance: High

Dear

Thank you for your response to the representation submitted by licensing as a responsible authority.

As you have accepted the changes to the sales of alcohol times and the condition requested within the representation,

I can now confirm that the representation is withdrawn,

With kind regards

Jayne

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

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

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

APPENDIX C

From:
Sent: Monday, September 24, 2018 5:01 PM
To: Regen, Licensing
Cc:
Subject: Licence application 864891

Dear Licensing team,

I am writing to **object** to Licence application 864891
 Bar Om Ltd
 18 Choumert Road
 SE15 4SE

New premises licence for sale of alcohol on the premises 11:00 - 23:00 Monday to Sunday, recorded music indoors 11:00 - 23:00 Monday to Sunday. Opening hours 11:00 - 23:00 Monday to Sunday

- My name and signature -
- My address -
- Date, 24th Sept 2018
- The application that I oppose to = Bar Om Ltd 18 Choumert Road SE15 4SE
- Licence application number - 864891

I am **objecting** to this application on the grounds of public nuisance and potential increased crime in the area. 18 Choumert Road backs directly onto Choumert Square properties. The properties are connected by thin party walls. Some properties have bedrooms on the ground floor with the bed located against the party wall. There are also residential properties directly above and beside 18 Choumert Road.

For many years now we (Choumert Sq residents) have had ongoing problems with noise travelling through the ground floor party walls from Choumert Road retail establishments (who often work late into the night) into Choumert Sq properties. The noise also travels over the buildings from outside Choumert Road properties to the other side of Choumert Square, therefore I do not believe that the close proximity to (and physical structure and layout of the adjacent residential properties) makes 18 Choumert Road's large double fronted property suitable for a drinking establishment (with it's proposed long opening hours and music). Choumert Road currently only has one property with a drinking licence in - a small (quiet) restaurant called Miss Tapas/EI Segundo (two names but same business and owner) and there are currently no bars.

In addition to noise during opening hours there is also the issues of noise when those drinking in the bar leave the property at closing time, as well as while smoking outside. It is clear from residents who live on Blenheim Grove that noise often continues on the street long after closing time. There is already a regular residents' and traders' meeting held at All Saints Church, also attended by Southwark's Anti-Social Behaviour Management Officer Ken Dale and Councillor Peter Babudu, to try to address the issue of general disturbance, high levels of noise nuisance, increased crime, drug dealing and increased litter in relation to the 'fall out' from drinking and retail establishments on Blenheim Grove. These problems regularly continue well into the early hours of the morning.

It would seem foolhardy to recreate this problem on Choumert Road.

NB it is worth noting that Southwark Council's own evaluation documents highlight the issue of existing 'saturation' levels of drinking establishments and bars in Peckham as see this as a growing problem. I ask the licensing team to also bear this in mind when making their judgement on this application.

Yours,

Evaluating Southwark's Three Cumulative Impact Zones

Joint strategic needs assessment

29

People & Health Intelligence Section
Southwark Public Health

20 October 2016

GATEWAY INFORMATION

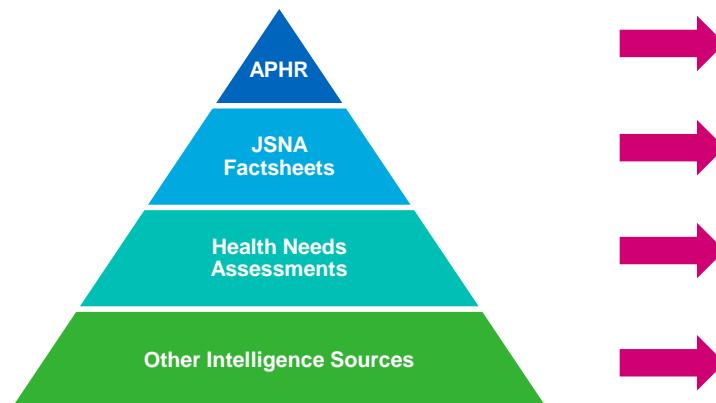
Report title:	Evaluating Southwark's Three Cumulative Impact Zones
Status:	Public
Prepared by:	C Sharpe
Contributors:	R Pinder, D Franklin
Approved by:	K Fenton
Suggested citation:	Evaluating Southwark's Three Cumulative Impact Zones. Southwark's JSNA. Southwark Council: London. 2017.
Contact details:	publichealth@southwark.gov.uk
Date of publication:	30 November 2017

Health Needs Assessments form part of Southwark's Joint Strategic Needs Assessment process

BACKGROUND

The Joint Strategic Needs Assessment (JSNA) is the ongoing process through which we seek to identify the current and future health and wellbeing needs of our local population.

- The purpose of the JSNA is to inform and underpin the Joint Health and Wellbeing Strategy and other local plans that seek to improve the health of our residents.
- The JSNA is built from a range of resources that contribute to our understanding of need. In Southwark we have structured these resources around 4 tiers:



Tier I: The Annual Public Health Report (APHR) provides an overview of health and wellbeing in the borough.

Tier II: JSNA Factsheets provide a short overview of health issues in the borough.

Tier III: Health Needs Assessments provide an in-depth review of specific issues.

Tier IV: Other sources of intelligence include Local Health Profiles and national Outcome Frameworks.

- This document forms part of those resources.
- All our resources are available via: www.southwark.gov.uk/JSNA

Contents

Introduction

Aim and research questions

Geographical analysis

Results

Key findings and discussion

Limitations

Implications and recommendations

A significant body of scientific evidence correlates alcohol availability with alcohol related harm

BACKGROUND

National and international guidelines consistently emphasise the importance of reducing the availability of alcohol.

- Cumulative Impact Zones (CIZs) empower local licensing authorities to better control the number and type of licenced outlets as well as impose more restrictive conditions upon alcohol licences¹
- CIZs are designated geographic areas that are currently saturated by premises licensed to sell alcohol
- In 2014, there were 208 CIZs established in over 100 local authorities (LAs) across England and Wales²
- Few studies have evaluated the impact of CIZs and therefore there is little evidence as to their effectiveness

33

1. Home Office. Revised Guidance issued under section 182 of the Licensing Act 2003. 2015.

2. Home Office. Alcohol and late night refreshment licensing England and Wales. National Statistics. 2014

A significant body of scientific evidence correlates alcohol availability with alcohol related harm

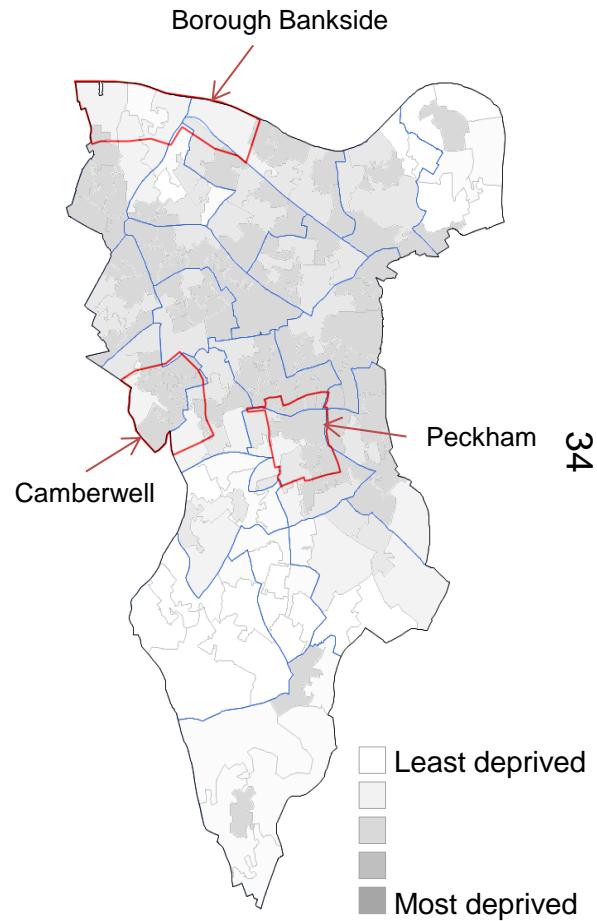
INTRODUCTION

Southwark currently enforces three CIzs in areas considered ‘saturated’ by alcohol outlets: Borough Bankside, Peckham and Camberwell

- Negative consequences on local neighbourhoods include crime and disorder, public nuisance and matters of public safety
- Legislation requires that the ongoing need for established CIzs is regularly readdressed
- With Southwark’s current Statement of Licensing Policy due for renewal, public health were asked by licensing to evaluate the impact of the three CIzs

Working with Imperial College London, Southwark’s public health team have developed and implemented a robust scientific methodology to evaluate the impact of CIz in the borough.

This document summarises the approach and reports on the findings, in order to inform the on-going development of cumulative impact policy nationally and locally.



Contents

Introduction

Aim and research questions

Geographical analysis

Results

Key findings and discussion

Limitations

Implications and recommendations

The aim was to evaluate how three CIZs have influenced alcohol availability in Southwark

THREE QUESTIONS WERE ASKED

Q1

- Following the establishment of three CIZs in Southwark, did the number of licences decrease?

Q2

- Post CIZ, are the type of licences, such as drinking establishments, eateries, and off-sales, affected?

Q3

- After CIZ, do the number of licence applications receiving objections increase?

For questions one and two, both the number of licence applications and the number of issued licences were investigated in parallel

Contents

Introduction

Aim and research questions

Geographical analysis

3

Results

Key findings and discussion

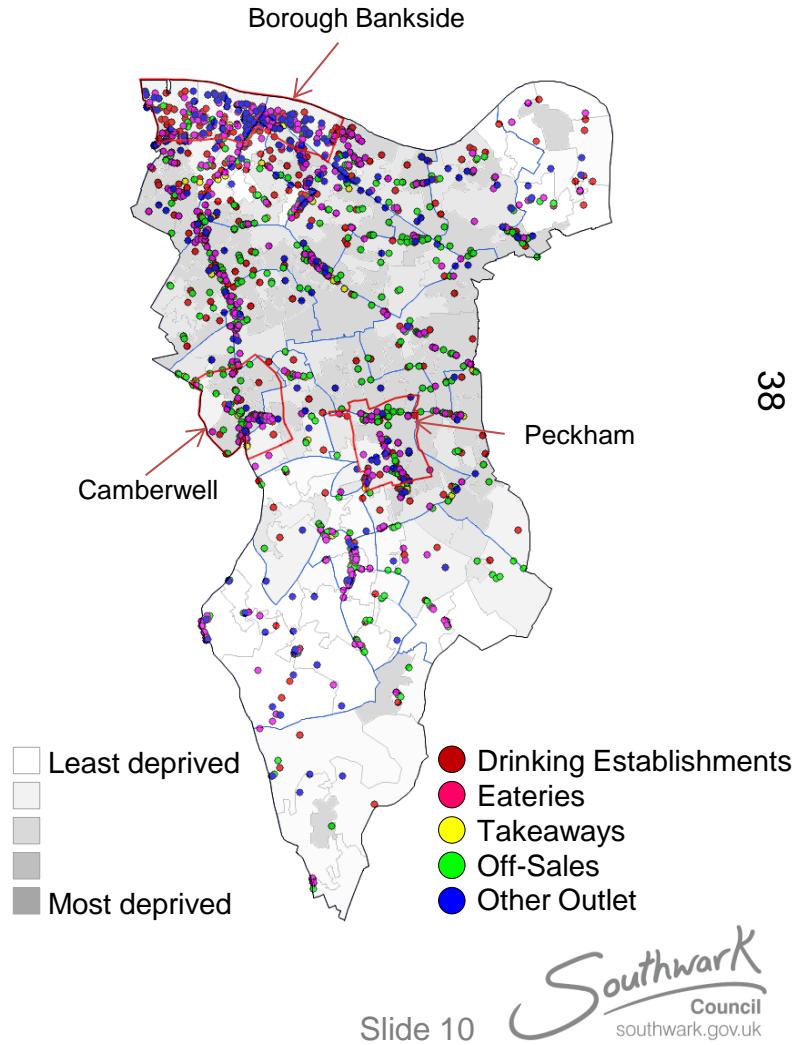
Limitations

Implications and recommendations

Borough Bankside remains the focus of licensing activity in Southwark

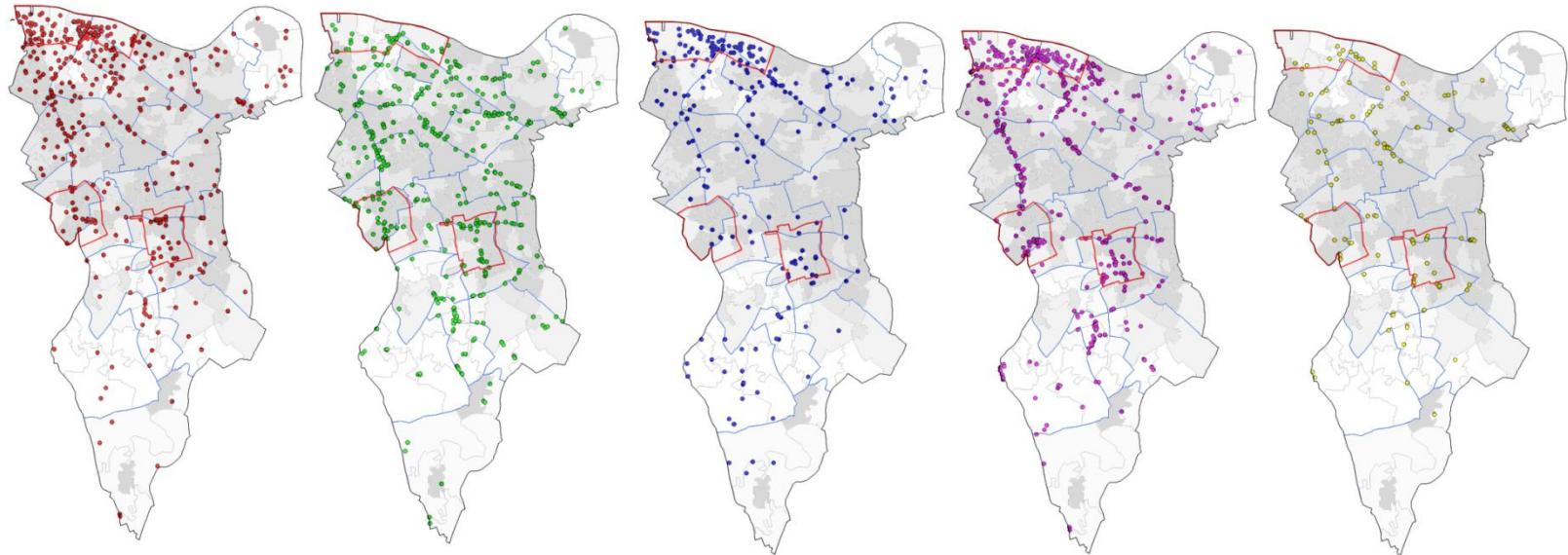
GEOGRAPHICAL ANALYSIS

- Clusters of drinking establishments are shown within each CIZ with a particularly high concentration in Borough Bankside
- Areas immediately surrounding Borough Bankside are also densely populated with licensed outlets suggesting a potential displacement effect of the CIZ
- A particularly high number of eateries and bars can be seen along the Walworth and Camberwell Road
- Takeaways and off-sales appear the most strongly associated with deprivation by visual inspection
- There are comparatively few takeaways licensed to sell alcohol across Southwark
- Eateries are the most clustered outlet type and are densely sited within the three CIZs



Segmenting the applications reveals subtly different patterns of distribution across the borough

GEOGRAPHICAL ANALYSIS

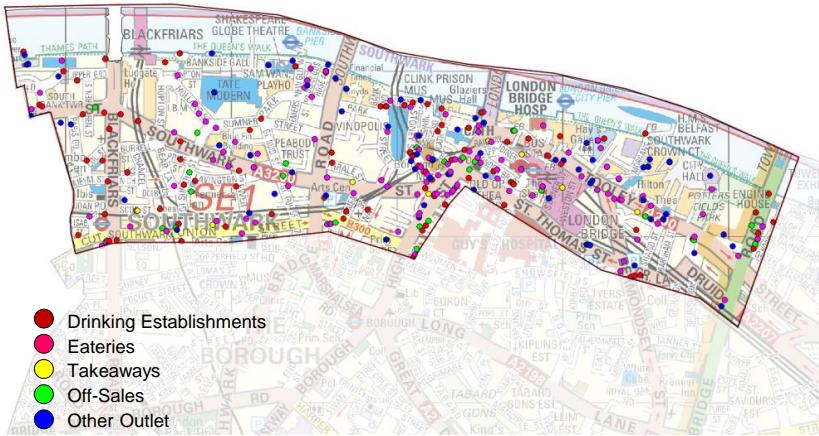
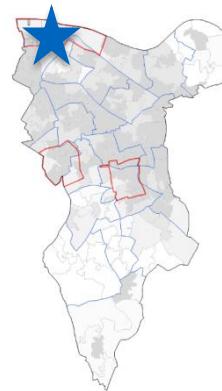


39



In areas that are saturated with alcohol outlets, Southwark enforces Cumulative Impact Zones

BANKSIDE CUMULATIVE IMPACT ZONE



© Collins Bartholomew Ltd 2016. Reproduced by permission of HarperCollins Publishers
www.collinsbartholomew.com 1007097

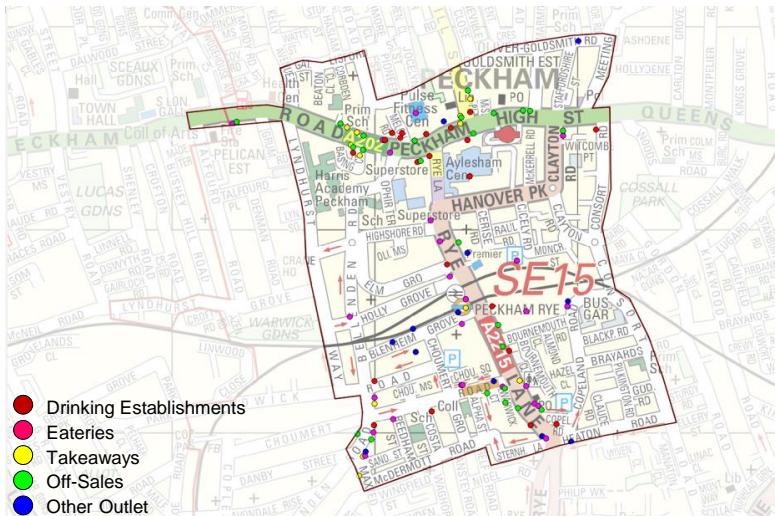
- Bankside is the mostly densely populated CIZ
- A large number of all alcohol outlet types can be seen across the zone except for takeaways



Bankside is home to a number of tourist destinations and iconic buildings including The Shard, Shakespeare Globe Theatre and Borough Market. The area is affluent and operates thriving night-time economy

In areas that are saturated with alcohol outlets, Southwark enforces Cumulative Impact Zones

PECKHAM CUMULATIVE IMPACT ZONE



© Collins Bartholomew Ltd 2016. Reproduced by permission of HarperCollins Publishers
www.collinsbartholomew.com 1007097

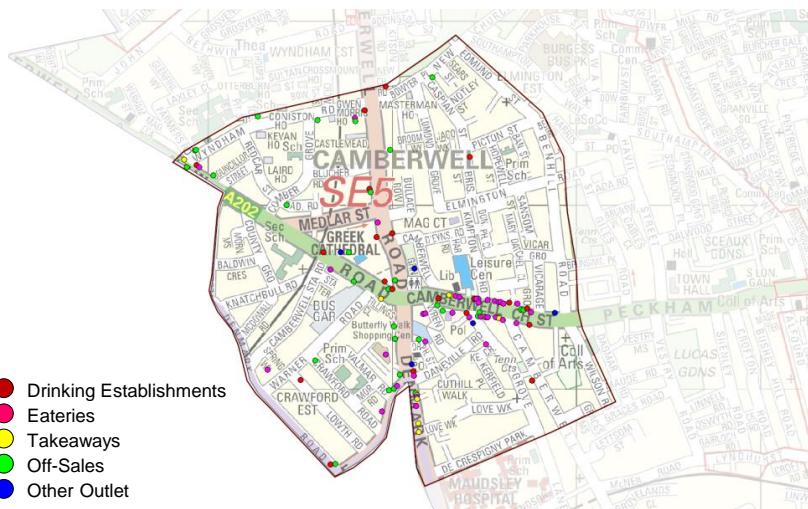
- A large number of takeaways and drinking establishments can be seen along Peckham High Street
- Peckham CIZ has an increasing number of eateries, particularly on and around Rye Lane
- Peckham CIZ has a high number of off-sales



Traditionally a highly deprived area of London, Peckham is experiencing rapid rates of gentrification. In 2012, Southwark revealed ambitious regeneration plans to improve Peckham Rye station and surrounding areas.

In areas that are saturated with alcohol outlets, Southwark enforces Cumulative Impact Zones

CAMBERWELL CUMULATIVE IMPACT ZONE



© Collins Bartholomew Ltd 2016. Reproduced by permission of HarperCollins Publishers
www.collinsbartholomew.com 1007097

- A large number of restaurants and takeaways are densely populated along Camberwell Church Street
- There are a high number of off-sales across the CIZ
- Drinking establishments are located off main roads, in more residential areas



Camberwell is a deprived area of Southwark. Like Peckham, the area is showing signs of gentrification. A regeneration project is planned for Camberwell Green into which the Council plans to invest £11 million.

Eateries are the most common type of licence application across all three zones

ANALYSIS BY OUTLET TYPE

		B BANKSIDE	PECKHAM	CAMBERWELL	SOUTHWARK
●	Drinking Establishments	59	15	10	530
●	Eateries	103	31	24	590
●	Takeaways	12	5	4	133
●	Off-sales	32	17	11	477
●	Other Outlet	91	17	4	267
	TOTAL	297	85	55	

A large proportion of ‘other outlets’ are located across Borough Bankside and Peckham CIzs. This category contains different outlets including butchers, florists, churches and schools.

Southwark is home to a wide range of licensed outlet types; there were 100 different entries for outlet type in the database. Such varieties of licence applications cause difficulties when submitting representations as they often do not fall into a single category in the licensing policy.

Contents

Introduction

Aim and research questions

Geographical analysis

Results

Key findings and discussion

Limitations

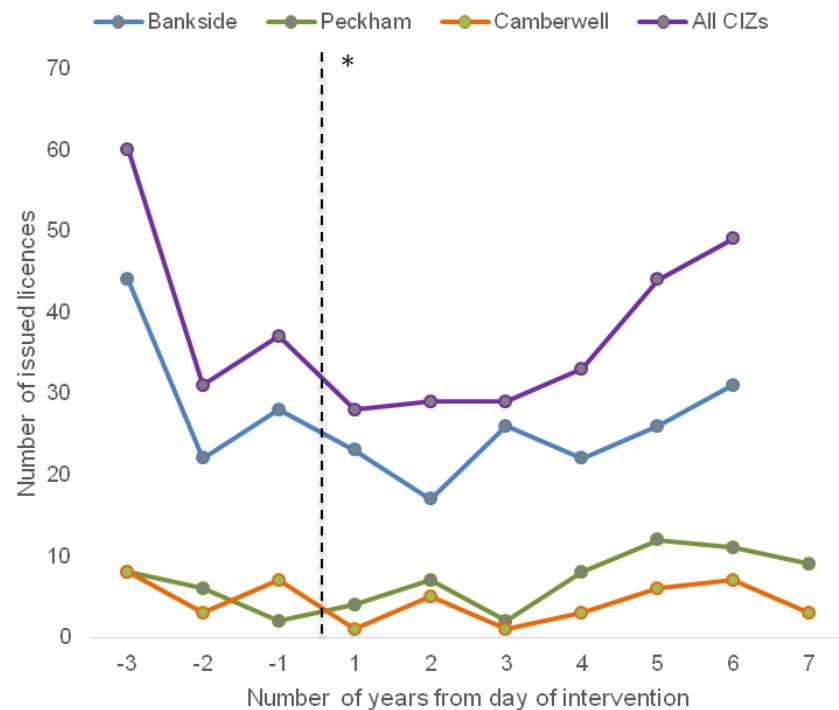
Implications and recommendations

The impact of the CIZs appear to be to reduce activity in the short-term but with growth thereafter

QUESTION ONE

The graph below relates to the number of issued licences

The trend for the number of applications made within each policy area follow an almost identical pattern



* Date of CIZ establishment

- Borough Bankside issued fewer licences for two years post intervention but then started to gradually issue more
- Fewer licences are issued per year in Camberwell and Peckham with numbers increasing in later years
- Across all CIZs, despite maintaining lower numbers over a three year period, in later years, the number of licensed outlets increased

Peckham CIZ was the only area to see growth both in applications and licences issued

QUESTION ONE

	LICENCE APPLICATIONS (mean/year)			LICENCES ISSUED (mean/year)		
	Pre-CIZ	Post-CIZ	Change	Pre-CIZ	Post-CIZ	Change
All CIZs	17.7	13.5	-23.7%	16.1	12.3	-30.9%
B Bankside	34.0	27.3	-19.7%	31.8	25.6	-24.2%
Peckham	7.0	8.9	+27.1%	6.2	7.4	+16.2%
Camberwell	7.3	4.5	-38.4%	6.0	4.3	-39.5%
Control	34.0		-	30.0		-

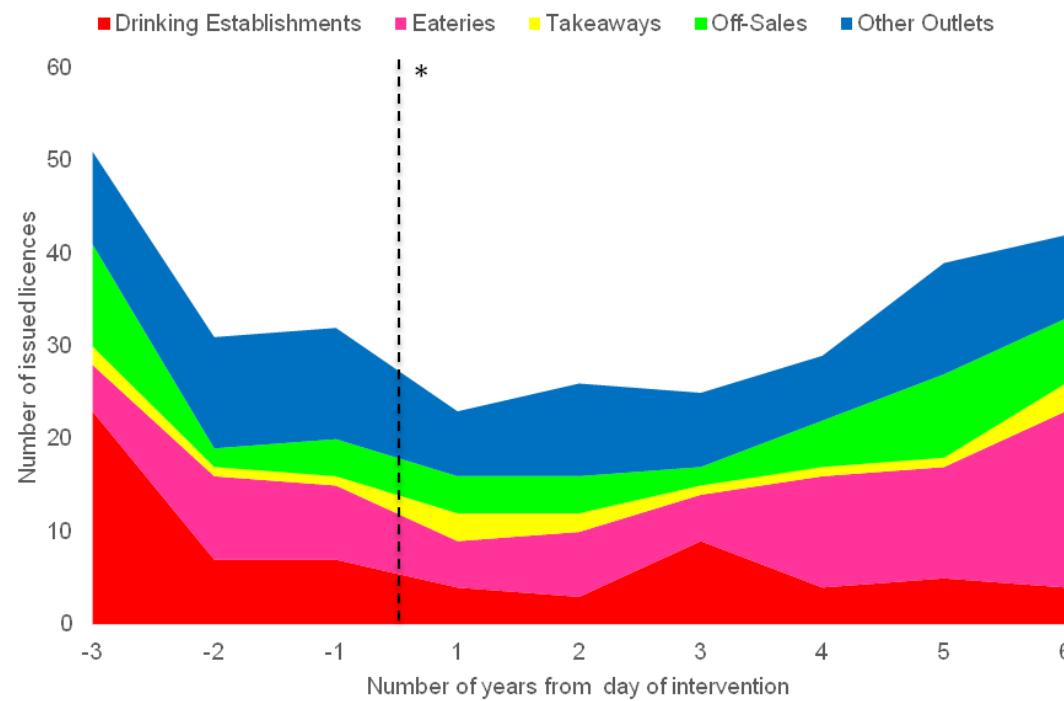
There was a reduction in the mean number of applications made and issued for both Borough Bankside and Camberwell, with the greatest reduction seen in Camberwell. In Peckham the mean number of applications made and issued increased post-CIZ

There has been growth in the number of licences issued to 'eateries' over recent years

QUESTION TWO

The graph below relates to the number of issued licences

The trend for the number of applications made within each policy area follow an almost identical pattern



* Date of CIZ establishment

Drinking Establishments

Despite a peak in year three the numbers decreased

Eateries

A year on year increase

Takeaways

Numbers remained stable

Off-sales

Numbers are stable in earlier years but then start to increase

Other Outlets

Numbers remained relatively stable

Data suggest that applications and licences for drinking-led establishments have fallen (1 of 2)

QUESTION TWO

	LICENCE APPLICATIONS (mean / year)			LICENCES ISSUED (mean / year)		
	Pre-CIZ	Post-CIZ	Change	Pre-CIZ	Post-CIZ	Change
DRINKING ESTABLISHMENTS						
All CIZs	9.6	3.3	-66%	8.3	3.0	-64%
B Bankside	8.6	4.5	-48%	8.3	4.0	-52%
Peckham	2.7	1.6	-41%	2.7	1.6	-41%
Camberwell	5.0	0.0	-100%	3.0	0.0	-100%
Control	12.7		-	10.7		-
EATERIES						
All CIZs	4.9	5.8	+18%	12.8	4.6	+19.6%
B Bankside	10.3	10.3	0%	9.8	9.8	0%
Peckham	1.3	3.9	+200%	0.6	3.6	+500%
Camberwell	2.0	2.8	+40%	2.0	2.8	+40%
Control	21.4		-	19.0		-
TAKEAWAYS						
All CIZs	3.9	1.4	-64%	3.6	1.3	-64%
B Bankside	1.6	1.0	-38%	1.6	1.0	-38%
Peckham	1.0	1.0	0%	0.8	1.0	+25%
Camberwell	1.0	1.5	+50%	1.0	1.5	+50%
Control	4.8		-	4.5		-

48

Data suggest that applications and licences for drinking-led establishments have fallen (2 of 2)

QUESTION TWO

	LICENCE APPLICATIONS (mean /year)			LICENCES ISSUED (mean /year)		
	Pre-CIZ	Post-CIZ	Change	Pre-CIZ	Post-CIZ	Change
OFF-SALES						
All CIzs	11.0	2.8	-58%	9.9	2.5	-56%
B Bankside	4.3	3	-75%	4	3	-75%
Peckham	3.0	2.2	-30%	2.5	1.4	-25%
Camberwell	1.3	3.5	-27%	1.3	3.5	-44%
Control	17.5		-	15.7		-
OTHER OUTLETS						
All CIzs	9.6	4.9	-49%	8.5	4.2	-51%
B Bankside	10.3	8.4	-18%	9.2	7.6	-17%
Peckham	1.2	2.8	+133%	1.2	2.0	+67%
Camberwell	1	1	0%	1	0.66	-34%
Control	11.6		-	10.1		-

There was a reduction in the mean number of applications made and issued for drinking establishments and takeaways for all CIzs. Conversely eateries were found to increase, with the mean number of licences issued in Peckham increasing by a factor of 6. Peckham also saw an increase in the number of 'other outlets' and takeaways were found to increase in Camberwell.

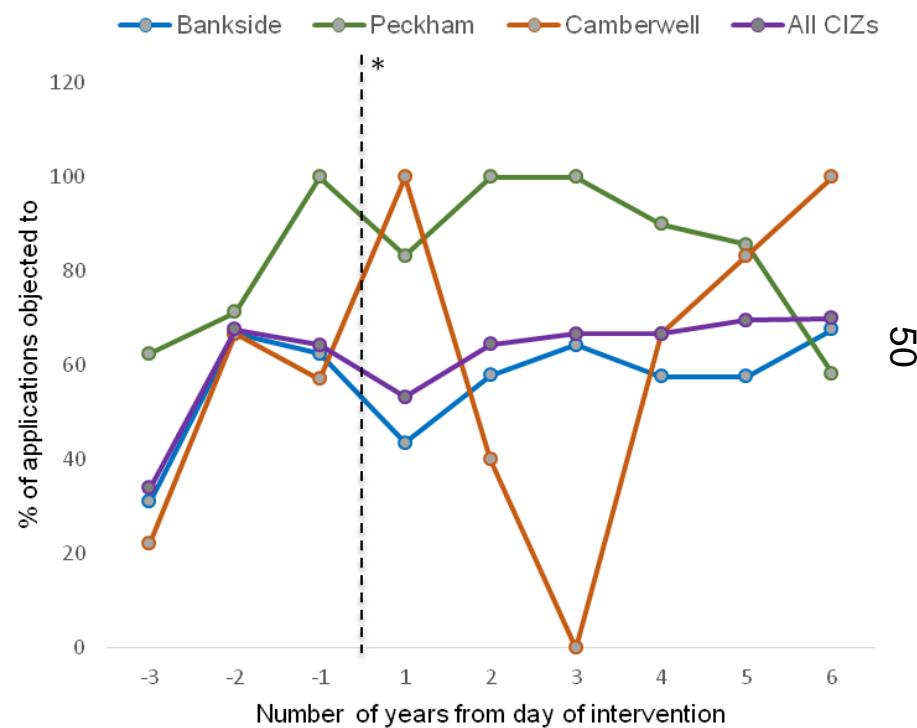
It appears that the objection rate has remained steady since CIZ implementation

QUESTION THREE

By taking into account the upward trajectory of applications, the proportion of applications to which a representation was made has remained steady, with a minor trend upwards.

- Objections in Borough Bankside follow a similar pattern to 'All CIZs'
- In Peckham, the proportion of applications objected to have decreased in recent years, potentially reflecting the increase in the number of food-led establishments more recently
- Camberwell's trend is sporadic due to low numbers of applications (one in year three)

While there is some trend upwards, there are limitations around data quality, and it may be that the quality of application has risen.



* Date of CIZ establishment

Contents

Introduction

Aim and research questions

Geographical analysis

Results

Key findings and discussion

Limitations

Implications and recommendations

CIZ success is not about limiting outlet density, it is the objection and negotiation process that is key

KEY MESSAGES

Question one

CIZ establishment has not substantially affected the number of issued licences

- During a recession, applications maybe more likely in areas where there is considerable footfall
- The quality of licence application may have improved
- RAs may have objected to applications that did not support the licensing objectives and negotiated conditions to regulate licensable activity

Question two

CIZ establishment affected the type of application, in particular eateries have increased

- Drinking establishments reduced in numbers across all CIZs, in Camberwell not a single licence was issued post establishment
- Food led establishments are exempt from the licensing policy in Peckham and Camberwell
- CIZs appear to have shaped the night time economy in these areas to support regeneration goals

Question three

The number of objections to new licence applications has increased post CIZ establishment

- CIZs reshape the local alcohol environment in a subtler way than limiting outlet density
- RAs are negotiating less permissive conditions to control the licensable activities of new alcohol outlets in CIZs
- Such conditions have important implications for addressing the local burden of alcohol related harm

Contents

Introduction

Aim and research questions

Geographical analysis

Results

Key findings and discussion

Limitations

Implications and recommendations

Although a robust analytical method was conducted a number of limitations should be considered

LIMITATIONS

- For the purpose of the academic components of the project, separate statistical analyses were completed. This analysis compared the changes in alcohol exposure within the CIZs to the changes outside the CIZs i.e. the rest of Southwark. Findings for questions one and two indicated that when compared to the control area (the rest of Southwark) the number of issued licences were found to increase. Academic publication of this research will reflect these findings
- CIZ analysis compared the alcohol exposure from before and after CIZ establishment. To simplify the analytical process, the extension of CIZs was not incorporated into the analysis
- Geographical analysis allowed the number of applications to be mapped by outlet type. However, the number of issued outlets has not been mapped for time and capacity reasons. This activity could be completed with assistance from the Community Safety Team
- Assigning outlets to a ‘type’ category was a manual and subjective task and therefore may not be 100% reproducible
- Categorising the data set into three CIZ categories (and the rest of Southwark) as well as into five outlet type categories rendered some of these groups with very few observations and therefore it was difficult to analyse associated trends
- Although a positive association was found between objections and the establishment of a CIZ, since the ‘objection’ field in APP is not mandatory, this effect is likely to be underestimated

Contents

Introduction

Aim and research questions

Geographical analysis

Results

Key findings and discussion

Limitations

Implications and recommendations

Southwark is regarded as a pioneer in terms of our alcohol work: and we feel we can achieve more

IMPLICATIONS & RECOMMENDATIONS

Implications

- This research provides a deeper insight into the type of alcohol exposure present at different locations within Southwark
- The findings and trends from this analysis can be used inform licensing decisions as well as the next Statement of Licensing Policy
- This research is the first of its kind and showcases Southwark as a pioneer in terms of licensing work

Next Steps

- Analyse the outcome of objections in an attempt to quantify the extent to which alcohol availability is controlled*
- Build on the methodology employed to investigate the relationships between outlet type and alcohol-related outcomes including; violence, crime, disorder, acute and chronic health outcomes
- Continue to leverage licensing intelligence to update this data set on an ongoing basis

*To facilitate future analyses, APP should better capture if an objection is made, as well as the outcome to that objection

**Find out more at
southwark.gov.uk/JSNA**

15

People & Health Intelligence Section
Southwark Public Health

 @lb_southwark

 facebook.com/southwarkcouncil

**Imperial College
London**


Southwark
Council
southwark.gov.uk

From: McArthur, Wesley
Sent: Thursday, November 01, 2018 11:35 AM
To:
Subject: Application for a premises licence - Bar Om, 18 Choumert Road, London, SE15 4SE (our ref: 864891)
Importance: High

Dear

Attached is the applicant's reply to your representation.

In addition to the applicant's reply to your representation please note that following consultation with both the police and this council's licensing responsible authority the applicant has amended the application as follows:

1. Recorded music has been removed from the application. (Please note that this doesn't mean that music cannot be played at the premises, as the playing of music would still be permitted under the Live Music Act 2012).

2. The hours sought for the sale of alcohol have been amended to: Monday – Sunday, 11:00 – 22:30.

3. The following conditions, which will be legally enforceable should the application be granted, have been included in the application:

- 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 license. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
- 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.
- A member of staff should be on duty at all times the premises are open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
- That all staff shall be trained in respect of the conditions of this licence and their responsibilities under the Licensing Act 2003. Records pertaining to such training shall be kept, updated every 6 months be made immediately available to officers of the Police and / or Council on request.
- Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons taking table meals there and as an ancillary to that person's meal.
- No alcohol shall be taken outside of the premises at any time.
- Signage on entrance/exit requesting customers to respect neighbours and leave quietly.

After considering the attached reply to your representation and the above information please (i) confirm if you wish your representation to be considered as submitted or (ii), confirm whether you withdraw your representation or (iii), provide any further comments you have.

Should the applicant not be able to conciliate you then a licensing sub-committee hearing has been scheduled to take place at our offices on 26 November 2018. Please find attached a hearing notification, guidance to the hearing procedure and our Statement of Licensing Policy (SoLP). You can reply to the hearing notification via email.

Please note that as per paragraph 136 of the SoLP, the Peckham Cumulative Impact Policy (CIP) does not apply to restaurant premises. The above application is for a restaurant and the applicant has agreed that alcohol shall only be sold to persons taking table meals at the premises.

Please acknowledge receipt of this email.

Regards,

Wesley McArthur

Principal Enforcement Officer

London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

Date: 19/10/18

License application: 864891

RE: Reply to Representation from local Residence

Dear Sir/Madam,

Thank you for submitting your representation regarding the new premises license for sale of alcohol.

We fully understand your concerns and would first like to reassure you that, contrary to our business name, we will be conducting our business primarily as a restaurant and not a drinking establishment. Like a seafood bar or perhaps even a tapas bar, the focus will be on our food, which we have will be offering a wide selection of authentic Vietnamese seafood dishes to the community.

As a restaurant we want a pleasant dining experience for our customers and so will be playing background music to add to the experience. We take your point regarding the thin party walls and as parents of young children ourselves we understand that noise pollution can be very damaging and will reassure you that there will not be any loud music playing on the premise.

Like Miss Tapas/El Segundo which you have stated, we would also want to be known as a quiet respectable restaurant. And as a small restaurant, as opposed to the larger drinking establishment, we can better manage and encourage customers to drink responsibly and to take care of their well-being.

We are very aware of the initiatives that Southwark council has put in place. We fully support Peckham CIP and understand it's importance in the community. Even though we will be operating as a restaurant (and where the CIP do not apply) we have already agreed to reduce the alcohol serving time to 10.30pm to enable customers to finish their drinks within the 30 minutes before closing.

Please do let us know if you have any questions or concerns.

Kind regards,

General Manager and Director

From: McArthur, Wesley
Sent: Wednesday, November 07, 2018 11:11 AM
To:
Subject: RE: Application for a premises licence - Bar Om, 18 Choumert Road, London, SE15 4SE (our ref: 864891)

Dear

Please provide a reply to my email below at your earliest convenience, thanks.

Regards,

Wesley McArthur
Principal Enforcement Officer
London Borough of Southwark
E-mail: wesley.mcarthur@southwark.gov.uk
General: licensing@southwark.gov.uk
Phone: 020 7525 5779
Fax: 020 7525 5705
Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From: McArthur, Wesley
Sent: Monday, November 12, 2018 12:56 PM
To:
Cc:
Subject: RE: Application for a premises licence - Bar Om, 18 Choumert Road, London, SE15 4SE (our ref: 864891)

Dear

Further to my emails below, please provide any further comments you may have ASAP.

Regards,

Wesley McArthur
Principal Enforcement Officer
London Borough of Southwark
E-mail: wesley.mcarthur@southwark.gov.uk
General: licensing@southwark.gov.uk
Phone: 020 7525 5779
Fax: 020 7525 5705
Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From:**Sent:** Monday, November 12, 2018 3:43 PM**To:** McArthur, Wesley**Cc:****Subject:** Re: Application for a premises licence - Bar Om, 18 Choumert Road, London, SE15 4SE (our ref: 864891)

Thank you Wesley.

I do not live directly behind the property in question, so the application has less direct effect on me than others in my street, however I am very concerned about the bigger picture.

I would like Southwark Licencing Dept and Southwark Planning to give us reassurance that the Choumert Road retail area will **not** go the way of Blenheim Grove. Though I am sure many residents are happy with the idea of a healthy evening economy, but it is a very different matter when this slips into being a late night/all night/early morning economy which at times has been very much out of control. The lives of residents who live on Blenheim Grove have at times become untenable. The level of impact on those living and (trying) to sleep in the area has been clearly documented and is not acceptable, nor is this level of disruption something for Southwark to be proud of in terms of how our much loved Peckham evolves. Could you please give us some reassurance ref how Southwark plans to look after the wellbeing of the residents who live in this area as resident have a right to quiet enjoyment in their homes.

Going forward, I have read much about Southwark's expression "saturation" in terms of planning and granting of alcohol licences in key areas of the borough, but I am unable to find or be given a clear definition of what this means in relation to granting further alcohol licences in the Peckham area. Please could you help me by defining this term and let me know what that means for further licence planning for Blenheim Grove, Rye Lane, Choumert Road and beyond.

I understand 'saturation' to mean "**a situation in which too much of a product or service is provided**"

(quote https://dictionary.cambridge.org/dictionary/english/_saturation) and thus no more is needed or permitted, is this your definition too?

Thank you in advance for your help,

Kind regard

From: McArthur, Wesley
Sent: Monday, November 12, 2018 4:03 PM
To:
Subject: RE: Application for a premises licence - Bar Om, 18 Choumert Road, London, SE15 4SE (our ref: 864891)
Importance: High

Dear

Thank you for your response.

The planning and licensing regimes are separate and so I cannot comment in respect of matters pertaining to planning.

In regards to licensing, no assurances can be given as to the number or operation of any future licensed premises in any specific area of Southwark as each application must be judged on its own merits. If relevant representations in respect of an application are correctly submitted then those representations will be taken into consideration in the determination of the application (unless the representations are withdrawn). How much weight will be given to any representation will depend on the content of the representation.

As you are aware, there are various Cumulative Impact Policy areas in Southwark. These are explained in detail in section 6 our Statement of Licensing Policy a copy of which is attached.

Please confirm whether you wish your representation (and your comments below) to be considered as submitted or whether after having considered the applicant's response, and the amendments made to the application, you wish to withdraw your representation. If you wish your representation (and comments below) to be considered please also confirm whether you will be attending the licensing sub-committee hearing that has been scheduled to take place on 26 November 2018.

Please note that general comments about licensing matters in the Peckham area will carry far less weight than specific concerns you have in regards to the intended operation of the above premises.

Regards,

Wesley McArthur
 Principal Enforcement Officer
 London Borough of Southwark
E-mail: wesley.mcarthur@southwark.gov.uk
General: licensing@southwark.gov.uk
Phone: 020 7525 5779
Fax: 020 7525 5705
Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

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

From:**Sent:** Monday, November 12, 2018 4:40 PM**To:** McArthur, Wesley**Cc:****Subject:** Re: Application for a premises licence - Bar Om, 18 Choumert Road, London, SE15 4SE (our ref: 864891)**Importance:** High

Thank you Welsey,

Thank you also for the copy of the **Statement of Licensing Policy**. I had read this document prior to emailing you, inc Section 6, but could not and still can not work out how the definition of "saturation" (in Southwark's terms) actually impacts the granting or rejection of licences in Peckham and in turn the number of drink establishments that would classify us as "Saturated".

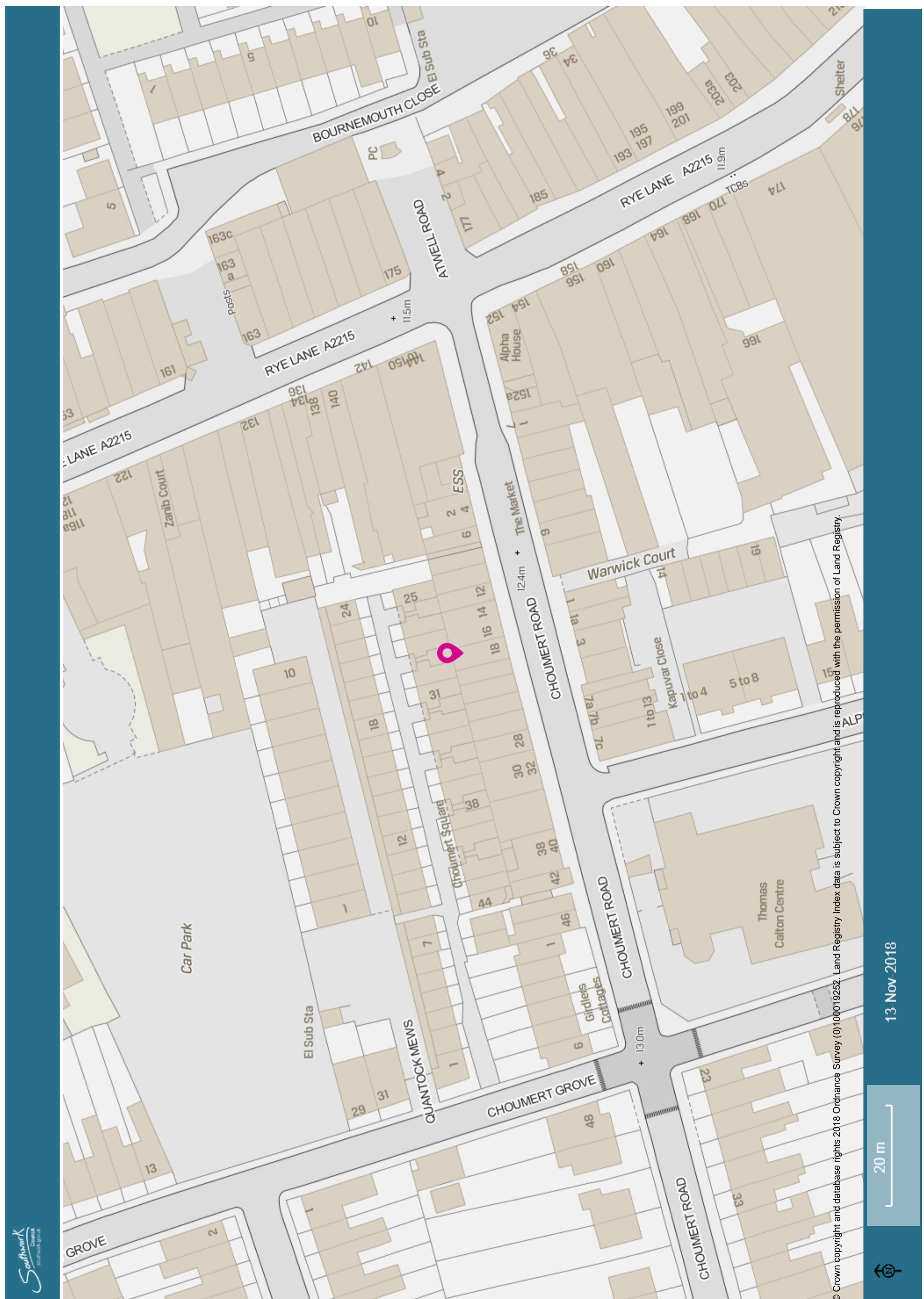
I understand that it would not be appropriate to talk about wider concerns for licensing in the Peckham area in general at a licensing sub committee that deals with individual applications, but would be delighted if this could be addressed at another meeting specifically set up to discuss this matter with residents (if others feel this would be useful - comments please). There are regular Rye Lane Ward residents meetings held at All Saints Church, might this be the place to have this conversation ref clarifying Southwark's view and plans ref "saturation" of drinking establishments in the Rye Lane Ward? I have cc-ed [redacted] (who I understand to be Secretary of the Rye Lane Ward residents group) as well as the Chair and ex Chair of our Choumert Sq Res Assoc, and our treasurer [redacted] so they are in the loop.

and Ken Dale also attend these meetings.

Kind regards and thank you for your swift reply

Yours

NB I would like my representation and comments below to be considered despite applicants amendments, but will not be able to attend the sub-committee meeting.



Item No. 6.	Classification: Open	Date: 26 November 2018	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: El Vermut, 28 Nunhead Green, London, London SE15 3QF	
Ward(s) or groups affected:			Nunhead and Queens Road
From:			Strategic Director of Environment and Leisure

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Greta Florence Inglis, Oliver Peter Inglis and Felia Constance Inglis (to be referred to hereafter as the 'El Vermut partnership') to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: El Vermut, 28 Nunhead Green, London SE15 3QF.
2. Notes:
 - The application seeks to vary the premises licence held under the Licensing Act 2003 in respect of the premises known as: El Vermut, 28 Nunhead Green, London, SE15 3QF under section 34 of the Act. The variation application is subject to representations submitted by responsible authorities and / or other persons and is therefore referred to the sub-committee for determination.
 - Paragraphs 10 to 12 of this report provide a summary of the application.
 - Paragraphs 15 to 18 of this report summarise the representations submitted in respect of the application. Copies of the representations and related correspondence are attached in Appendix C.
 - A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix E.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, this council wholly administers the licensing responsibility.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence in respect of the premises known as El Vermut, 28 Nunhead Green, London, SE15 3QF was issued on 1 March 2018 and allows the following licensable activities:
- The sale of alcohol to be consumed on the premises:
 - Monday to Friday from 11:00 to 22:40
 - Saturday from 11:00 to 23:40
 - Sunday from 11:00 to 21:40
 - Opening hours:
 - Monday to Friday 11:00 - 23:00
 - Saturday from 11:00 to 00:00 (midnight)
 - Sunday from 11:00 to 22:00
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 1 October 2018 the El Vermut Partnership applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as El Vermut, 28 Nunhead Green, London, SE15 3QF.
11. The application is summarised as follows:
- To amend the hours permitted for the sale of alcohol on the following days as stated:
 - Monday to Friday from 11:00 to 00:00

- Saturday from 11:00 to 01:30 the following day
 - Sunday from 11:00 to 23:00.
 - To permit off sales of alcohol at the premises during the hours stated above.
 - To amend the opening hours of the premises to:
 - Monday to Friday from 11:00 to 00:30 the following day
 - Saturday from 11:00 to 02:00 the following day
 - Sunday from 11:00 to 23:30.
 - To increase the capacity of the premises from 65 persons (not including staff) to 80 persons (not including staff).
12. The application form provides the applicant's operating schedule. Parts J, K, L and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should an amended 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 included in the licence.
13. A copy of the variation application is attached to this report as Appendix B.

Designated premises supervisor

14. The designated premises supervisor (DPS) under the existing premises licence is Oliver Peter Inglis.

Representations submitted by responsible authorities

15. Representations were submitted by this council's environmental protection team, the Metropolitan Police Service and this council's licensing responsible authority.
16. The environmental protection team's representation requested that the extended hours of operation applied for were reduced. The applicant agreed to reduce the proposed closing times to 23:30 on Sunday to Thursday and 00:30 the following day on Friday and Saturday, with the sale of alcohol ceasing 30 minutes prior to these times. The environmental protection team subsequently withdrew their representation.
17. The Metropolitan Police Service's representation proposes that a condition relating to the provision of SIA registered door supervisors at the premises be included in the application.
18. The licensing responsible authority's refers to this council's statement of licensing policy and recommends that the application is amended so that the closing times of the premises are congruent with those recommended in the statement of licensing policy.

Representations submitted by 'other persons'

19. No representations were submitted by other persons.

Conciliation

20. The applicant was sent copies of the representations and was advised to directly contact the responsible authorities to facilitate conciliation of the responsible authorities. At the time of the writing of this report the representations submitted by the Metropolitan Police Service and the licensing responsible authority remain outstanding and so must be considered by the licensing sub-committee.
21. Copies of the representations submitted and related correspondence are attached as Appendix C.

Operating history

22. The current premises licence in respect of the premises was issued on 1 March 2018.
23. A list of all Temporary Event Notices submitted in respect of the premises is attached in appendix D.

Deregulation of entertainment

24. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music and recorded music are deregulated between 08:00 and 23:00 at on licensed premises for an audience of up to 500 people.
 - Plays and the performance of dance are deregulated between 08:00 and 23:00 for an audience of up to 500 people.
 - Indoor sporting events are deregulated between 08:00 and 23:00 for an audience of up to 1000 people.
25. Live music and recorded music can become licensable in on-licensed premises if the licensing authority removes the effect of deregulation following a licence review ('licence review mechanism').
26. The showing of films has not been de-regulated.

Map

27. A map of the area is attached to this report as appendix E. The premises are identified at the centre of the map. The following premises are in the area shown by the map:

Man Of Kent, 2 Nunhead Green, London SE15 3QF licensed for:

- The sale of alcohol to be consumed on and off the premises
 - Monday to Friday 10:00 to 00:00 (midnight)
 - Saturday from 10:00 to 01:30 the following day
 - Sunday from 12:00 to 00:00.

- Performance of dance and anything similar to live or recorded music
 - Monday to Thursday from 10:00 to 23:00
 - Friday and Saturday from 10:00 to 00:00
 - Sunday from 12:00 to 22:30.
- Live music
 - Sunday to Thursday from 10:00 to 23:00
 - Friday and Saturday from 10:00 to 23:45.
- Late night refreshment
 - Monday to Saturday from 23:00 to 23:30.

The Great Wall, 24 Nunhead Green, London SE15 3QF licensed for:

- The provision of late night refreshment
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 00:30 the following day.

Bambuni Ltd, 26 Nunhead Green, London SE15 3QF licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Thursday from 09:00 to 23:00
 - Friday and Saturday from 09:00 to 23:30
 - Sunday from 10:00 to 22:00.

The Beer Shop London Ltd, 40 Nunhead Green, London SE15 3QF licensed for:

- The sale of alcohol to be consumed on and off the premises, recorded music:
 - Monday to Thursday from 09:00 to 23:00
 - Friday and Saturday from 09:00 to 23:30
 - Sunday from 10:00 to 22:00.
- The provision of late night refreshment
 - Friday to Saturday from 23:00 to 00:00

The Old Nuns Head, 15 Nunhead Green, London SE15 3QQ licensed for:

- The sale of alcohol to be consumed on and off the premises, live music, recorded music, films
 - Monday to Wednesday from 11:00 to 00:00
 - Friday and Saturday from 11:00 to 01:00 the following day
 - Sunday from 12:00 to 23:30.
- **The Pyrotechnist's Arms, 39 Nunhead Green, London SE15 3QF** licensed for:
 - The sale of alcohol to be consumed on and off the premises, recorded music, films

- Sunday to Thursday from 09:00 to 00:00
 - Friday and Saturday from 09:00 to 01:00 the following day.
- Late night refreshment
 - Monday to Sunday from 23:00 to 23:30.
- Live music
 - Friday to Sunday from 20:00 to 00:00.
- **A G Flowers, 139 Evelina Road, London SE15 3HB** licensed for:
 - The sale of alcohol to be consumed off the premises
 - Monday to Saturday from 08:00 to 23:00
 - Sunday from 10:00 to 22:30.
- **400 Rabbits, 143 Evelina Road, London SE15 3HB** licensed for:
 - The sale of alcohol to be consumed on and off the premises
 - Monday to Saturday from 08:00 to 23:20
 - Sunday from 09:00 to 22:50.

Southwark council statement of licensing policy

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

- Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
29. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
30. The premises fall within Nunhead local town centre area. In respect of Nunhead local town centre area the statement of licensing policy recommends the following closing times in respect of the types of premises stated:
- Restaurants and Cafes:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00.
 - Public houses, wine bars or other drinking establishments:
 - Monday to Sunday: 23:00.

Resource implications

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

Consultation

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

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

Conditions

40. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
41. The four licensing objectives are
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
43. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
44. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap

water. In October 2010 an additional two conditions will come into force – age verification policy and smaller measures for alcoholic drinks.

45. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

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

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

48. 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.

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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

55. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the variation application
Appendix C	Copies of the representations submitted and related correspondence
Appendix D	List of temporary event notices submitted in respect of the premises
Appendix E	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	13 November 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	14 November 2018	

Licensing Act 2003

Premises Licence



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

Premises licence number

861990

Part 1 - Premises details

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

El Vermut
28 Nunhead Green
Ordnance survey map reference (if applicable): 175829534985

Post town: London

Post code: SE15 3QF

Telephone number

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	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 00:00
Sunday	11:00 - 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	11:00 - 22:40
Tuesday	11:00 - 22:40
Wednesday	11:00 - 22:40
Thursday	11:00 - 22:40
Friday	11:00 - 22:40
Saturday	11:00 - 23:40
Sunday	11:00 - 21:40

Part 2

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

Greta Florence Inglis

[REDACTED]
[REDACTED]
[REDACTED]

Oliver Peter Inglis

[REDACTED]
[REDACTED]
[REDACTED]

Felia Constance Inglis

[REDACTED]
[REDACTED]

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

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

Oliver Peter Inglis

[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No.: [REDACTED]

Authority: [REDACTED]

Licence Issue date 01/03/2018

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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

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

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.

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 A properly specified and fully operational CCTV recording system shall be installed, operated and maintained. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity

289 All CCTV recordings shall be securely stored for a minimum of one calendar month. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show authorised officers data or footage on request. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.

340 The premises shall have a maximum capacity of 65 persons not including staff

341 All staff shall be suitably trained for their job function for the premises. The training shall be written into a ongoing programme and under constant review and shall be made available to a relevant responsible authority when called upon.

342 The premises shall uphold a zero tolerance policy in relation to illegal drugs.

343 A daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record all incidents which have occurred and which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include, but not be limited to, complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises and all refusals to sell alcohol. The register shall be readily available for inspection by an authorised person upon reasonable request.

344 All exit routes and public areas shall be kept unobstructed, shall have non slippery and even surfaces, shall be free of trip hazards and shall be clearly identified by signage.

345 Regular checks and maintenance shall be carried out on all equipment, electrical installations, emergency lighting and fire alarms and equipment to ensure their continued safe operation. A written record of these checks shall be kept and made available to an authorised officer of the licensing authority.

346 The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.

347 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

348 No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

349 Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.

350 Signage requesting to the effect that customers be respectful of others and the locale when entering or leaving the premises shall be installed in a prominent position by the premises' exit.

351 Patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise

nuisance is controlled.

352 The premises' frontage shall be regularly monitored to keep it clean and clear of litter.

353 A prominent clear notice shall be displayed at the point of entry to the premises advising customers that they may be asked to produce evidence of their age if seeking to purchase alcohol.

354 A written dispersal policy shall be retained at the premises and made available for inspection by authorised officers upon request.

355 That all relevant staff shall be trained in the implementation of the dispersal policy.

4AA That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

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

Annex 4 - Plans - Attached

Licence No. 861990

Plan No. N/A

Plan Date 18/01/2018

**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We El Vermut Partnership, i.e.

Oliver Peter Inglis [REDACTED]

Greta Florence Inglis [REDACTED]

Felia Constance Inglis [REDACTED]

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 861990

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description El Vermut 28 Nunhead Green London SE15 3QF
--

Post town		Postcode	
-----------	--	----------	--

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 8,500.00

Part 2 – Applicant details

Post town		Postcode	
-----------	--	----------	--

SAC 700 FORM

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes
No

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

DD MM YYYY

--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

To add alcohol off sales to the ambit of the licence

To extend alcohol supply hours

To increase the premises' capacity

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

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

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

- i) provision of late night refreshment (if ticking yes, fill in box I)
- j) supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here (please read guidance note 5)</u>	
Thur				
Fri			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>	
Sat				
Sun			<u>Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>	

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	
Day	Start	Finish	On the premises	<input type="checkbox"/>
Mon	11:00		Off the premises	<input type="checkbox"/>
		00:00	Both	<input checked="" type="checkbox"/>
Tue	11:00		State any seasonal variations for the supply of alcohol (please read guidance note 6)	
		00:00		
Wed	11:00			
		00:00		
Thur	11:00		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)	
		00:00		
Fri	11:00			
		00:00		
Sat	11:00			
		01:30		
Sun	11:00			
		23:00		

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 10).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	11:00		
		00:30	
Tue	11:00		
		00:30	
Wed	11:00		
		00:30	
Thur	11:00		<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
		00:30	
Fri	11:00		
		00:30	
Sat	11:00		
		02:00	
Sun	11:00		
		23:30	

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

None

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Hard copy to follow

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

1 The premises shall have a maximum capacity of 80 persons not including staff.

b) The prevention of crime and disorder

Current annex 2 conditions appropriate.

c) Public safety

Current annex 2 conditions appropriate.

d) The prevention of public nuisance

2 On Saturday evenings no person shall be admitted to the premises less than one hour before cessation of the last licensable activity.

3 Apart from access and egress the premises' doors and windows shall be kept closed at night after 22:00 to prevent transmission of noise.

e) The protection of children from harm

Current annex 2 conditions appropriate.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	1 st October 2018
Capacity	Duly authorised agent

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

Signature	
Date	
Capacity	

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

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

APPENDIX C

From: Fox, Roy
Sent: Friday, October 26, 2018 3:05 PM
To: Regen, Licensing; 'SouthwarkLicensing@met.police.uk';
Cc: McArthur, Wesley;
Subject: 28 Nunhead Green, SE15 - Premises Licence No. 865119

Dear Sir/Madam

Re: Application to Vary a Premises Licence, Premises Licence No. 865119 – El Vermut, 28 Nunhead Green, SE15; OP & GF & FC Inglis

I represent the Environmental Health responsible authority. Based on the Licensing Objective ‘the prevention of public nuisance’, I write to object to the application for a variation of the above Premises Licence, number 865119, received on 01 October 2018, to extend the hours for the opening of the premises and the associated sale of alcohol. The basis for my objection is presented in the following paragraphs.

- The times for opening and for licensable activities that have been applied for fall considerably outside of those contained within the Southwark Statement of Licencing Policy 2016-2020 for this area. This policy indicates that the closing times of drinking establishments should be 23:00 hours daily. The applicant has applied for 02:00 closing time on Saturdays, for 00:30 on Mondays to Fridays, and for 23:30 on Sundays. There are residential premises above the licensable area, as well as on the upper floors of the adjoining premises along the terrace. Operating to the times applied for has a realistic possibility to lead to issues of public nuisance or disturbance affecting the nearby residents, made more likely with the increased numbers of patrons also applied for (up 80 from 50).
- Planning Permission for the current use of the premises was given on 04/12/2017, reference number 17/AP/3371. Condition 5 of that permission states that this use shall not be carried out outside the hours of 11:00 to 23:00 on Mondays to Fridays, 11:00 to 00:00 hours on Saturdays and 11:00 to 22:00 hours on Sundays. This premises licence application goes far outside of this requirement. Note that the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, March 2015, states in section 13.58 that when terminal hours have been set within a planning condition, then the earlier closing time should be observed (relative to a licence application). The opening hours approved by planning are replicated on the current premises licence.
- The premises have not been open for long enough to fully establish whether its management is such that later opening hours and times for alcohol sales could proceed without the likelihood for public nuisance to arise. It’s inaugural ‘soft opening’ event was held on 20 July 2018. Since then two additional temporary event notices have been submitted but not to closing hours as late as the proposal for Saturdays in this application. Comprehensive evidence for operating outside of the policy hours is therefore lacking.

Notwithstanding the above, there are features of the premises and in the application that would reasonably indicate that opening beyond the policy hours would be acceptable, but not to the extent that has been applied for. These would include: the absence of an outside area for patrons, the offer to close doors and windows by 22:00 daily, the sound insulation installed as part of the planning application, the control on entry within an hour of closing time. With this in mind, I would be happy

to review my opinion over this application if the applicants were to revise downwards their proposed hours of opening and of alcohol sales. It would be acceptable to myself if the closing time were 23:30 on Sunday to Thursday and 00:30 hours on Friday and Saturday. Alcohol sales would end at 30 minutes earlier than the closing time on each day. Note also that alcohol off-sales must also be in sealed packaging or vessels. Finally, if these or any other hours beyond the planning approval become part of the premises licence, I would expect that the planning status of the bar to be aligned to the premises licence through an appropriate planning application.

Regards,

Roy Fox
Principal Environmental Protection Officer

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

020 7525 2458

www.southwark.gov.uk



From:
Sent: Monday, October 29, 2018 12:36 PM
To: Fox, Roy; Regen, Licensing; 'SouthwarkLicensing@met.police.uk'
Cc: McArthur, Wesley;
Subject: Re: 28 Nunhead Green, SE15 - Premises Licence No. 865119

Dear Mr Fox

Further to your concerns expressed below I have been instructed by my client that the El Vermut Partnership is happy to accept your proposals. We therefore request that the licensing authority modifies our operating schedule to incorporate Mr Fox's proposals below and that Mr Fox can confirm that this representation may be deemed withdrawn.

My client also requested that the following message is provided to you:

Dear Mr Fox,

We have read through your representation and the points you make in support of your proposal regarding our licence variation application for El Vermut, at 28 Nunhead Green.

Since opening at the end of July we have worked hard to trade in a way that respects both the conditions of our licence and our neighbours, and to date don't believe we have had any complaints. We have focused our efforts as management to ensure that the premises is not causing disturbance to the local area. Your proposal reflects our wish to continue in this way moving forward, and we therefore would like to accept the hours you have offered.

*Kind regards,
Oliver, Greta and Felia Inglis*

Many thanks for your involvement and I look forward to receiving confirmation that the representation has been withdrawn.

Kind regards

Licensing Consultant

Innpacked

From: Fox, Roy
Sent: Friday, November 02, 2018 5:05 PM
To: McArthur, Wesley; Regen, Licensing
Cc:
Subject: FW: 28 Nunhead Green, SE15 - Premises Licence No. 865119

Wesley

With reference to the email below, I can confirm that given the changes in the operating times agreed by the applicants, I am happy to withdraw my representation to this application for variation of the premises licence.

Regards,

Roy Fox
Principal Environmental Protection Officer

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

020 7525 2458

www.southwark.gov.uk





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/3344/18

Date: 29th October 2018

Re:- El Vermut, 28 Nunhead Green, London SE15 3QF

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to the premises licence to extend the opening hours, licensable activities and to allow off sales.

The venue are situated in a residential area as stipulated within the Southwark statement of licensing policy, which recommends a closing time of 23.00hrs seven days for this type of operation.

The current licence was applied for in January, and granted in March 2018 with hours already outside that recommended within the Statement of licensing policy. The premises has residential flats above and has other residential premises in close proximity.

The Metropolitan police object to the granting of the variation in full, as we believe it will have a negative impact on public nuisance, crime and disorder in the area. Any extension to the operation will allow further levels of intoxication, which is a factor of increased public nuisance to local residences and increased levels of violent crime.

The current licence has not been in use for long enough to fully assess the applicant and the way the premises is managed.

The operating schedule indicates that this a bar, the application and current licence contain a number of control measures, but the hours applied for move this into a late night venue and would require additional conditions which the applicant has failed to offer.

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

- Sunday to Thursday one SIA registered door supervisors will be engaged when the premises are in operation after 21.00hrs until the end of business. Two SIA registered door supervisors will be engaged when the premises are in operation Friday and Saturday and New Year's Eve, and will be employed at all times after 21:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented

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

Yours Sincerely

PC Graham White 288MD
Licensing Officer
Southwark Police Licensing Unit
Graham.S.White@met.pnn.police.uk

From: Franklin, David
Sent: Monday, October 29, 2018 11:21 PM
To: Regen, Licensing
Cc: McArthur, Wesley
Subject: El Vermut.docx

Licensing representation

MEMO: Licensing Unit

To	Licensing Unit	Date	29 November 2018
-----------	----------------	-------------	------------------

Copies

From	David Franklin	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

Subject Re: El Vermut, 28 Nunhead Green, London SE15 3QF

I write with regards to the application to vary the premises licence submitted by Oliver Peter Inglis; Greta Florence Inglis and Felia Constance Inglis under the Licensing Act 2003 for El Vermut, 28 Nunhead Green, London SE15 3QF.

The variation is described as:

To add alcohol off sales to the ambit of the licence
 To extend alcohol supply hours
 To increase the premises' capacity

In addition this description the application seeks to add off sales of alcohol.

The application proposes to extend the terminal hour for:

Sale of alcohol on the premises
 Monday to Friday from 22:40 to 00:00
 Saturday from 23:40 to 01:30
 Sunday from 21:40 to 23:00

Opening times
 Monday to Friday from 23:00 to 00:30
 Saturday from 00:00 to 02:00
 Sunday from 22:00 to 23:30

And the new addition of sale of alcohol as off sales for:
 Monday to Friday 11:00 to 00:00
 Saturday 11:00 to 01:30
 Sunday 11:00 to 23:00

This premises is situated in a residential area, surrounded by residential properties under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for public houses, wine bars or other drinking establishments in this area is 23:00 hours daily.

I therefore recommend the following licensing times

Sale of alcohol on and off the premises

Monday to Friday	11:00 to 22:40
Saturday	11:00 to 23:40
Sunday	11:00 to 22:40

Opening times

Monday to Friday	11:00 to 23:00
Saturday	11:00 to 00:00
Sunday	11:00 to 23:00

In addition I recommend the following condition:

Off sales of alcohol are supplied in closed containers for consumption away from the premises.

I therefore submit this representation under the licensing objectives of the prevention of crime and disorder and prevention of public nuisance and welcome any discussion with the applicant to consider the above representation.

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

David Franklin
 In the capacity of the Licensing Responsible Authority
david.franklin@southwark.gov.uk

From:

Sent: Tuesday, October 30, 2018 7:03 PM

To: david.franklin@southwark.gov.uk

Cc: licensing@southwark.gov.uk

Subject: EI Vermut - premises licence variation representation

Dear Mr Franklin

Further to your representation against our application (please see attached) I have referred the matter to my client for further instruction. I would, however, at this stage like to draw your attention to the mediation we conducted with Principal Environmental Protection Officer Mr Roy Fox recently of which you may not be aware. Our operating schedule was modified in accordance with Mr Fox's proposals to the effect that we drastically reduced our hours in agreement with Mr Fox's suggestion to the following:

Alcohol supplies

Sun to Thu	- 11:00 to 23:00
Fri & Sat	- 11:00 to 00:00

Opening hours

Sun to Thu	- 11:00 to 23:30
Fri & Sat	- 11:00 to 00:30

The hours above now form those we are committed to yet your representation appears to require further reductions which, while I can understand your reasoning, might appear to be beyond those hours Southwark's Environmental Protection Principal Officer considers appropriate. Given Mr Fox's status I'm not sure why the licensing team's position might appear to undermine the recognised expert in the field?

As I'm sure you will appreciate an applicant must interact with multiple responsible authorities but we might reasonably expect that, once agreement has been reached with the relevant responsible

authority, the licensing team might reasonably be expected to accept this expert view and not require an applicant to abandon its agreement with the experts, as it were, for further reductions.

While I'm sure your expertise in the area of licensing is not to be challenged I would ask that you agree with me that Mr Fox's expertise in the area of environmental protection should form the definitive view. I would request, therefore, that in the spirit of mediation and co-operation we can reach agreement that those hours detailed above are a legitimate compromise between those hours originally sought and those hours you have proposed. Effectively, your proposed hours result in a net gain for us on a Sunday evening of one hour when, as you will recognise, Sunday is the least busy day of the week so the extra hour is of little value.

I hope you are able to agree to this and that, as a result, are willing to withdraw your representation.

I look forward to your reply.

Many thanks

Kind regards

Licensing Consultant

Innpacked

From:

Sent: Wednesday, November 07, 2018 12:02 AM

To: Franklin, David

Cc: Regen, Licensing; jane.tear@southwark.gov.uk

Subject: Re: El Vermut - premises licence variation representation

Dear Mr Franklin & Ms Tear

A week has now passed since my previous e-mail to you. I wonder if you are yet able to provide confirmation whether or not you are willing to consider modifying your position in alignment with that of Mr Roy Fox?

Clearly my clients are keen to resolve the matter and I'm sure we would all much rather avoid the need for a costly hearing if possible.

I look forward to your reply.

Many thanks

Licensing Consultant

Innpacked

From: Franklin, David

Sent: Thursday, November 08, 2018 4:58 PM

To: 'Paul'

Cc: jane.tear@southwark.gov.uk; McArthur, Wesley; Fox, Roy

Subject: RE: El Vermut - premises licence variation representation

Dear Paul,

My representation is based on the recommended hours within the Southwark Statement of Licensing Policy under the licensing objectives of the prevention of crime and disorder and prevention of public nuisance.

I understand that Mr Fox has considered noise escape from the building itself and you have addressed this issue with conditions and reducing the closing time for the premises and I do appreciate this. However you have not addressed my concerns with noise and other antisocial behaviour from patrons arriving and leaving the premises up to hours that still exceed the recommended closing times for this type of premises in a predominantly residential area. These disturbances may be considered an inevitable part of running an alcohol business into the night and to a certain extent accepted as such by residents prior to 23:00 hours when they are likely to be more active in their homes and creating some internal noise themselves, but the same noises after 23:00 hours can cause considerably more disturbances to residents in the area as general noise in the street, such as traffic noise, reduces and residents themselves start to retire for the night to sleep and enjoy the quiet and peacefulness of their homes.

I would ask for your client to consider reducing the hours inline with the suggested policy hours.

Kind regards

David

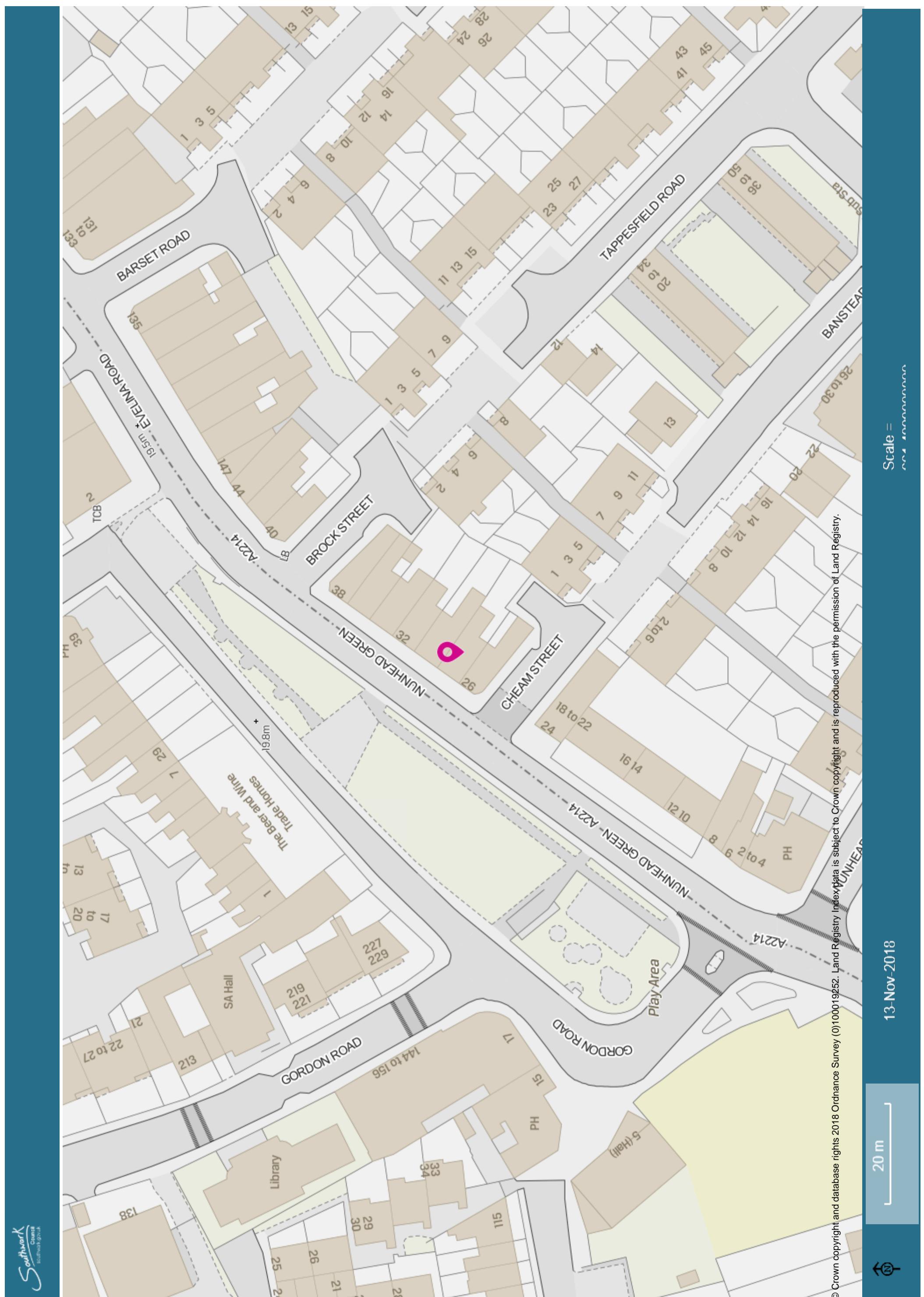
David Franklin
Team Leader Licensing
Regulatory Services



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

APPENDIX D

Start date	End date	Time	Max. attendees	Sale of alcohol?	Entertainment?	LNR?	Late TEN?	MPS objection?	EPT objection?
20/07/2018	20/07/2018	18:00 - 23:40	90	Yes	No	No	No	No	No
29/09/2018	30/09/2018	14:00 - 00:40	85	Yes	No	No	Yes	No	No
27/10/2018	28/10/2018	14:00 - 00:40	85	Yes	Yes	No	No	No	No



This page is intentionally blank.

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

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

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Renata Hamvas (Chair)	1	Debra Allday, legal team	1
Councillor Dora Dixon-Fyle MBE	1	Wesley McArthur, licensing team	1
Councillor Sunny Lambe	1	David Franklin, licensing team	1
Councillor Sirajul Islam (reserve)	By email	PC Graham White, Metropolitan Police Service	By email
		Andrew Weir (spares)	4
		Total printed copies:	10
		Dated:	16 November 2018