

Licensing Sub-Committee

Wednesday 16 January 2019

10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Maria Linforth-Hall

Reserves

Councillor Charlie Smith

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Andre 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: 8 January 2019



Licensing Sub-Committee

Wednesday 16 January 2019
10.00 am

Ground Floor Meeting Room G02B - 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: MARLBOROUGH SPORTS GARDEN, 27 UNION STREET, LONDON SE1 1SD	1 - 43
6.	LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP	44 - 75

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

PART B - CLOSED BUSINESS

- 7. LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP**

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: 8 January 2019

Item No. 5.	Classification: Open	Date: 16 January 2018	Meeting Name: Licensing Sub-Committee
Report Title:		Licensing Act 2003: Marlborough Sports Garden, 27 Union Street, London SE1 1SD	
Ward(s) of group(s) affected:		Borough and Bankside	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Bankside Open Spaces Trust for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Marlborough Sports Garden, 27 Union Street, London SE1 1SD.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and other persons and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 10 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 11 to 18 of this report deal with the representations submitted and any further correspondence in respect of the application. Copies of the representations are attached as Appendices B and C.
 - d) Paragraph 22 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix D.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

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 23 October 2018, Bankside Open Spaces Trust applied to this council for the grant of a premises licence in respect of Marlborough Sports Garden, 27 Union Street, London SE1 1SD. The premises is described as an open public space on Union Street, and is available for everyone for use, it has a football pitch, sand area and is contained within a perimeter fenced and gated boundary. The application is summarised as follows:
- **Plays (indoors & outdoors):**
 - Monday to Saturday from 09:00 to 23:00
 - Sunday from 11:00 to 22:30.
 - **Films (indoors & outdoors):**
 - Monday to Saturday from 11:00 to 23:00
 - Sunday from 11:00 to 22:30.
 - **Live Music (indoors & outdoors):**
 - Monday to Saturday from 09:00 to 23:00
 - Sunday from 11:00 to 22:30.
 - **Recorded Music (indoors & outdoors):**
 - Monday to Saturday from 09:00 to 23:00
 - Sunday from 11:00 to 22:30.

- **Performance of dance (indoors & outdoors):**
 - Monday to Saturday from 09:00 to 23:00
 - Sunday from 11:00 to 22:30.
 - **Anything similar to the above (indoor & outdoors):**
 - Monday to Saturday from 09:00 to 23:00
 - Sunday from 11:00 to 22:30.
 - **Supply of alcohol (on the premises):**
 - Monday to Saturday from 12:00 to 23:00
 - Sunday from 12:00 to 22:00.
 - **Operating hours**
 - Monday to Sunday from 09:00 to 23:00.
9. The premises licence application form provides the applicant's operating schedule. Parts A, B, E, F, G, H, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

Designated premises supervisor

10. The proposed designated premises supervisor is Sarah Mangan who is yet to obtain a licence.

Representations from responsible authorities

11. There are representations from the Metropolitan Police Service, environmental protection team (EPT) and licensing as a responsible authority and comments from the planning department.
12. The police object to the granting of the licence in its current format on the grounds of public nuisance, crime and disorder. They are also concerned that the premises are situated within the Borough and Bankside cumulative impact policy area and are in a designated district town centre under the Southwark council statement of licensing policy. Although the hours applied for are within those recommended under the policy, the police do not believe the application has fully negated the cumulative impact it would have on the area. The licence, if granted in its current format, could have a detrimental effect on the residents. They have offered a number of conditions which if agreed may form part of the licence conditions.
13. The EPT representation raises concerns over public nuisance arising from all the licensable activities sought. They note that hours permitted for use of the grounds under the relevant planning permission conclude at 21:30 and make the observation

that the licence hours should also conclude at this time as this would require use of flood lighting and cause further disturbance to residents. A request has also been made for the dispersal plan and noise monitoring plan and further information as to the plans for servicing, collections and deliveries.

14. The licensing representation states that this premises is situated within the Bankside, Borough and London Bridge strategic cultural area and also falls within the Borough and Bankside cumulative impact area. They seek further information from the applicant and also ask for the application to be brought in with the planning permissions granted. They also request that the application be amended to taken into consideration the drinking up time and the time of closing. They have also made further information requests.
15. The planning department's comments state that provided that these events remain occasional and ancillary to the primary open space use of the site then they have no comments to make on the licensing objectives.

Representations from other persons

16. There are two representations from other persons (two local primary schools). They object on grounds of all four licensing objectives. They share a boundary wall with the Sports Garden and are worried about the impact anti-social behaviour may have on the children and staff if the licence is granted.
17. The representation is attached as Appendix C.

Conciliation

18. The representations were forwarded to the applicant's representative. The licensing sub-committee will be updated on 17 December 2018 of any developments.

Deregulation of entertainment

19. 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 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.
20. 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').
21. The showing of films has not been de-regulated.

Map of the local area

22. A map of the area is attached to this report as Appendix D. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the map has a 100 metre radius. The following licensed premises terminal hours are also shown on the map.
- The Boot & Flogger, 10 - 20 Redcross Way, London SE1: Monday to Saturday until 23:00 and Sun until 22:30 (issued 23 February 2006).
 - Sainsbury's Local, 116 – 126 Borough High Street, London SE1: Alcohol sales Monday to Sunday 00:00 and operations 24 hours (issued 23 November 2009).
 - Coffee House, 63 Union Street, London SE1: Monday to Sunday until 23:30 (issued 3 October 2016).
 - Rose & Crown, 65 - 67 Union Street, London SE1: Monday to Saturday until 23:00 and Sunday until 22:30 (issued 12 August 2005).
 - The Arches, 6 O'Meara Street, London SE1L Monsun till 06:30) hours issued 18/11/ 2007).

Borough and Bankside cumulative impact policy area

23. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 5 November 2008, and extended the area in April 2011. This application falls within the policy area.
24. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
25. The effect of this special policy is to create a presumption that applications for new premises licenses or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
26. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

27. 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.
28. 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.
29. Within Southwark’s statement of licensing policy, the premises are identified as being within a residential area. Relevant closing times recommended in the statement of licensing policy for licensed premises in residential areas are as follows:
- Restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.
 - Closing time for public houses, wine bars or other drinking establishments:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00.

Resource implications

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

Consultation

31. 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

32. 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

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

Principles for making the determination

35. 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.
36. 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.
37. 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

38. 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.
39. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
40. 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.
41. 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.
42. 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

43. 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

44. 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.
45. 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

46. 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.
47. 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.
48. 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.
49. 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.
50. 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.

51. 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.
52. 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

53. 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

54. 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	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Representation by other persons
Appendix D	Map of local area

AUDIT TRAIL

Lead Officer	Ian Smith, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	3 January 2019	
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		4 January 2019

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

23/10/2018

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

Ref No. 1120652

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

	Bankside Open Spaces Trust
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Premises Details

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

£	0.00
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

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

Address Line 1	27, Union Street
Address Line 2	
Town	London
County	
Post code	SE1 1SD
Ordnance survey map reference	3247080003
Description of the location	Outdoor public sports venue
Telephone number	02074033393

Applicant Details

Please select whether you are applying for a premises licence as

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

Other Applicants

Personal Details - First Entry

Name	Bankside Open Spaces Trust
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Address - First Entry

Street number or building name	Red Cross Garden, 50 Redcross Way
Street Description	Mixed residential and businesses
Town	London
County	
Post code	SE1 1HA
Registered number (where applicable)	4040674
Description of applicant (for example, partnership, company, unincorporated association etc)	Bankside Open Spaces Trust is a charity 1085454 and a company limited by guarantee .

Contact Details - First Entry

Telephone number	[REDACTED]
Email address	[REDACTED]

Operating Schedule

When do you want the premises licence to start?

	01/12/2018
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If you wish the licence to be valid only for a limited period, when do you want it to end?

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General description of premises (see guidance note 1)

	Marlborough Sports Garden is a public open space on Union Street. The Sports Garden is available for everyone to use, the park has a football pitch, sand court, basketball facilities, table tennis, patball wall. The area is contained within a perimeter fenced and gated boundary .
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Business - Application for a premises licence to be granted under the Licensing Act 2003

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

	Less than 5000
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Operating Schedule part 2

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

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

	a) plays
	b) films
	e) live music
	f) recorded music
	g) performance of dance
	h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

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Supply of alcohol

	j) Supply of alcohol
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A - Plays

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

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

	Occasional staged plays by professional companies. No more than one at any given time. Music may be included and amplified but this will be fully regulated, and where possible by professional sound engineers. Plays may be for families and children hence a license start time of 9am on most days but 11am on Sundays.
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Business - Application for a premises licence to be granted under the Licensing Act 2003

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

Day	Start	Finish
Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00
Thur	09:00	23:00
Fri	09:00	23:00
Sat	09:00	23:00
Sun	11:00	22:30

State any seasonal variations for performing plays (Please read guidance note 5)

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

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B- Films

Will the exhibition of films take place indoors or outdoors or both? (Please read guidance note 3)

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

	Occasional films may be shown and sound be amplified. Any screenings will be run by professional companies.
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Standard days and timings for Films (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	22:30

State any seasonal variations for the exhibition of films (Please read guidance note 5)

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

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

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E - Live Music

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

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

	Occasional performances that will be amplified as part of community events on the green. Some may take place in the open air or in a marquee. All will be staged by professional sound and stage crew.
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Standard days and timings for Live Music (Please read guidance note 7)

Day	Start	Finish
Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00
Thur	09:00	23:00
Fri	09:00	23:00
Sat	09:00	23:00
Sun	11:00	22:30

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

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

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F - Recorded Music

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

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

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

	Occasional performances that will be amplified as part of community events on the green. Some may take place in the open air or in a marquee. All will be staged by professional sound and stage crew.
--	--

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

Day	Start	Finish
Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00
Thur	09:00	23:00
Fri	09:00	23:00
Sat	09:00	23:00
Sun	11:00	22:30

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

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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)

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G - Performances of Dance

Will the performances of dance take place indoors or outdoors or both? (Please read guidance note 3)

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

	Occasional performance of dance as part of one off events.. Music may be amplified but regulated by professional event managers.
--	--

Standard days and timings for Performance of dance (Please read guidance note 7)

Day	Start	Finish
Mon	09:00	23:00

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

Tues	09:00	23:00
Wed	09:00	23:00
Thur	09:00	23:00
Fri	09:00	23:00
Sat	09:00	23:00
Sun	11:00	22:30

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

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

--	--

H - Anything of a similar description to that falling within (e), (f) or (g)

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

	Occasional combined arts which may include dance, live music, theatre, spoken word and film as part of one off events.. Music may be amplified but regulated by professional event managers.
--	--

Will the entertainment take place indoors or outdoors or both? (Please read guidance note 3)

	Both
--	------

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

	Activities will be monitored by SIA security and stewards at all times. Activities will be managed by professional and risk assessed organisations. Where music is required for this type of event any amplification will be regulated and monitored. Timings only apply to occasional special events. If there are no events, the space will close by 9pm every day.
--	--

Standard days and timings for Anything of a similar description to that falling within (e), (f) or (g) (Please read guidance note 7)

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

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

Fri	09:00	23:00
Sat	09:00	23:00
Sun	11:00	22:30

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed. (Please read guidance note 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	12:00	23:00
Tues	12:00	23:00
Wed	12:00	23:00
Thur	12:00	23:00
Fri	12:00	23:00
Sat	12:00	23:00
Sun	12:00	22:00

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

--	--

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

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

	BOST-Consent-of-individual-to-being-specified-as-premise.pdf
--	--

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Sarah
Surname	Mangan

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)	TBC
Issuing authority (if known)	Camden Council, 5 Pancras Rd, Kings Cross, London

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)

	There will be no adult entertainment, services or other entertainment that would raise concern in respect of children.
--	--

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	07:00	22:00
Tues	07:00	22:00

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

Wed	07:00	22:00
Thur	07:00	22:00
Fri	07:00	22:00
Sat	07:00	22:00
Sun	07:00	22:00

State any seasonal variations (Please read guidance note 5)

	The times above are our summer opening times - dawn to dusk. During winter months our park wardens close the premises when it gets dark. We anticipate that only on special occasions- one off events- , for which we are apply this licence, will the premises be open until 23:00.
--	--

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

	On occasion for special one off events - community festival, theatre events, etc - we will open the premises until 23:00.
--	---

M - Steps to promote four licencing objectives

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

	<p>All events will have a full event plan including: site map, production and event timetable, security and stewarding provision, event communication, crowd management, emergency control, fire procedures, first aid, child and vulnerable adult protection, Lost child/vulnerable person procedure, Waste management and cleaning, dispersal plan, environmental impact, and marketing plans. We will also carry out a full risk assessment.</p> <p>We will notify the local police and Safer Neighborhood Teams, park steering group and Business Improvement District of any up and coming events and where appropriate hold pre-event meetings and invite members to input where necessary. Where necessary we will employ qualified specialists to carry out work including SIA qualified security staff, Professional events supply, catering and cleaning companies.</p>
--	---

b) the prevention of crime and disorder

	<p>SIA qualified security personnel will be deployed, while their primary function will be crowd control and to act as a deterrent, the prevention of crime and disorder will be managed in line within SIA guidelines.</p> <p>Organisers, security personnel and event stewards will meet in advance to run through event plans.</p> <p>Organisers and security personnel be in contact by closed circuit radio.</p> <p>There will be a focus on warning over petty theft such as pickpocketing.</p> <p>We will liaise with local police prior to an event happening.</p>
--	--

c) public safety

	<p>Full risk assessment of site will be carried out in advance. Site will be checked for any H&S hazards throughout set up and duration of event by event staff.</p> <p>All exits will be clearly sign posted.</p>
--	--

THIS REPLACES SECTION K - ABOVE



□□□□

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	9am	11pm	
Tue	9am	11pm	
Wed	9am	11pm	
Thur	9am	11pm	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 (please read guidance note 6)
Fri	9am	11pm	
Sat	9am	11pm	
Sun	9am	11pm	

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

	<p>Non-glass containers will be used throughout the event. Excessive alcohol consumption will be closely monitored by the authorized Personal License Holder, bars staff, SIA trained staff and appropriate action taken. Any bar involved with the sale of alcohol will clearly display Challenge 21 information and actively challenge under age sales, and keep a log of same challenges Full Paramedic and First aid teams deployed with ability to deliver a patient to further facility while maintaining First Aid responder at the event. In event of emergency, emergency services called immediately and event emergency control plan put in place. Dispersal plan put in place for safe and speedy dispersal of audience once event has finished.</p>
--	---

d) the prevention of public nuisance

	<p>All noise sources aimed to face away from residential premises. Sound checks carried out to monitor sound in advance of event start time. We will monitor the noise levels throughout the event and if an event goes on past 9pm, music should be turned down. We will liaise with neighbouring residents and business ahead of time of event. All SIA trained personnel briefed and active on identifying noise nuisance and as part of their duties, actively monitor noise to identify nuisance on the perimeter of the event. Staff briefed and able to deal with noise nuisance complaints. The "Contact us" form on our website is monitored throughout the event and on the day a telephone number to contact organisers will be provided. Dispersal plan put in place for safe and speedy dispersal of audience once event has finished.</p>
--	--

e) the protection of children from harm

	<p>Lost Child and Vulnerable person policies and procedure will be in place, with event team briefed in advance. Additional stewards will be in place at events which focus on families. Any bars to run the Challenge 21 or Challenge 25 Scheme with clear signage on display. Any unattended children or young people to be monitored by SIA and event staff. Children not allowed to enter specific events unaccompanied.</p>
--	--

Please upload a plan of the premises

	Marlborough-sports-garden-plan-with-text-layout1-.jpg
--	---

Please upload any additional information i.e. risk assessments

	Marlborough-Risk-Assessment-Generic-.pdf
--	--

Checklist

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

Home Office Declaration

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

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	Sarah Mangan
Date (DD/MM/YYYY)	23/10/2018
Capacity	Finance Manager

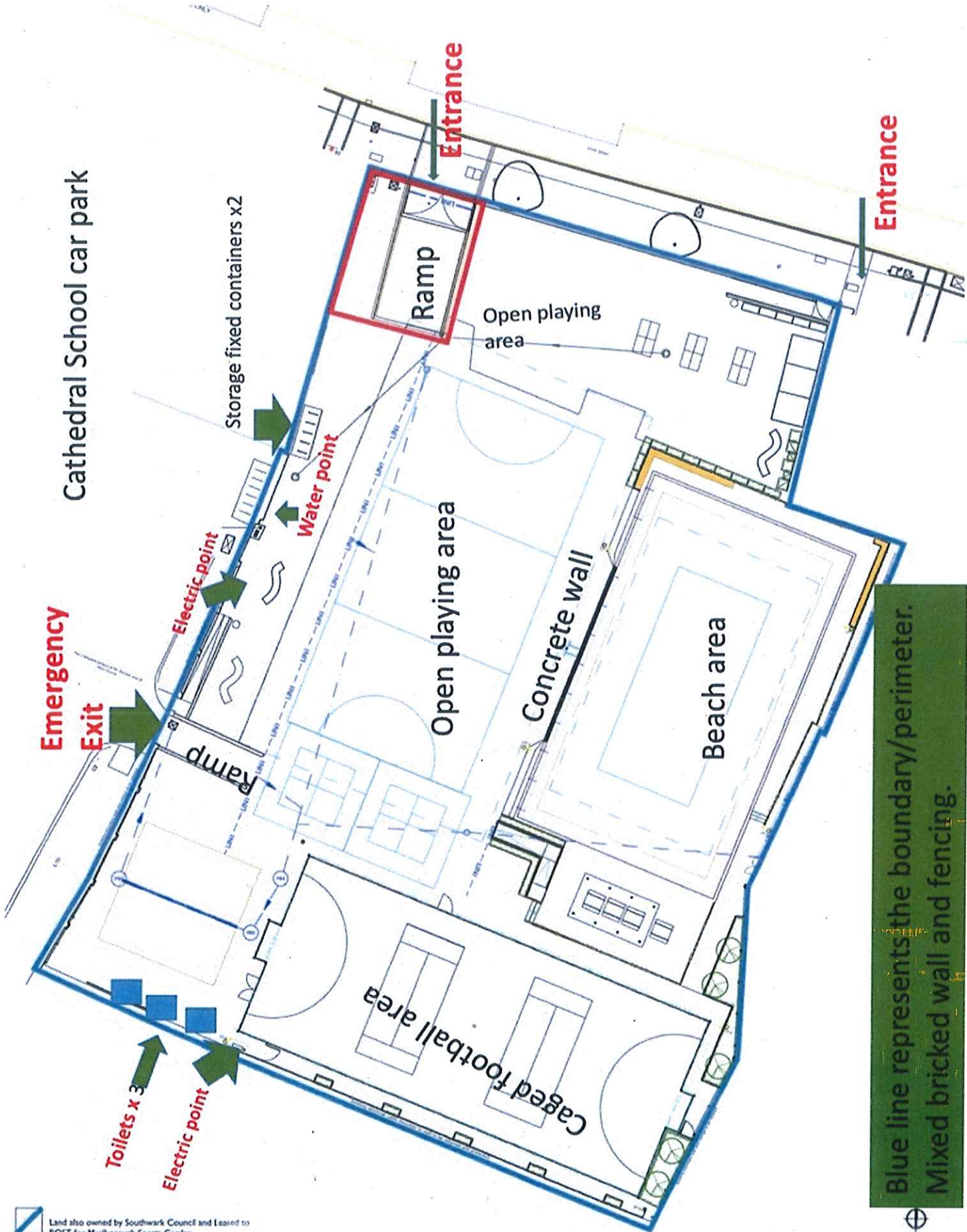
Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

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	Bankside Open Spaces Trust Red Cross Gardens, 50, Redcross Way, London, SE1 1HA
Telephone No.	02074033393
If you prefer us to correspond with you by e-mail, your email address (optional)	sarah@bost.org.uk

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.



Blue line represents the boundary/perimeter.
Mixed bricked wall and fencing.

 Land also owned by Southwark Council and Leased to BOST for Marlborough Sports Garden
 Boundary Line for Access Ramp



Client	BOST		
Job Title	Marlborough Sports Garden		
Drawing Title	Site Boundary Plan		
Scale	1:200@A2	Drawn	TJ
Date	18.01.17	Checked	GWV
Drawing Number	1625_LL_111	Rev	P00



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD21/3366/18

Date: 26th November 2018

Dear Sir/Madam

Re:- Marlborough Sports Garden, 27 Union Street, London SE1 1SD

Police are in possession of an application from the above for a new premises licence. The application describes the premises as an open space containing various sporting activities. The space will occasionally stage events including plays, music and include alcohol sales.

The premises are situated within the Borough & Bankside Cumulative Impact Zone (CIZ) and are in a designated District town centre under the Southwark council statement of licensing policy. The hours applied for are within that recommended under the policy however I do not believe the application has fully negated the cumulative impact it would have on the area. We object to the granting of the licence in its current format on the grounds of public nuisance, crime and disorder.

The terminal hours specified that the premises is open to the public and the hours for licensable activities are the same. I would suggest a minimum of 30 minutes difference in these times to allow for the slow dispersal of customers from the premises.

No dispersal policy or accommodation limit has been provided, so I am unable to fully assess the impact on local residents or the number of SIA required.

The planning permission for the site does not give permission for the use past 21.30hrs and the area contains a number of residential premises that would be effected by outdoor regulated entertainment and alcohol sales. The licence if granted in its current format could have a detrimental effect on the residents.

The application specifies that it will be occasional events and we would like to see a limit placed on the licence to the amount of events per year and a record kept and made available to police and council for inspection on request.

The applicant has offered a number of conditions as part of the operating schedule, however the conditions set out in the operating schedule should be precise and enforceable, as stated in the Section 182 Guidance of the Licensing Act 2003 issued by the Home Office. If the licence is granted we would require the following conditions as a minimum.

A minimum of 2 SIA registered Door Supervisors, shall be employed at all times the premises licence is in operation, until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict. They will be provided with Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

There shall be a minimum ratio of one SIA to one hundred customers and at least one SIA on each entrance and exit when alcohol is available for consumption.

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

Yours Sincerely

PC Ian Clements 362MD
Licensing Officer
Southwark Police Licensing Unit
Tel: 0207 232 6756

From: Prickett, Mark
Sent: Monday, November 26, 2018 12:11 PM
To: Regen, Licensing
Cc: Mills, Dorcas; Tear, Jayne;
Subject: EPT representation - Marlborough Sports Garden, 27 Union Street, SE1 1SD

Dear Licensing,

Southwark Council's Environmental Protection Team (EPT) has reviewed the new premises licence application for Marlborough Sports Garden, 27 Union Street, SE1 1SD.

The new premises is described as *"a public open space on Union Street. The Sports Garden is available for everyone to use, the park has a football pitch, sand court, basketball facilities, table tennis, patball wall. The area is contained within a perimeter fenced and gated boundary."*

The licensable activities sought are as follows:

- A) Plays (both indoors and outdoors) – 09:00 – 23:00 Monday to Saturday, 11:00 – 22:30 Sunday. "Occasional staged plays by professional companies. No more than one at any given time. Music may be included and amplified but this will be fully regulated, and where possible by professional sound engineers. Plays may be for families and children hence a licence start time of 9am on most days but 11am on Sundays."
- B) Films (both indoors and outdoors) – 11:00 – 23:00 Monday to Saturdays, 11:00 – 22:30 Sundays. "Occasional films may be shown and sound be amplified. Any screenings will be run by professional companies."
- E) Live music (both indoors and outdoors) – 09:00 – 23:00 Monday to Saturday, 11:00 – 22:30 Sunday. "Occasional performances that will be amplified as part of community events on the green. Some may take place in the open air or in a marquee. All will be staged by professional sound and stage crew".
- F) Recorded music (both indoors and outdoors) – 09:00 – 23:00 Monday to Saturday, 11:00 – 22:30 Sunday. "Occasional performances that will be amplified as part of community events on the green. Some may take place in the open air or in a marquee. All will be staged by professional sound and stage crew".
- G) Performance of dance (both indoors and outdoors) - 09:00 – 23:00 Monday to Saturday, 11:00 – 22:30 Sunday. "Occasional performance of dance as part of one off events. Music may be amplified but regulated by professional event managers".
- H) Anything to similar to e), f) or g) (both indoors and outdoors) - 09:00 – 23:00 Monday to Saturday, 11:00 – 22:30 Sunday. "Occasional combined arts which may include dance, live music, theatre, spoken word and film as part of one off events. Music may be amplified but regulated by professional event managers"
- Supply of alcohol (on the premises) – 12:00 – 23:00 Monday to Saturday, 12:00 – 22:00 Sunday.

Hours open to the public – 09:00 – 23:00 Monday to Sunday.

Section M part d) of the application has been reviewed. The following measures have been proposed to prevent public nuisance:

- "All noise sources aimed to face away from residential premises".
- "Sound checks carried out to monitor sound in advance of event start time. We will monitor the noise levels throughout the event and if an event goes on past 9pm, music should be turned down".
- "We will liaise with neighbouring residents and business ahead of time of event"
- "All SIA trained personnel briefed and active on identifying noise nuisance and as part of their duties, actively monitor noise to identify nuisance on the perimeter of the event"
- "Staff briefed and able to deal with noise nuisance complaints. The "Contact Us" form on our website is monitored throughout the event and on the day a telephone number to contact organisers will be provided"
- "Dispersal plan put in place for safe and speedy dispersal of audience once event has finished"

PLANNING

Planning permission for "Alterations to site levels and refurbishment of current open space to provide new sports facilities with additional lighting and seating areas and replacement planting" was granted under planning application number 15/AP/4732 in April 2016. The decision notice is attached. More details of the application can be found here:

<https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= STHWR DCAPR 9563659>

Condition 6 of the permission restricted opening hours to the following:

6 The sports facilities hereby approved including the existing floodlighting shall not be used outside the hours of 07:00 to 21:30 on any day.

Reason:

The operational development proposed would lead to an intensification of use at the site and it is reasonable to control hours in order to protect the amenity of neighbours in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

EPT STANCE

The hours applied for in the new premises licence exceed the hours already permitted under the relevant planning permission. EPT therefore request the applicant to pull back the hours to mirror the planning hours, finishing at 21:30 at night.

Any events which seek to go beyond 21:30 in future could be applied for using Temporary Event Notices. <https://www.southwark.gov.uk/business/licences/alcohol-late-night-refreshment-and-entertainment-licences/temporary-events-notices-ten>

A dispersal plan is referred to. Could this please be provided for review?

Noise monitoring is referred to. What noise levels are being proposed / what levels are to be set not to exceeded at the facades of the closest residents? Further details of the noise monitoring and noise levels is requested. Will there a dedicated area where live music, films etc. will be played, or is it event by event basis and could be anywhere within the playground?

Has a noise management plan been drawn up? For premises like this that seek a wide range licensable activities in an open air space, it is considered prudent to create a noise management plan detailing all noise matters and proposed mitigation where appropriate.

Are the hours of servicing / collections / deliveries known?

EPT **make representation** against this application until the revised hours are agreed and further information is provided.

Kind regards,

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

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

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>
Construction web pages: <http://www.southwark.gov.uk/construction>
London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



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

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

Applicant Mr Paul Ely
Bankside Open Spaces Trust

LBS Registered Number 15/API/4732

Date of Issue of this decision 08/04/2016

Planning Permission was GRANTED for the following development:

Alterations to site levels and refurbishment of current open space to provide new sports facilities with additional lighting and seating areas and replacement planting.

At: MARLBOROUGH PLAYGROUND, 11-25 UNION STREET, LONDON, SE1 1SD

In accordance with application received on 25/11/2015 16:02:52 Your Ref. No.:

and Applicant's Drawing Nos. Garden 3D lighting, Exterior Scene 1 / West Building Facade Astro / Isolines, Exterior Scene 1 / West Building Facade Sand / Isolines, Revised KDL-D0156-E-00-100 REV P00 received 01.04.2016, Archeology desk based assessment, Revised Planning Statement received 01.04.2016, Scope of Works – Sports Lighting, Revised Flood Risk Assessment and Sustainable Drainage Strategy received 01.04.2016,

Revised C100_P2 received 01.04.2016, 6299-LD-PLN-000 REV B, 6299-LD-PLN-005 REV B, 6299-LD-PLN-015 G, 6299-LD-PLN-105_C, 6299-LD-PLN-110 REV B, 6299-LD-PLN-116_A, 6299-LD-PLN-201_D, 6299-LD-PLN-301_B, 6299-LD-PLN-401_C, 5299-LD-PLN-402_C. 6299-LD-DET-601 A, 6299-LD-ELE-602 C, 6299-LD-DET-607 REV B, 6299-LD-ELE-609 B, 6299-LD-ELE-618 C,

Subject to the following seven conditions:**Time limit for implementing this permission and the approved plans**

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

Reason

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

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:
C100_P2, 6299-LD-DET-601 A, 6299-LD-DET-607 REV B, 6299-LD-ELE-602 C, 6299-LD-ELE-609 B, 6299-LD-ELE-618 C, 6299-LD-PLN-015 G, 6299-LD-PLN-201_D, 6299-LD-PLN-401_C, 5299-LD-PLN-402_C.
Reason:
For the avoidance of doubt and in the interests of proper planning.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**LBS Reg. No.** 15/AP/4732**Date of Issue of this decision** 08/04/2016

Pre-commencement condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations (including facilitative pruning specifications and supervision schedule) contained in the Arboricultural Method Statement. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

Commencement of works above grade - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 4 Before the commencement of works hereby authorised begins details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION**LBS Reg. No.** 15/AP/4732**Date of Issue of this decision** 08/04/2016

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 5 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the site in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

- 6 The sports facilities hereby approved including the existing floodlighting shall not be used outside the hours of 07:00 to 21:30 on any day.

Reason:

The operational development proposed would lead to an intensification of use at the site and it is reasonable to control hours in order to protect the amenity of neighbours in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Other condition(s) - the following condition(s) are to be complied with and discharged in accordance with the individual requirements specified in the condition(s).

- 7 The landscaping and planting shown on the drawings hereby approved shall be carried out in the first appropriate planting season following the completion of the building works.

Reason:

To ensure that the details of the scheme are in accordance with Strategic Policy 11 Open spaces and wildlife and Strategic Policy 12 Design and conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The application was determined in a timely manner within the statutory eight week period.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

www.southwark.gov.uk**PLANNING PERMISSION****LBS Reg. No.** 15/AP/4732**Date of Issue of this decision** 08/04/2016Signed *Simon Bevan*

Director of Planning

Your attention is drawn to the notes accompanying this document

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

UPRN: 10009797904

TP/1140-N

PLANNING PERMISSION

LBS Registered Number: 15/AP/4732

Date of issue of this decision: 08/04/2016



www.southwark.gov.uk

IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

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

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

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

--

MEMO: Licensing Unit

To	Licensing Unit	Date	26 November 2018	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Marlborough Sports Garden, 27 Union Street, London, SE1 1SD –
Application for a premises licence

I write with regards to the above application for a premises licence submitted Bankside Open Spaces Trust under the Licensing Act 2003, which seeks to add the following licensable activities:

- Plays, (indoors and outdoors) on Monday to Saturday from 09:00 to 23:00 and on Sunday from 11:00 to 22:30
- Films (indoors and outdoors) on Monday to Saturday from 11:00 to 23:00 and on Sunday from 11:00 to 22:30
- Live music; recorded music, performance of dance and anything of a similar description to live music, recorded music and performance of dance) on Monday to Saturday from 09:00 to 23:00 and on Sunday from 11:00 to 22:30
- Supply of alcohol (on the premises) on Monday to Saturday from 12:00 to 23:00 and on from 12:00 to 22:00
- Overall opening times shall be on Monday to Sunday from 09:00 to 23:00

The premises is described as *'Marlborough Sports Garden is a public open space on Union Street. The Sports Garden is available for everyone to use, the park has a football pitch, sand court, basketball facilities, table tennis and patball wall. The area is contained within a perimeter and gated boundary'*.

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

The premises is situated in the Bankside and Borough District Town Centre Area and also falls within the Borough and Bankside CIP Area.

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

patron have left the premises. Therefore to promote the licensing objectives I ask the applicant to consider reducing the **sales of alcohol to cease at least half an hour before the closing time** which will allow for half an hour drinking up time.

Furthermore due to the limited information provided within the application regarding the accommodation limit of the premises and how the dispersal of patrons will be controlled, to address the licensing objectives I ask the applicant to provide the following information:

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

There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. It must be emphasised that where these hours are different to the permitted licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. This is emphasised by the decision in the case of *Gold Kebab v Secretary of State for Communities and Local Government 2015*

The planning permission for this premises states the following:

'The sports facilities hereby approved for this premises including floodlighting shall not be used outside the hours of 07:00 to 21:00 on any day'

I therefore ask the applicant to consider bringing the opening hours, and in turn the licensable activities for this premises licence application in line with the planning permission already granted for the premises.

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

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

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



Place and wellbeing department

Planning division

5th floor, hub 2

PO Box 64529

LONDON SE1P 5LX

EH & TS Licensing Unit
Regulatory Services
Licensing Team
Hub 1 3rd Floor
160 Tooley Street
SE1 2QH

Your Ref: 865532
Our Ref: 18-CE-01032
Contact: Alison Brittain
Telephone: 020 7525 5427
Fax: 020 3357 3101
E-Mail: planning.enquiries@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 27/11/2018

Dear Sir/Madam

Premises Licensing re:

27-29 UNION STREET, LONDON, SE1 1SD

Summary description: New application

Date Received: 29/10/2018

Thank you for the consultation on the above. I understand that this relates to various outdoor entertainment uses on the Marlborough Playground.

This land is designated as open space. The most recent permission for various works in connection with outdoor sport and leisure allowed floodlighting to be used between 7am and 9.30pm.

The licence application indicates that there would be one-off events where alcohol would be served until a later hour than the condition allows the floodlighting to be used. Provided that these events remain occasional and ancillary to the primary open space use of the site, I have no comments to make raising licensing objectives.

Yours faithfully

Alison Brittain

DC Group Manager - East -Team 1

Cathedral School

of St. Saviour & St. Mary Overy



Headteacher : Mrs Filiz Scott BA (Hons) NPQH
Email : school.admin@btconnect.com

Redcross Way London. SE1 1HG
Telephone: 020-7407-2600

21st November 2018.

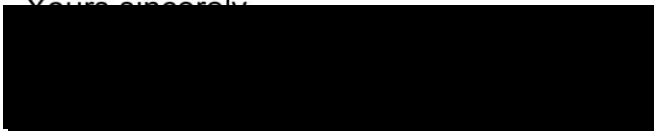
Southwark Licensing Team:

I am writing to oppose application *Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 865532*

Our reasons for opposing the application are set out below

- There will be a high possibility of rowdy behaviour which can lead to criminal acts in an area which already suffers from a level of drinking/drugs related incidents
- We believe that our school could be at greater risk of damage from anti-social behaviour than it is currently.
- Although we are a Primary School, our staff work late into the evening, on consultation with them, they have raised safety issues surrounding leaving school late and encountering more people who have consumed alcohol
- Our pupils use the Marlborough Playground after school; there are young pupils (aged 5-11) in the playground every day from 3.15-5pm. The majority of our pupils have no outside space at all to play in at home, we believe that, granting this license will curtail the little chance of free play that they currently have.

Yours sincerely



Mr Stephen Scott
Acting Headteacher





Saint Joseph's Catholic Primary School
 Little Dorrit Court
 Redcross Way
 London SE1 1NJ

Tel: 020 7407 2642
 Fax: 020 7357 0913

E:mail: Office@st-josephs-borough.southwark.sch.uk
 Headteacher Mr F O'Kane

18th November 2016

To whom it may concern,

Representation against license application 865532 - Trading name and address: Marlborough Sports Garden, 27 Union Street, SE1 1SD - Applicant Name: Bankside Open Spaces Trust

We are writing on behalf of the governing body of Saint Joseph's Catholic Primary School to lodge a representation against the license application detailed above.

We are strongly opposed to this application on the four objectives as outlined in the Licensing Act 2003:

1. *The protection of children from harm*
2. *Ensuring public safety*
3. *The prevention of nuisance*
4. *The prevention of crime and disorder*

Our school is situated directly adjacent to the Marlborough Sports Garden and indeed, we share a boundary wall. The Sports Garden site has direct access through a gate onto a pathway which is used daily by families from both Saint Joseph's Catholic Primary School and The Cathedral School of St Mary Ovarie for entry and exit of both school premises.

The protection of children from harm and ensuring public safety

We are a primary school with 235 children from the ages of 3-11 years which is open in term time for approximately 190 days a year. Our site is busy with children and staff from 7.30am to 7pm (frequently later with meetings, events etc.). Therefore, this is patently the most pressing objective for us.

We are extremely concerned that with members of the public potentially consuming alcohol from 11am onwards, there is a genuine risk that they could endanger our children by entering our premises without permission while intoxicated.

We have on occasions, had patrons of the Marlborough Sports Garden scale our seven metre tall boundary wall and fence to gain access to our site, including our roof, in order to retrieve errant footballs. Patrons have also gained access through our gate (when open for deliveries etc.) in order to try and locate footballs.

The consumption of alcohol throughout the entire day on the proposed site poses a clear and present risk of patrons becoming verbally abusive or indeed physically aggressive with children and families entering or leaving school at any point during the school day. As a school with safeguarding of children's welfare at its heart, we will not support anything that undermines their safety.

We also have a duty of care to our approximately fifty staff. Before entry to or exit from the site they remain members of the public. As such, they have the right to expect and should be afforded unmolested passage into or leaving their place of work. This is also true for the frequent visitors that we welcome on a daily basis.

/continued.....

The prevention of nuisance

The school has been an educational setting for over fifty years and is a place of learning. If the licence were to be granted, this would mean potentially large numbers of people drinking alcohol within direct earshot of our classrooms, in particular our Early Years Setting, where we have up to fifty-five 3 and 4 year olds spending large portions of the day in their outside area. Not just in summer season, but all year round, our classrooms need to be ventilated with windows open.

With the consumption of alcohol, comes increased volume from patrons and the potential for profane language. We are concerned about the increased distraction students may face with large numbers of adult voices during the school day which includes morning playtime, lunchtime playtime, afternoon playtime and of course PE sessions. Children simply cannot be exposed to profanity on a daily basis.

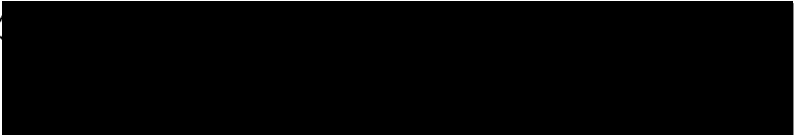
Furthermore, this application includes live and recorded music entertainment, performance of dance, films and plays indoors and outdoors. The potential high levels of noise that would emanate from the site would undoubtedly have a detrimental effect on children's ability to focus and concentrate on their learning. Our teachers are also often on school premises until 7pm planning and preparing and this too will generate nuisance and not afford them the opportunity and right to reasonable noise levels in their workspace. Additionally, we have a premises officer that lives on the school site. All of the points outlined above directly affect them too, arguably more so because they inhabit their accommodation throughout the weekend.

Prevention of crime and disorder


With the increased consumption of alcohol there may be a greater risk of disorder and crime. There is a considerable body of research that has examined the relationship between the consumption of alcohol, licensed premises and crime (particularly violent crime). We are, already, currently contending with the sale and consumption of Class A drugs in Little Dorrit Park which sits opposite our main entrance. Consequently, if the application were to be approved, we may be exposed to antisocial behaviour on two counts.

In conclusion, we are very concerned about the potentially damaging consequences for our children and the school community at large if this licence application is granted. The Marlborough Sports Garden operated by Bankside was created as a recreational space promoting sports and healthy living for the local residents and workers. We strongly believe that the licensing application sits firmly against the very ethos of the shared public garden and does not adequately take into consideration the rights, safety and wellbeing of all their neighbours – in this case primary school children.

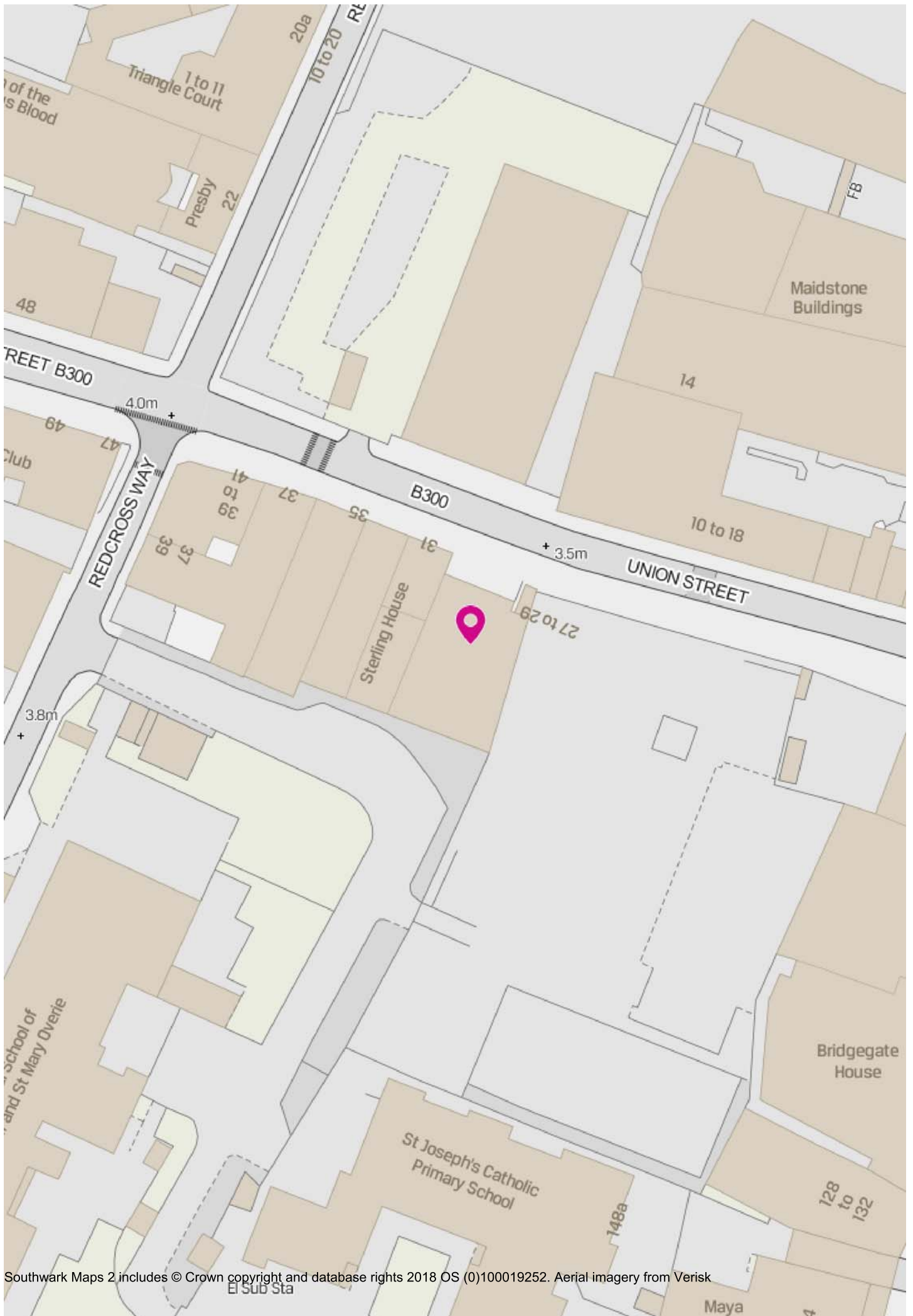
Yours faithfully,



Mr Andrew Hurley
Chair of the School's Governing Body



Mr Francis O'Kane
Headteacher



Agenda Item 6

Item No. 6.	Classification: Open	Date: 16 January 2019	Meeting Name Licensing Sub-Committee
Report title:		Licensing Act 2003: Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP	
Ward(s) or groups affected:		North Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATIONS

1. That the licensing sub-committee considers an application made under Section 53C of the Licensing Act 2003 by the chief of police for the metropolitan police for a summary review of the premises licences in respect of the premises known as Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.
2. **Notes:**
 - a) A copy of the current premises licences issued in respect of the premises are attached to this report as Appendix A.
 - b) The grounds for the review are stated in paragraphs 15 to 22 of this report. A copy of the full application and certificate are provided as Appendix C.
 - c) A copy of the notice of decision from the previous hearing held on 21 December 2018 is in Appendix E (see closed agenda).
 - 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 summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

KEY ISSUES FOR CONSIDERATION

The premises licence

8. The premises in respect of the premises licence consists of a restaurant on the ground floor of a railway arch called the Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.
9. The premises licence was first issued on 1 August 2011 under the current premises licence holder name of Pasaje Primavera Limited.
10. On 14 September 2018 Pasaje Primavera Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence. This was heard at a licensing sub-committee hearing on 12 November 2018, at which point the variation was granted. A copy of the notice of decision for that hearing is attached for information only at Appendix C.
11. The premises licence has not been subject to a previous review and there is no history of temporary events notices or complaints.
12. The details of the premises licence agreed at the November Hearing are as follows:
- Opening hours:
 - Sunday to Thursday from 06:00 to 01:00
 - Friday and Saturday from 06:00 to 03:00.
 - The sale by retail of alcohol (on sales only):
 - Sunday to Thursday from 11:00 to 00:00
 - Thursday and Friday from 11:00 to 02:30
 - The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 02:30
 - Regulated entertainment in the form of live music and recorded music (indoors) and facilities for making music (indoors):
 - Monday to Sunday from 06:00 to 00:00
13. A copy of the current premises licence is attached as Appendix A. As the appeal period following the hearing on 12 November was complete and an appeal had not been received, the licence was due to be issued immediately; however, this has now been held back. A copy of the earlier premises licence is attached as Appendix B.

Designated premises supervisor

14. The designated premises supervisor (DPS) is Segundo Vicente Gualavisi Carlosama who has been DPS since the licence was first issued in 2011 and holds a personal licence issued by the London Borough of Lambeth.

The review application and certificate

15. On 20 December 2018 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Pasaje Primavera, Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.
16. The application refers to a serious incident witnessed by police officers at 20:00 on Friday 15 December 2018 and draws from further CCTV evidence acquired later. The matter involves a large fight with armed participants. One of the armed males was the son of the premises' owner whom was in charge of the premises that night.
17. Further to the review application, the police requested that following interim steps are taken to prevent further incidents from occurring:
 - The licence is suspended until such time as the full hearing is determined
18. The licensing sub-committee is not restricted to just considering this step.
19. A copy of the application and certificate are attached to this report as Appendix D (see closed agenda).
20. The premises licence was subsequently reviewed at a hearing held on 21 December 2018. A copy of the notice of decision is available in Appendix E (see closed agenda).
21. As a result, the licensing sub-committee put a number of measures in place, namely:
 - That Person A and Person B be excluded from the premises.
22. At the time that this report was published, the Metropolitan Police Service had not provided any additional supporting documentation.

Representations from responsible authorities

23. At the time that this report was published, no supporting representations had been made by the responsible authorities.

Representations from other persons

24. Representations have not been made by other persons.

Operating history

25. No complaints have been received specifically about this premises, however, there are complaints from local residents of anti-social behaviour in the immediate vicinity caused by patrons of premises in the yard.
26. The premises has received one full licence inspection, as part of the variation application. It was visited at 19:43 on 5 October 2018. The premises was found to be fully compliant, with the exception of two notices which had fallen down. These were replaced and photographs were provided to the authority shortly afterwards. A compliance letter was issued to the premises. During this visit officers met Person A.

27. Further to the application made by the Metropolitan Police Service, the interim hearing was held at the council offices, the premises was again visited by a licensing enforcement officer on 24 December 2018 to hand-deliver the notice of decision, which was given to the DPS.

The local area

28. A map of the local area is attached at Appendix F. There are a number of other licensed premises in the locality, namely:

Ivory Arch, 80-82 Walworth Road, London SE1 6SW:

- The sale by retail of alcohol (both on and off sales):
 - Monday to Sunday from 11:00 to 00:00 (midnight)
- The provision of late night refreshment (both indoors and outdoors):
 - Monday to Sunday from 23:00 to 00:00 (midnight).
- The provision of regulated entertainment in the form of live music, recorded music, films and plays:
 - Monday to Sunday from 11:00 to 00:00 (midnight).

Mamuska, 16 Elephant and Castle, London SE1 6TH

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday from 10:00 to 02:00 (the following day)
 - Sunday from 12:00 (midday) to 23:00.
- The provision of late night refreshment (both indoors and outdoors):
 - Monday to Saturday from 23:00 to 02:30 (the following day)
 - Sunday from 23:00 to 23:30.
- The provision of regulated entertainment in the form of live music, recorded music, and performances of dance:
 - Monday to Saturday from 09:00 to 02:00 (the following day)
 - Sunday from 09:00 to 23:00.

Chatkhara Restaurant, 84 Walworth Road, London SE1 6SQ

- The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 02:00 (the following day).

Corporation Ponce, Arch 144, Eagle Yard, Hampton Street, London SE1 6SP

- The sale by retail of alcohol (on sales):
 - Sunday to Monday from 14:00 to 22:30
 - Friday and Saturday from 14:00 to 23:30.

- The provision of late night refreshment (indoors):
 - Friday and Saturday from 23:00 to 23:30.
- The provision of regulated entertainment in the form of live music and recorded music:
 - Friday to Saturday from 14:00 to 23:30
 - Sunday from 14:00 to 22:30.

La Barra (Downstairs), Arch 147, Eagle Yard, Hampton Street, London SE1 6SP

- The sale by retail of alcohol (on sales):
 - Sunday to Thursday from 10:00 to 23:30
 - Saturday and Sunday from 10:00 to 00:00.
- The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 23:30
 - Saturday and Sunday from 23:00 to 00:00.

Rincon Tropical (Upstairs), Arch 147, Eagle Yard, Hampton Street, London SE1 6SP

- The sale by retail of alcohol (on sales):
 - Sunday to Thursday from 10:00 to 23:30
 - Saturday and Sunday from 10:00 to 00:00.
- The provision of late night refreshment (indoors):
 - Sunday to Thursday from 23:00 to 23:30
 - Saturday and Sunday from 23:00 to 00:00.

Southwark Council statement of licensing policy

29. Council assembly approved Southwark's statement of licensing policy 2016 to 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 - Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 - Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 - Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.

- Section 8 - The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 - Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
30. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
31. Within Southwark's Statement of Licensing Policy, the premises are identified as being outside of a cumulative impact zone but situated in the Elephant and Castle Major Town Centre area. Relevant closing times recommended in the Statement of Licensing Policy for licensed premises in residential areas are as follows:
- Closing time for Restaurants and Cafes:
 - Sunday to Monday to 00:00 (midnight)
 - Friday and Saturday to 01:00 (the following day).
 - Closing time for Public Houses Wine bars or other drinking establishments:
 - Sunday to Monday to 23:00
 - Friday and Saturday to 00:00 (midnight).
 - Closing time for Night Clubs (with sui generis planning classification):
 - Monday to Thursday to 01:00 (the following day).

Resource implications

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

Consultation

33. The premises licence holder has been informed of the application for review and of the details of the interim hearing.

Community impact statement

34. 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

35. The sub-committee is asked to determine, under Section 53C of the Licensing Act 2003, an application, made under Section 53A of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any

other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

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

Principles for making the determination

37. Under s.53 (A)(2) The licensing authority must determine a review application within 28 days of receipt of the application and reach a determination on that review.

38. The four licensing objectives are:

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

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

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

40. For the purpose of determining a relevant representation under section 52 of the Act a "relevant representation" means representations which:

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

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

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

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

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

Reasons

45. Where the authority takes interim steps an application for review it must notify the determination and reasons why for making it to:

- The holder of the licence
- The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

46. 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
 - To 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.
47. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

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. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
54. 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.
55. There is no right of appeal to a Magistrates' Court against the licensing authority's decision regarding the setting of interim steps at this stage.

Guidance

56. 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

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Mrs Kirty Read Tel:02075255748

APPENDICES

Name	Title
Appendix A	Current premises licence
Appendix B	Earlier premises licence
Appendix C	Notice of Decision from 12 November 2018
Appendix D	Copy of the review application and certificate (see closed agenda)
Appendix E	Notice of Decision from 21 December 2018 (see closed agenda)
Appendix F	Map

AUDIT TRAIL

Lead Officer	Ian Smith, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	2 January 2019	
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	4 January 2019	

Licensing Act 2003 Premises Licence



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

Premises licence number

864815

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Pasaje Primavera Arch 146, Eagle Yard Hampton Street London SE1 6SP Ordnance survey map reference (if applicable), 178732532056	
Post town London	Post code SE1 6SP
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence
Recorded Music - Indoors Facilities for Making Music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises	
For any non standard timings see Annex 2	
Monday	06:00 - 01:00
Tuesday	06:00 - 01:00
Wednesday	06:00 - 01:00
Thursday	06:00 - 01:00
Friday	06:00 - 03:00
Saturday	06:00 - 03:00
Sunday	06:00 - 01:00

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

The times the licence authorises the carrying out of licensable activities

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

Recorded Music - Indoors

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

Facilities for Making Music - Indoors

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

Late Night Refreshment - Indoors

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 00:00

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

Pasaje Primavera Ltd
Arch 102A,
Rockingham Street,
London,
SE1 6PG
[REDACTED]

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

07128803

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

Segundo Vicente Gualavisi Carlosama
[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

[REDACTED]
Authority L.B Lambeth

Licence Issue date 18/12/2018

[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.

489 The responsible person shall ensure that -

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

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

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

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

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

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

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

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

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

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a

change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

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

255 That fire extinguishers shall be kept at the premises and kept in unobstructed and easily accessible locations.

288 That a CCTV system shall be installed at the premises and shall be maintained in full working order and be continually recording at all times that the premises is in use under this licence. The CCTV system must be capable of capturing an image of every person who enters the premises.

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to officers of the police or council on request.

293 That staff shall be trained in regards to all aspects of public safety at the premises.

298 That clearly legible signs shall be prominently displayed to the satisfaction of the council stating "Drug Free Zone".

309 That no electronically amplified instruments shall be played in the premises.

310 That after 21:00 hours the front entrance doors shall be kept closed when regulated entertainment is taking place.

311 That clearly legible signs shall be prominently displayed to the satisfaction of the council requesting that customers leave the premises in a quiet and orderly manner.

332 That all persons under 18 years old attending the premises must be accompanied by a parent, guardian or responsible adult at all times.

340 That a fire alarm system shall be installed at the premises and shall be maintained in full working order and be in operation at all times that the premises is in use under this licence.

341 Maximum persons to be allowed at any one time including staff to be 80.

342 A fire risk assessment and a evacuation plan will be implemented in case of fire or other emergencies.

343 The management will ensure that all staff receive appropriate training and development to carry out their job in an effective manner – to ensure that all the policies including health & safety are consistently maintained.

344 No bottles or glasses shall be taken off the premises.

345 A specified time between last sales and the close of the premises shall be displayed.

346 A display will set out conditions of entry to the premises in the vicinity of any entrance to the premises. a secure deposit box will be kept on the premises for the retention of confiscated items and ensure that the police are informed of any item which require safe disposal.

347 Windows and doors will always be kept closed acoustically treated ventilation/air conditioning will be utilised.

348 Management will ensure that staff, DJs and artists understand the noise control requirements, and

regularly monitor noise levels during operating hours.

349 A complaints and incidents book would be held on the premises to record details of any complaints received from neighbours for inspection by council officers.

4AB All staff will receive documented training in relation to the licensing act 2003, and the 'Challenge 21' policy and the training shall be repeated every six months. Records of this training and written policies relating to it will be kept and made available to police or council officers on request.

4AG That the premises adopts the 'challenge 21 scheme' whereby any person that appears under 21 year of age has to prove they are 18 or over by providing identification bearing their photograph, date of birth and a holographic mark and/or ultraviolet feature. examples of appropriate identification include passport, photo card driving licence, military ID and proof of age card bearing the pass hologram.

350 A Refusals Log be kept and maintained and be available to Police or Council Officers on request.

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

840 That substantial food to be served at all times that alcohol is supplied on Fridays and Saturdays after 00:00;

841 That a minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the premises are open between 00:00 and 03:00;

842 That patrons admitted after midnight must have been invited;

843 That there shall be no more than 80 patrons shall be present on the premises between 00:00 and 03:00;

844 That no more than six patrons may use the outside smoking area at any one time. No drinks may be taken into this area;

845 That no alcohol may be taken off the premises.

Annex 4 - Plans - Attached

Licence No. 864815

Plan No. 22112 (LIC) 01

Plan Date May 2011

Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

834660

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Pasaje Primavera Arch 146 Eagle Yard Walworth Road London SE1 6SP	
Ordnance survey map reference (if applicable), 178752532037	
Post town London	Post code SE1 6SP
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Recorded Music - Indoors
Facilities for Making Music - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

For any non standard timings see **Annex 2**

Monday	06:00 - 01:00
Tuesday	06:00 - 01:00
Wednesday	06:00 - 01:00
Thursday	06:00 - 01:00
Friday	06:00 - 01:00
Saturday	06:00 - 01:00
Sunday	06:00 - 01:00

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Recorded Music - Indoors

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

Facilities for Making Music - Indoors

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

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

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

Pasaje Primavera Ltd
7 Dartford Street
London
SE17 3UQ

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

07128803

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

Segundo Vicente Gualavisi Carlosama

[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

[REDACTED]

Authority L.B Lambeth

Licence Issue date 01/08/2011

.....
Community Safety Enforcement
Business Unit Manger
Chaplin Centre
Thurlow Street
London SE17 2DG
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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters

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.

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

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

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

(2). 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 a holographic mark.

489 The responsible person shall ensure that -

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

(i) Beer or cider: ½ pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures

Annex 2 - Conditions consistent with the operating Schedule

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

255 That fire extinguishers shall be kept at the premises and located in unobstructed and easily accessible locations.

288 That a CCTV system shall be installed at the premises and shall be maintained in full working order and be continually recording at all times that the premises is in use under this licence. The CCTV system must be capable of capturing an image of every person who enters the premises.

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to officers of the police or council on request.

293 That staff shall be trained in regards to all aspects of public safety at the premises.

298 That clearly legible signs shall be prominently displayed to the satisfaction of the council stating "Drug Free Zone".

309 That no electronically amplified instruments shall be played in the premises.

310 That after 21:00 hours the front entrance doors shall be kept closed when regulated entertainment is taking place.

311 That clearly legible signs shall be prominently displayed to the satisfaction of the council requesting that customers leave the premises in a quiet and orderly manner.

332 That all persons under 18 years old attending the premises must be accompanied by a parent, guardian or responsible adult at all times.

340 That a fire alarm system shall be installed at the premises and shall be maintained in full working order and be in operation at all times that the premises is in use under this licence.

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

Annex 4 - Plans - Attached

Licence No. 834660

Plan No. 2112(LIC)01

Plan Date May 2011



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 12 NOVEMBER 2018

SECTION 34 LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP

1. Decision

That the application made by Pasaje Primavera Limited to vary a premises licence under s.34 of the Licensing Act 2003 in respect of the premises known as Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London SE1 6SP is granted as follows:

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conditions agreed with the Metropolitan Police Service and trading standards during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That substantial food to be served at all times that alcohol is supplied on Fridays and Saturdays after 00:00.
2. That a minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the premises are open between 00:00 and 03:00.
3. That patrons admitted after midnight must have been invited.
4. That there shall be no more than 80 patrons shall be present on the premises between 00:00 and 03:00.
5. That no more than six patrons may use the outside smoking area at any one time. No drinks may be taken into this area.
6. That no alcohol may be taken off the premises.
7. That alcohol and late night refreshment is permitted until 02:30 on Fridays and Saturdays. The opening time to be extended until 03:00 on Fridays and Saturdays for events.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant's representative who advised that the premises had held a licence since 2011 and was a restaurant/bar that had an Ecuadorian menu. The alcohol menu was extremely limited consisting of beer and wine. Since the grant of the licence in 2011, no complaints either in respect of the operation of the licence or noise had been received. Due to general concerns of anti-social behaviour,

the applicant had liaised joined with the other premises in the area and employed a private security firm. The applicant was very much customer led and wished the additional hours to occasionally hold birthday parties and weddings.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who raised concerns that the hours sought by the applicant were a substantial increase to those already in operation and lay well outside of the Southwark licensing policy hours. The operating schedule is also deemed to be insufficient in light of this increase.

The licensing sub-committee then heard from the officer from Southwark's environmental protection team (EPT) who also raised concerns to the extended hours and the use of the premises. The officer also mentioned that there was a history of noise complaints in the immediate vicinity. The operating schedule is again believed to be lacking in content to sufficiently mitigate the potential for a negative impact on the locality.

The council's public health department have also made representations in relation to the concerns around extended hours and the potential for public nuisance and crime and disorder in the vicinity if granted.

The licensing sub-committee noted that the representation from the health and safety Team had been withdrawn.

The licensing sub-committee were please that through the course of discussions with the applicant the responsible authorities agreed conditions and therefore granted the variation application accordingly.

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

Appeal

The applicant may appeal against any decision:

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

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

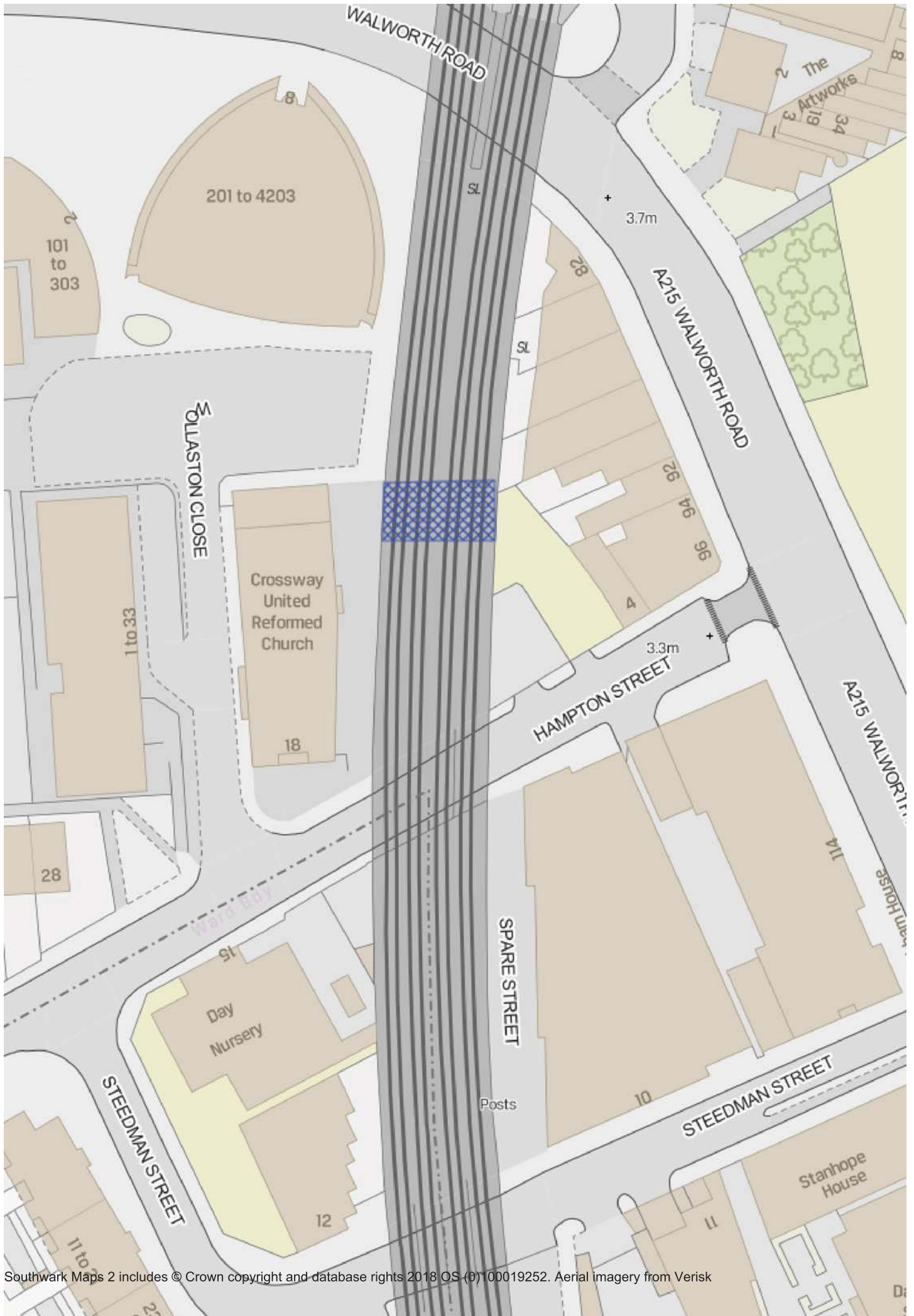
- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

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

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 12 November 2018



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

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