

Licensing Sub-Committee

Thursday 7 March 2019

10.00 am

Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Lorraine Lauder MBE

Reserves

Councillor Sunil Chopra

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 26 February 2019



Licensing Sub-Committee

Thursday 7 March 2019
10.00 am

Ground Floor Meeting Room G01B - 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: VINEGAR YARD, 80-82 ST THOMAS STREET, LONDON SE1 3QU	1 - 37
6.	LICENSING ACT 2003: VINEGAR YARD, 1-7 FENNING STREET, LONDON SE1 3QR	38 - 70
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8.	LICENSING ACT 2003: 55 EAST, 57-59 EAST STREET, LONDON SE17 2DJ	101 - 131

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 26 February 2019

Item No. 5.	Classification: Open	Date: 7 March 2019	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Vinegar Yard, 80-82 St Thomas Street, London SE1 3QU	
Ward(s) or groups affected:		London Bridge and West Bermondsey	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by The FIS Bar Limited for a time-limited premises licence on 4 February 2019 to 14 February 2021 to be granted under the Licensing Act 2003 in respect of the event to be held on Vinegar Yard, 80-82 St Thomas Street, London SE1 3QU.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 22 of this report deals with the representations received to the premises licence application and conciliations progress made. Copies of the relevant representations from responsible authorities and correspondence from conciliation process are attached as Appendices B and C.
 - d) Paragraph 23 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

The Licensing Act 2003

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

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 11 January 2019, The FIS Bar Limited applied to this council for the grant of a time-limited premises licence for an event to be held on 14 February 2019 to 14 February 2021 in respect of Vinegar Yard, 80-82 St Thomas Street, London SE1 3QU. The premises is described as a surface car park upon which temporary structures such as containers, vehicles and tents will be placed for regulated entertainment events.

9. The application is summarised as follows:
 - Films (outdoors):
 - Saturday and Sunday: 11:00 to 22:30

 - Live music (indoors and outdoors):
 - Monday to Friday: 12:00 to 22:30
 - Saturday and Sunday: 11:00 to 22:30

 - Recorded music (indoors and outdoors):
 - Monday to Friday: 12:00 to 23:00
 - Saturday and Sunday: 11:00 to 23:00

- Anything of a similar description (indoors and outdoors):
 - Monday to Friday: 12:00 to 22:30
 - Saturday and Sunday: 11:00 to 22:30
 - Supply of alcohol (on and off the premises):
 - Monday to Friday: 12:00 to 23:00
 - Saturday and Sunday: 11:00 to 23:00
 - Operating hours of premises:
 - Monday to Friday: 11:30 to 23:15
 - Saturday and Sunday: 10:30 to 23:15.
10. The premises licence application form provides the applicant operating schedule. Parts B, E, F, G, H, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor is Marco Mendes who has a personal licence issued by North Hertfordshire District Council.

Representations from responsible authorities

12. Representations were submitted by the Metropolitan Police Service, licensing as a responsible authority, trading standards and the planning department.
13. The Metropolitan Police Service representation states that the premises are situated on the boundary of the Borough and Bankside cumulative impact policy (CIP) area and are in a designated strategic cultural area under the Southwark council statement of licensing policy. The hours applied for are within that recommended under the policy. However the application makes reference to an accommodation limit of 300 persons at any one time and also refers to substantial food being available throughout its operation. However, they note that there are no restrictions to the service of alcohol as ancillary to a table meal. Although the application seeks closing before midnight, it does not satisfy some of the factors mentioned in the policy. A premises such as this is likely to add to the existing cumulative impact. The police state that they feel that the applicant has not sufficiently addressed Southwark's cumulative impact policy in their application.
14. The Licensing representation mentions that the premises is situated in the Bankside, Borough, London Bridge strategic cultural area. The representation is based on the Southwark statement of licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance licensing objectives. The premises also falls within the CIP area for Borough and Bankside. Under the Southwark Statement of Licensing Policy 2016 - 2020 the local

CIP applies to night clubs, public houses and bars, restaurants and cafes, off-licences, supermarkets, convenience stores and similar premises.

15. The licensing responsible authority also describe the operating schedule as lacking and does not adequately address the four licensing objectives. The applicant has not addressed the presumption to refuse this application within the operating schedule and licensing recommend refusal of this application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the policy area. There is not enough information within the description of the premises to show how this premises will operate and further clarification is sought on this point. Licensing reserve the right to comment further once this information is provided. The applicant has been asked to consider conditions relating to off sales.
16. The trading standards representation notes that under the heading of the licensing objective "the protection of children from harm" it makes reference to both challenge 25 and a refusals log. However, they would like to tidy up the proposed planned conditions and bring them into line with best practice regarding the prevention of sales of alcohol to minors. Suggested conditions were submitted to be added to the premises licence if granted. These conditions have been agreed by the applicant and the trading standards representation is therefore withdrawn.
17. The planning department advised that they object to this proposed licence under the objective of prevention of nuisance. The application seeks to licence a large area open area that has no planning permission for an A class use and for which no assessment has been made in respect of the impacts that a large licenced premises may have. It is likely to be a significant source of noise. This application has no noise impact assessment, no dispersal strategy and no obvious means of controlling noise from a large open area that on the plan is shown as tables for drinking.
18. The planning department state that the council does look to support meantime uses that have a community benefit. It is acknowledged that retaining public houses can provide a significant benefit where those businesses are community hubs and part of the social life of the immediate area. Creating a large area for drinking such as this in an area well served by licensed premises would have a negligible community benefit. Switching focus from sale of alcohol to provision of a cultural venue would increase the benefit provided to the area, but noise impacts would need to be assessed and mitigated against.
19. Copies of the representations are attached as Appendix B.

Representation from other persons

20. There are no representations from other persons.

Conciliation

21. The representations received were forwarded to the applicant. The conciliation process has resulted in planning withdrawing their representation on the understanding that a planning application will be made for a temporary use of this site. That application should be accompanied by a noise impact assessment. Trading standards have also withdrawn their representation.
22. The correspondence relating to the process is attached as Appendix C. The licensing sub-committee will be updated on 7 March 2019.

The local area

23. 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 are also shown on the map:

Public houses and restaurants

- YO! SuShi, Wolfson House, 49 St Thomas Street, London SE1 (Monday to Saturday until 23:30 and Sunday until 23:00)
- The Savanna, Unit SU58 London Bridge Station, London SE1 (Monday to Sunday until 22:30)
- Bob's Lobster, Unit SU59 London Bridge Station, London SE1 (Sunday to Wednesday until 00:00 and Thursday to Saturday until 01:00)
- The Horseshoe Inn, 26 Melior Street, London SE1 (Monday to Saturday until 00:30 and Sunday until 23:30)
- Texas Joe's, 8-9 Snowfields, London SE1 (Monday to Sunday until 23:30)
- Lost Rivers Deli Bar, 7-13 Melior Street, London SE1 (Sunday to Thursday until 23:30 and Friday and Saturday until 00:00)
- Londrino, 36 Snowsfields, London SE1 (Sunday to Thursday until 00:00 and Friday and Saturday until 00:30)

Deregulation of entertainment

24. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
25. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Borough and Bankside cumulative impact zone

26. 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.
27. 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.

28. 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.
29. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

30. 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.
31. 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.

32. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
- Closing time for restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.
 - Public bars, wine bars and other drinking establishments:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00
 - There are no restriction times for hotel bars and guest houses.

Resource implications

33. 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

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

38. 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.
39. 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.
40. 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

41. 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.
42. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
43. 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.
44. 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.
45. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

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

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

49. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
50. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

51. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
52. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
53. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
54. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
55. Under the Human Rights Act 1998. the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
56. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application premises licence
Appendix B	Representation from responsible authorities
Appendix C	Conciliation correspondences
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	22 February 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	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 February 2019	

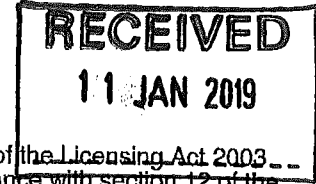
Business - Application for a premises licence to be granted under the Licensing Act 2003

02/01/2019

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

Ref No. 1154940

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

	The FIS Bar Limited
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Premises Details

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

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

Premises trading name

	Vinegar Yard
--	--------------

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

Address Line 1	80-82 ST THOMAS STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 3QU
Ordnance survey map reference	
Description of the location	
Telephone number	

Applicant Details

Please select whether you are applying for a premises licence as

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

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

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

<input type="checkbox"/>	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--------------------------	---

Other Applicants

Personal Details - First Entry

Name	The FIS Bar Limited
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Address - First Entry

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

Contact Details - First Entry

Telephone number	
Email address	██████████

Operating Schedule

When do you want the premises licence to start?

	14/02/2019
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If you wish the licence to be valid only for a limited period, when do you want it to end?

	14/02/2021
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General description of premises (see guidance note 1)

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

	Surface car park upon which temporary structures (containers, vehicles, tents etc) will be placed
--	---

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)

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

Provision of late night refreshment

--	--

Supply of alcohol

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

B- Films

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

	Outdoors
--	----------

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

	A temporary screen may be installed
--	-------------------------------------

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

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

Day	Start	Finish
Mon	12:00	22:30
Tues	12:00	22:30
Wed	12:00	22:30
Thur	12:00	22:30
Fri	12:00	22:30
Sat	11:00	22:30
Sun	11:00	22:30

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

--	--

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)

--	--

E - Live Music

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

	Both
--	------

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

	A small stage may be built which would be under a tent or temporary structure or outside (weather dependant)
--	--

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

Day	Start	Finish
Mon	12:00	22:30
Tues	12:00	22:30
Wed	12:00	22:30
Thur	12:00	22:30
Fri	12:00	22:30
Sat	11:00	22:30
Sun	11:00	22:30

State any seasonal variations for the performance of live music (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 performance of live music at different times to those listed. (Please read guidance note 6)

--	--

F - Recorded Music

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

	Both
--	------

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

	There may be temporary structures on the site at times of the year (weather dependant)
--	--

Standard days and timings for Recorded Music (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	11:00	23:00
Sun	11:00	23:00

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

--	--

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)

--	--

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

	Comedy, spoken word, quizzes, sport screenings etc
--	--

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

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)

	There will be a stage and / or a screen on site and this will be under cover at times of the year (weather dependant)
--	---

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

Day	Start	Finish
Mon	12:00	22:30
Tues	12:00	22:30
Wed	12:00	22:30
Thur	12:00	22:30
Fri	12:00	22:30
Sat	11:00	22:30
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)

	Both
--	------

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

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

Thur	12:00	23:00
Fri	12:00	23:00
Sat	11:00	23:00
Sun	11:00	23:00

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

--	--

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

--	--

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

--	--	--

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Marco
Surname	Mendes

DOB

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

Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	
County	
Post code	

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

Personal licence number (if known)	LICPL	
--------------------------------------	-------	--

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

Issuing authority (if known)	NORTH HERTFORDSHIRE DISTRICT COUNCIL
--------------------------------	--------------------------------------

K

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

N/A

L - Hours premises are open to public

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

Day	Start	Finish
Mon	11:30	23:15
Tues	11:30	23:15
Wed	11:30	23:15
Thur	11:30	23:15
Fri	11:30	23:15
Sat	10:30	23:15
Sun	10:30	23:15

State any seasonal variations (Please read guidance note 5)

--

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

--

M - Steps to promote four licencing objectives

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

	The team behind the Applicant has previously set up and operated Flat Iron Square and Bar By The River 2018 (The Scoop). The Applicant applied similar additional steps at both sites. Both operations successfully operated in accordance with the four licensing objectives.
--	--

b) the prevention of crime and disorder

	1. The premises shall install and maintain a CCTV system in consultation with the Metropolitan Police Crime and Prevention Officer. The CCTV system shall continually
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Business - Application for a premises licence to be granted under the Licensing Act 2003

	<p>record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practicable upon the reasonable request of the Police or authorised Officer throughout the preceding 31 day period.</p> <p>2. A staff member from the premises who is conversant with the operation of the CCTV system shall be immediately available when the premises are open to the public. The staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested.</p> <p>3. The need for door supervisors at the premises will be assessed by way of a risk assessment and cognisance will be taken of Police advice.</p> <p>4. Snacks and non-intoxicated beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.</p> <p>5. Notices shall be prominently displayed in the outdoor area requesting patrons to use the area quietly.</p> <p>6. Alcohol sold for consumption off the premises shall be supplied in sealed containers.</p>
--	--

c) public safety

	<p>1. The premises shall install and maintain a CCTV system in consultation with the Metropolitan Police Crime and Prevention Officer. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practicable upon the reasonable request of the Police or authorised Officer throughout the preceding 31 day period.</p> <p>2. A staff member from the premises who is conversant with the operation of the CCTV system shall be immediately available when the premises are open to the public. The staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested.</p> <p>3. The need for door supervisors at the premises will be assessed by way of a risk assessment and cognisance will be taken of Police advice.</p> <p>4. Substantial food and non-intoxicated beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.</p> <p>5. Notices shall be prominently displayed in the outdoor area requesting patrons to use the area quietly.</p> <p>6. Alcohol sold for consumption off the premises shall be supplied in sealed containers.</p>
--	--

d) the prevention of public nuisance

	<p>1. The number of persons permitted at any one time (excluding staff) shall not exceed 300.</p> <p>2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local businesses and residents and leave the area quietly.</p> <p>3. Waste or recyclable materials, including bottles, shall not be placed in outside areas between 23.00hrs and 08.00hrs.</p> <p>4. Where available, a responsible member of staff shall join the local Pubwatch or other local crime reduction scheme approved by the Police.</p> <p>5. The premises licence holder shall be bound by the terms of the Dispersal Plan and such Plan shall be updated by the Premises Licence Holder from time to time as appropriate. A copy of the Plan shall be retained at the premises and made available for inspection by the Relevant Authorities.</p> <p>6. The Dispersal Plan (around the terminal hour) is intended to make the maximum contribution (by exercising pro-active measures towards and at the end of trading) to move customers away from the premises and its immediate area in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour and crime.</p> <p>7. The Dispersal Plan is subject to review and will address problems and concerns if they are identified in order to establish a permanent reduction or elimination of the problems and concerns.</p> <p>8. Where requested, local residents will be provided with contact details for the premises and its management and a copy of the dispersal policy.</p>
--	--

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

	<p>9. Staff will be fully trained to ensure that customers are reminded when leaving that they should leave quietly and that they should be respectful of neighbours in the vicinity.</p> <p>10. In relation to persons seated in any external areas of the premises, staff will monitor these areas at all times to ensure that persons seated outside do not cause a public nuisance or affect any neighbouring properties.</p> <p>11. Staff will ensure that all outside areas are kept clean and tidy at all times and will ensure that all refuse is collected at the end of the evening.</p> <p>12. The door supervisors will encourage patrons to leave in smaller batches to discourage a mass exodus. This also ensures that the outside area is more manageable.</p> <p>13. Staff at the premises will encourage customers to drink up and progress to the exit throughout the latter part of drinking up time.</p> <p>14. Staff will actively encourage customers not to assemble outside the premises once the premises close.</p> <p>15. Staff will ensure that the surrounding areas directly outside the premises are clean and free from rubbish and any other waste.</p> <p>16. Persons who wish to smoke will be required to be directed away from any enclosed areas and areas closest to local residents.</p>
--	---

e) the protection of children from harm

	<p>1. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as driving licence or passports.</p> <p>2. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the staff member who refused the sale. A log shall be available for inspection at the premises by the Police or an authorised Officer.</p>
--	---

Please upload a plan of the premises

--

Please upload any additional information i.e. risk assessments

--

Checklist

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

Home Office Declaration

Please tick to indicate agreement

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

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

Declaration

I agree to the above statement

	Yes
PaymentDescription	
AuthCode	
LicenceReference	
PaymentContactEmail	

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

Full name	Neil Benson
Date (DD/MM/YYYY)	02/01/2019
Capacity	Director

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

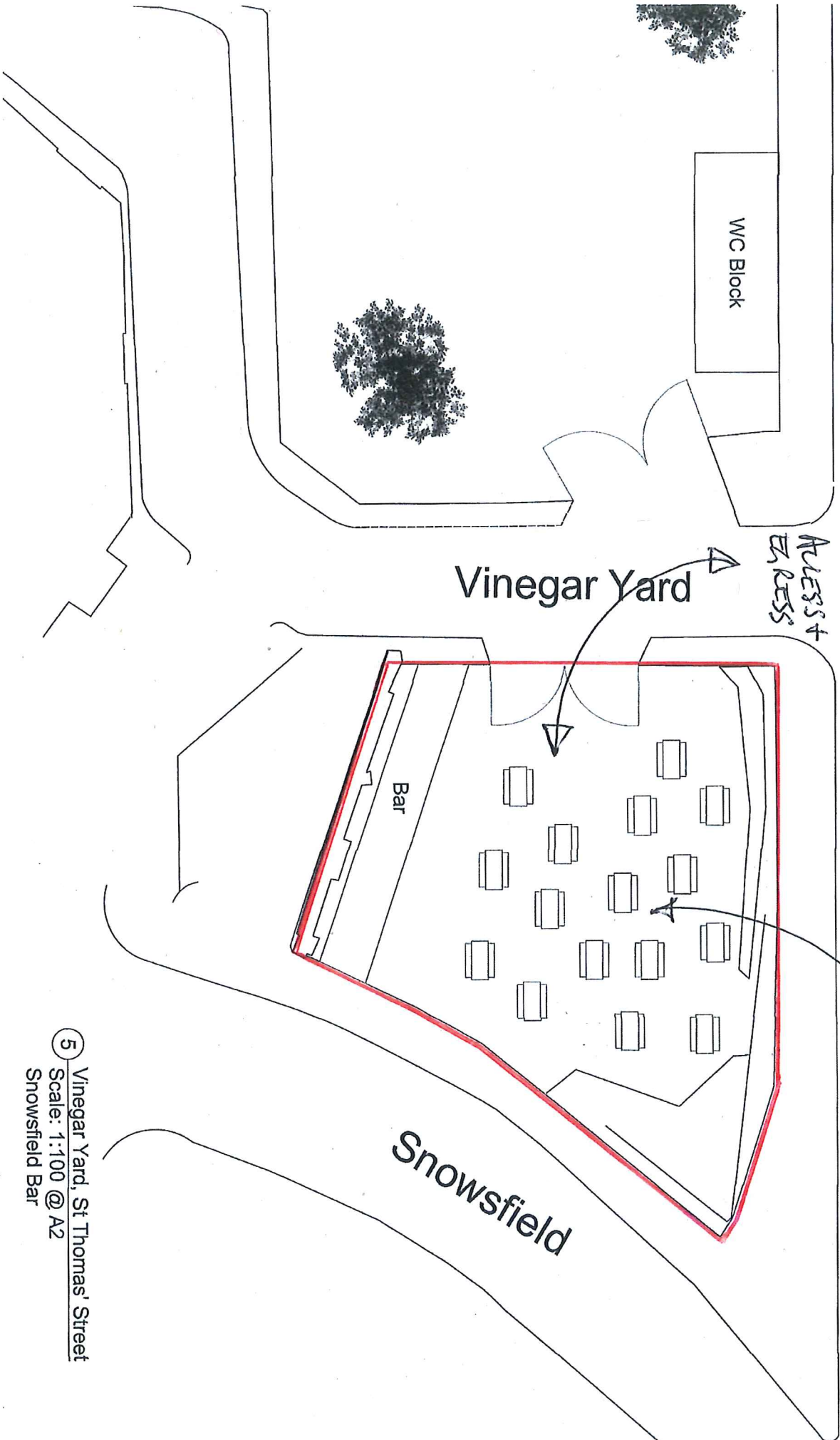
Full name	
Date (DD/MM/YYYY)	
Capacity	

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

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.

St Thomas' Street



OPEN AIR SEATING

ACCESS + EGRESS

Vinegar Yard

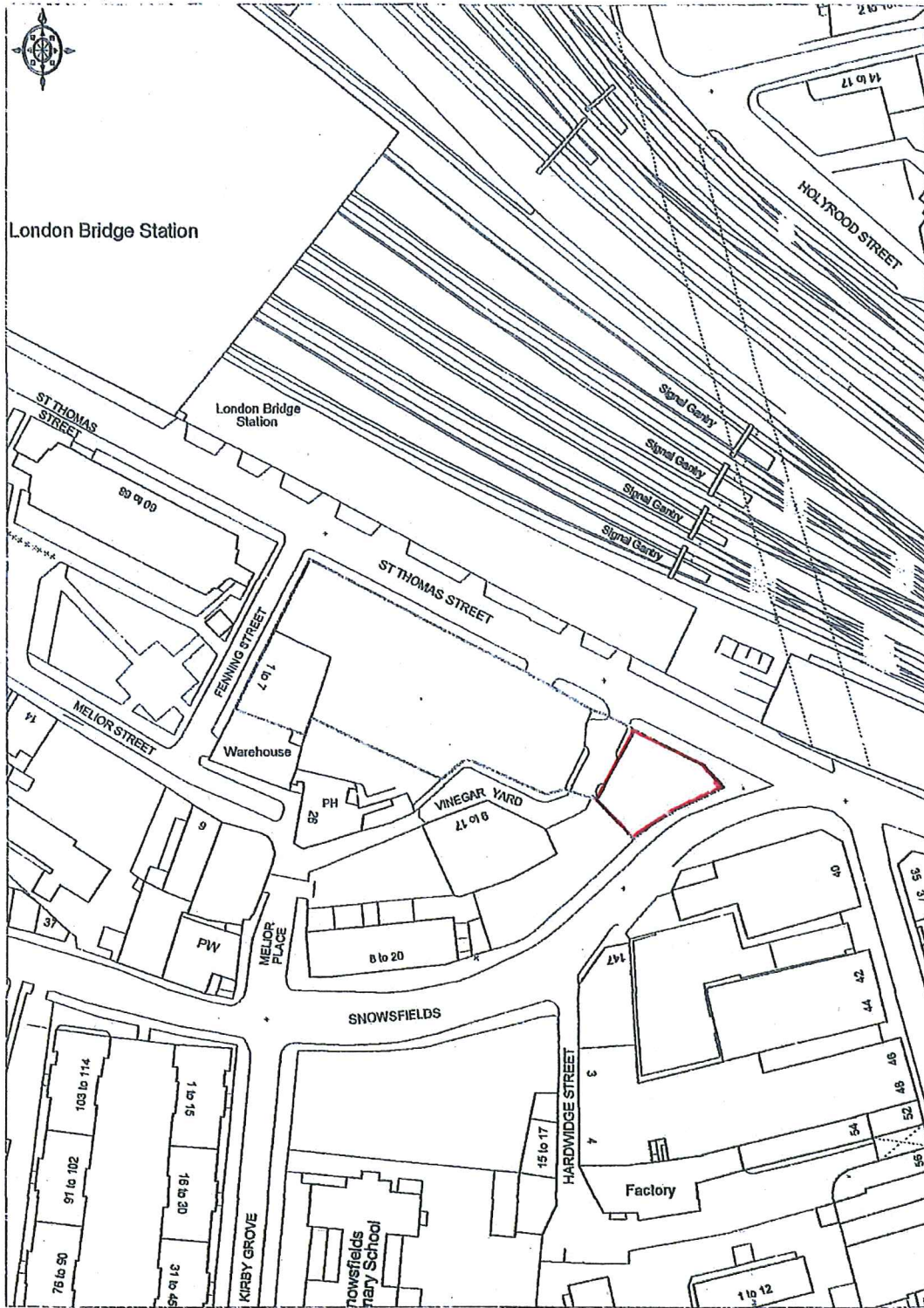
Snowsfield

Bar

WC Block

⑤ Vinegar Yard, St Thomas' Street
 Scale: 1:100 @ A2
 Snowsfield Bar

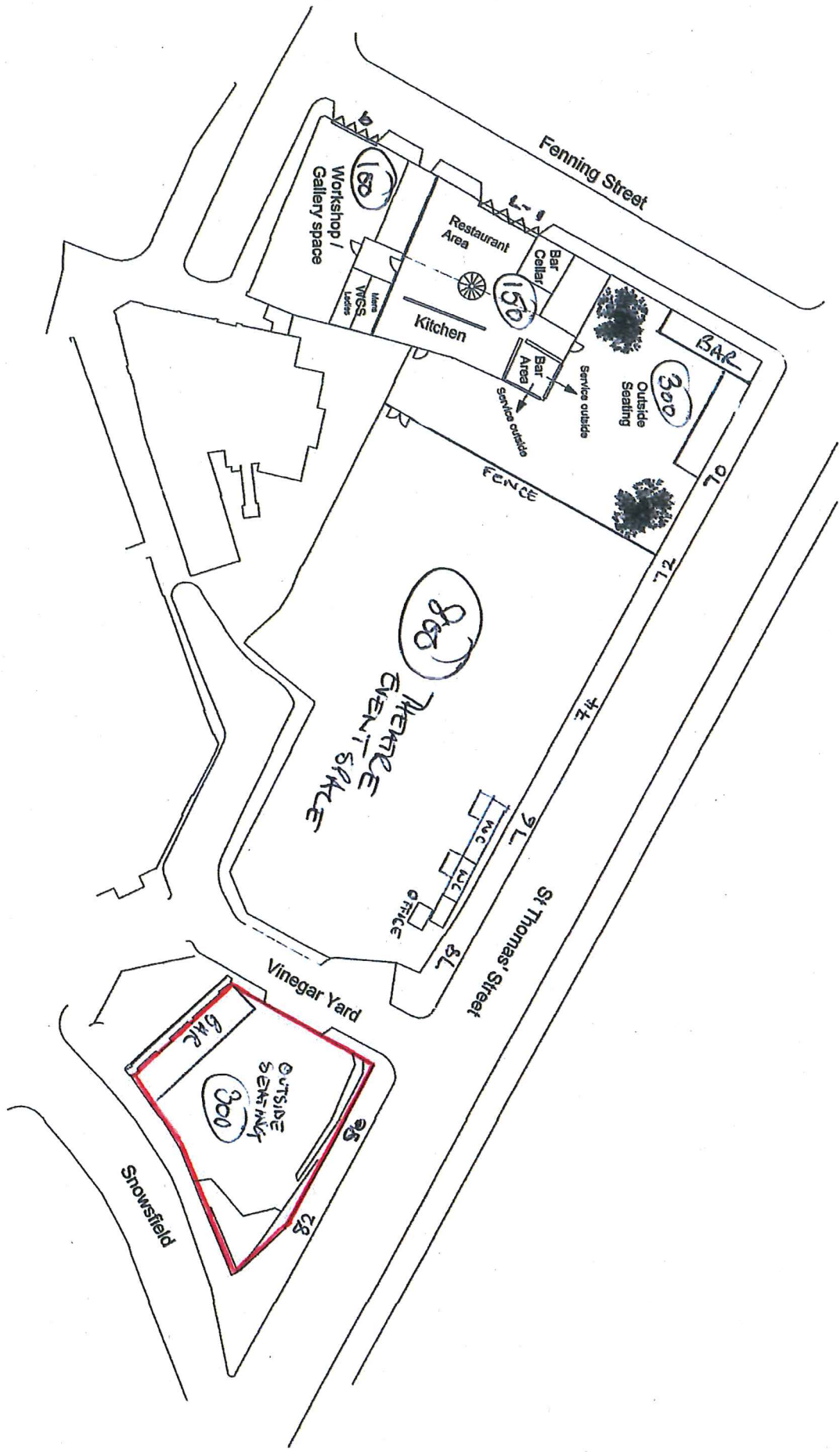
CAFE &
CRAFT BEER AREA



© Crown copyright 2000 All rights reserved. Based on Ordnance Survey digital data Survey Scale - 1:1250 Plotted Scale - 1:1250
(Scales other than at Survey Scale should not be used for accurate measurement). Business occupancy data ©2000 Thomson Directories Ltd.

**70/82 ST THOMAS STREET AND ADJOINING WAREHOUSE
LONDON SE1**





1 Vinegar Yard, St Thomas Street
 Scale: 1:350
 Ground Floor



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/020/19

Date: 5th February 2019

Dear Sir/Madam

Re:- FIS Bar Ltd Vinegar Yard 80-82 St Thomas Street SE1 3QU

Police are in receipt of an application from the above for a new time limited premises licence to run between the 14/02/2019 and the 14/02/2021, reference **866397**

The premises are located in the Borough & Bankside cumulative impact area as defined by Southwark's statement of Licensing Policy.

The premises would appear to be an events space with the provision of a bar, outside seating area and a number of adjoining area's for eating and drinking, some of the adjoining areas are being dealt with under a separate application **ref 866395**

All applicants for new premises licences or for variation of existing premises licences, made in respect of classes of premises affected by the policy, located within a special policy area, must address the local concerns raised within their application and operating schedule.

Where a presumption against the grant of a licence exists and a relevant representation has been received, this Authority must consider whether it would be justified in departing from its special policy in the individual circumstances of the case.

This Authority will need to be satisfied that the grant of the application under consideration will not impact further on the relevant licensing objectives, before any grant or part grant of the application can be approved.

Examples of factors that this Authority may consider as demonstrating that there will be no impact may include:

- Small premises intended to cease operation before midnight
- Premises which are not alcohol led and only operate during the day time

economy

- Instances where an existing business operation is being relocated while maintaining the same style of operation
- Where a suite of conditions is proposed that will ensure that the premises operates in a specified manner. For instance, in the case of a food led operation, a suite of conditions that governs the minimum number of covers provided; that alcohol will only be provided by waiter / waitress service and together with a table meal.

Examples of factors that this Authority is unlikely to consider as demonstrating that There will be no impact may include:

That the premises will be well managed (as this is an expectation of all licensed premises

That the premises will be constructed to a high standard

That the applicant operates a similar style of business elsewhere (such as within another local authority area) without complaint

This particular application makes reference to an accommodation limit of 300 persons at any one time. It also refers to substantial food being available throughout its operation, however there are no restrictions to the service of food as ancillary to a table meal.

Save for the premises closing before midnight it does not satisfy any of the above factors for me to recommend that the licensing subcommittee would be justified in departing from their special policy. A premises such as this in my opinion is likely to add to the existing cumulative impact. The applicant has not addressed sufficiently Southwark's cumulative impact policy in their application.

I object to the granting of this licence under the prevention of crime and disorder licensing objective for the above reasons.

Submitted for consideration.

PC Ian Clements 2362AS

Southwark Police Station
323 Borough High Street
02072326756

MEMO: Licensing Unit

To Licensing Unit **Date** 7 February 2019

Copies

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

Email jayne.tear@southwark.gov.uk

Subject Re: Vinegar Yard, 80-82 St Thomas Street, London, SE1 3QU

– Application to for a premises licence

I write with regards to the above application for the grant of a premises licence submitted by The FIS Bar Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Films (outdoors) on Monday to Friday from 12:00 to 22:30 and on Saturday and Sunday from 11:00 to 22:30
- Live music (indoors and outdoors) on Monday to Friday from 12:00 to 22:30 and on Saturday and Sunday from 11:00 to 22:30
- Recorded music (indoors and outdoors) on Monday to Friday from 12:00 to 23:00 and on Saturday and Sunday from 11:00 to 23:00
- Anything of a similar description to live music, recorded music and performance of dance (indoors and outdoors) on Monday to Friday from 12:00 to 22:30 and on Saturday and Sunday from 11:00 to 22:30
- Supply of alcohol (on and off the premises) on Monday to Friday from 12:00 to 23:00 and on Saturday and Sunday from 11:00 to 23:00
- Overall opening times shall be on Monday to Friday from 11:30 to 23:15 and on Saturday and Sunday from 10:30 to 23:15

The premises is described as: *'Surface car park upon which temporary structures (containers, vehicles, tents etc) will be placed.'*

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.

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

The premises also falls within the CIP area for Borough and Bankside. Under the Southwark Statement of Licensing Policy 2016 - 2020 the Local CIP applies to night clubs, public houses & bars, restaurants & cafes, off-licences, supermarkets, convenience stores and similar premises.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Borough and Bankside policy area as defined in paragraph 129 of the policy and this premises falls into the class of premises in 130 of the policy.

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

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the policy area.

There is not enough information within the description of the premises to show how this premises will operate and I would like further clarification on this point and reserve the right to comment further once this information is provided.

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

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

To consider adding further conditions as follows:

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

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

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

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

.

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

From: Moore, Ray

Sent: Friday, January 18, 2019 3:02 PM

To: Regen, Licensing; 'neil@flatironsquare.co.uk'

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

Subject: TS representations with respect to The FIS Bar Ltd T/A "Vinegar Yard", 80-82 St Thomas Street, SE1 3QU Applic No 866397

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from The FIS Bar Ltd for a new time limited application for a premises license in respect of the above address and respond accordingly with representations made under the Licensing Objectives. It is time limited from 14/02/2019 to 14/02/2021.

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

In the general description of the premises it states "Surface car park upon which temporary structures (containers, vehicles, tents etc) will be placed. Under the heading of the licensing objective "The prevention of public nuisance!" it states "The number of persons permitted at any one time (excluding staff) shall not exceed 300.

Firstly, this authority notes that the proposed use of a car park for these purposes is in the Borough and Bankside Cumulative Impact Zone which has one of the densest concentrations of licensed premises in both Southwark and London. The area has a thriving night time economy but there may be a presumption that further licensed premises may not be appropriate.

This authority notes that under the heading of the licensing objective "the protection of children from harm" it makes reference to both challenge 25 and a refusals log. However, this authority would like to tidy up these 2 planned conditions and bring them into line with best practice regarding the prevention of sales of alcohol to minors. This authority would therefore ask that the two conditions are removed and replaced with the following:-

- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the

acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- No unaccompanied children under the age of 16 will be permitted any time.
- No gambling machines will be on the premises.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

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

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

www.southwark.gov.uk/TradingStandards

Need proof of age? Visit www.southwark.gov.uk/pal

Need advice on consumer issues? Visit Citizens Advice via www.direct.gov.uk/consumer



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:

Our Ref: 19-CE-00034

Contact: Gavin Blackburn

Telephone: 020 7525 7007

Fax: 020 3357 3101

E-Mail: planning.enquiries@southwark.gov.uk

Web Site: <http://www.southwark.gov.uk>

Date: 17/01/2019

Dear Sir/Madam

Premises Licensing re:

VINEGAR YARD, 80-82 ST THOMAS STREET, LONDON, SE1 3QU

Summary description:

Date Received: 14/01/2019

The planning department object to this proposed licence under the objective of prevention of nuisance.

The application seeks to licence a large area open area that has no planning permission for an A class use and for which no assessment has been made in respect of the impacts that a large licenced premises may have. It is likely to be a significant source of noise.

It is understood that this proposal is intended as a temporary use whilst the site is considered for redevelopment. A temporary entertainment venue on this site maybe possible and a planning application should be made for such a use if that is what is intended. This application has no noise impact assessment, no dispersal strategy and no obvious means of controlling noise from a large open area that on the plan is shown as tables for drinking. The immediate area is well served for drinking venues and a nearby smaller venue at 40 Bermondsey Street has resulted in complaints from the noise arising from outside drinking. This much larger site would require significant mitigation to be made acceptable and at present none is proposed as part of the application.

The Council does look to support meantime uses that have a community benefit. It is acknowledged that retaining public houses can provide a significant benefit where those businesses are community hubs and part of the social life of the immediate area. Creating a large area for drinking such as this in an area well served by licensed premises would have a negligible community benefit. Switching focus from sale of alcohol to provision of a cultural venue would increase the benefit provided to the area, but noise impacts would need to be assessed and mitigated against.

Yours faithfully

Gavin Blackburn

Senior Enforcement Officer

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

From: Moore, Ray
Sent: Monday, February 11, 2019 2:37 PM
To: 'Neil Benson'
Cc: Mills, Dorcas
Subject: RE: Vinegar Yard - Premise Licence Application

Dear Neil,

On the basis of you accepting the proposed conditions I withdrawn my representations.

Dorcas... see e-mail below.

Many thanks

Ray MOORE

Principal Trading Standards Enforcement Officer Southwark Council | Environment & Leisure |
Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX Direct line 020 7525 0816 | Fax 020 7525
5735 | Call Centre 020 7525 2000 www.southwark.gov.uk/TradingStandards

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Advice via www.direct.gov.uk/consumer

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

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

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

From: Neil Benson] Sent: Monday, February 11, 2019
1:15 PM
To: Moore, Ray
Subject: Vinegar Yard - Premise Licence Application

Hi Ray

I tried calling this morning and have left you a message

Dorcas passed me a copy of your objection letter regarding the above site and suggested I contact you to seek to agree matters

I'm very happy to agree the revised condition wording

Jayne Tear has also lodged an objection regarding the general presumption which we will need to resolve if we are to obtain a licence.

In those circumstances I wanted to ask whether it would be possible for us to agree your condition wording and for you to email Dorcas confirming your agreement to withdraw your objection on the basis that we undertake to accept your conditions?

If you would like to discuss this further on the phone (my number is 07825 745 314) or meet on site I'm very happy to do so

I look forward to hearing from you.

Thanks for your assistance

Kind Regards

Neil Benson

Commercial Director

Flat Iron Square Limited

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

From: Regen, Licensing

Sent: Monday, February 11, 2019 4:36 PM

To:

Cc: Mills, Dorcas

Subject: FW: Vinegar Yard 1-7 Fenning Street and 80-82 St Thomas Street

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

From: Blackburn, Gavin

Sent: Monday, February 11, 2019 4:31 PM

To: 'Neil Benson'; Regen, Licensing

Cc: Planning.Enquiries

Subject: RE: Vinegar Yard 1-7 Fenning Street and 80-82 St Thomas Street

Dear Mr Benson,

Thank you for contacting me today to discuss this matter. I'm withdrawing the planning objection to the licence on the understanding that an application will be made for a temporary use of this site. That application should be accompanied by a noise impact assessment.

You are anticipating that you may receive a positive decision in respect of your premises licence before a planning application is decided. That maybe the case. Clearly I can't predetermine the outcome of a planning application so if you do commence operating before the application is decided you do so at risk that permission maybe refused.

On balance I consider that a planning application is the best way to consider local amenity and other planning considerations and having received your undertaking to make such an application there is no need for objection to your licensing application to remain.

Kind regards

Gavin Blackburn

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

From: Neil Benson Sent: Monday, February 11, 2019
2:52 PM

To: Blackburn, Gavin

Cc: Planning.Enquiries

Subject: Vinegar Yard

Hi Gavin

Thanks very much for returning my call

As discussed we will be making a planning application in relation to Vinegar Yard and will arrange for this to be accompanied by an assessment of the noise impact.

The site will open in advance of this (subject to a premises licence being granted) and we should therefore have a good idea of how it's operating in practice so we can ensure appropriate measures are in place to operate side by side with our neighbours (the licence conditions should however ensure this happens)

We did not receive a separate representation from Environmental Health regarding noise however I would like to think this is due to their experience with us at Flat Iron Square which I believe had been positive

I've arranged to meet with Dan Taylor to show him the site next week and have also already met with Dan previously, the ward counsellors and senior members of the council to discuss our plans - which appear to have wide ranging support

Jayne Tear has made a representation which will no doubt ensure the appropriate conditions required to deal with your concerns are imposed

In the circumstances I would ask that you withdraw your objections to both licence applications

If you wish to discuss this further I'm happy to do so or to show you the site

Thanks for your assistance

Kind Regards

Neil Benson

Commercial Director

Flat Iron Square Limited

Item No. 6.	Classification: Open	Date: 7 March 2019	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Vinegar Yard, 1-7 Fenning Street, London SE1 3QR	
Ward(s) or groups affected:		London Bridge and West Bermondsey	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by The FIS Bar Limited for a time-limited premises licence on 4 February 2019 to 14 February 2021 to be granted under the Licensing Act 2003 in respect of the event to be held on Vinegar Yard, 1-7 Fenning Street, London SE1 3QR.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 20 of this report deals with the representations received to the premises licence application and conciliations progress made. Copies of the relevant representations from responsible authorities and correspondence from conciliation process are attached as Appendices B and C.
 - d) Paragraph 21 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

The Licensing Act 2003

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

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 11 January 2019, The FIS Bar Limited applied to this council for the grant of a time-limited premises licence for an event to be held on 14 February 2019 to 14 February 2021 in respect of Vinegar Yard, 1-7 Fenning Street, London SE1 3QR. The premises is described as a warehouse building on the ground and first floors with outside space to used for events.

9. The application is summarised as follows:
 - Films (indoors and outdoors):
 - Monday to Friday: 12:00 to 22:30
 - Saturday and Sunday: 11:00 to 22:30

 - Live music (indoors and outdoors):
 - Monday to Friday: 12:00 to 22:30
 - Saturday and Sunday: 11:00 to 22:30

 - Recorded music (indoors outdoors):
 - Monday to Wednesday from 12:00 to 23:00
 - Thursday and Friday from 12:00 to 23:30
 - Saturday from 11:00 to 23:30
 - Sunday from 11:00 to 23:00

- Anything of a similar description (indoors and outdoors):
 - Monday to Friday from 12:00 to 22:30
 - Saturday and Sunday from 11:00 to 22:30
 - Late night refreshment (indoors):
 - Thursday: 23:00 to 23:30
 - Friday and Saturday: 23:00 to 00:30
 - Supply of alcohol (on and off the premises):
 - Monday to Thursday: 12:00 to 23:00
 - Friday: 12:00 to 01:00
 - Saturday: 11:00 to 01:00
 - Sunday: 11:00 to 23:00.
 - Operating hours of premises:
 - Monday to Wednesday: 12:00 to 23:00
 - Thursday: 12:00 to 00:00
 - Friday: 12:00 to 01:00
 - Saturday: 11:00 to 01:00
 - Sunday: 11:00 to 23:00.
10. The premises licence application form provides the applicant operating schedule. Parts B, E, F, G, H, I, J, K, L and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor is Marco Mendes who has a personal licence issued by North Hertfordshire District Council.

Representations from responsible authorities

12. Representations were submitted by the Metropolitan Police Service, licensing as a responsible authority and the planning department.
13. The Metropolitan Police Service representation states that the premises are situated on the boundary of the Borough and Bankside cumulative impact policy (CIP) area and are in a designated strategic cultural area under the Southwark council statement of licensing policy. The hours applied for are within that recommended under the policy. However the application makes reference to an accommodation limit of 600 persons at any one time and also refers to substantial food being available throughout its operation. However, they note that there are no restrictions to the service of alcohol as ancillary to a table meal. Although the application seeks closing before midnight on Sunday through to Wednesday, Thursday has a closing time of 00:30 and Friday and Saturday have a closing time of 01:30, it does not

satisfy some of the factors mentioned in the policy. A premises such as this is likely to add to the existing cumulative impact. The police state that they feel that the applicant has not sufficiently addressed Southwark's cumulative impact policy in their application.

14. The Licensing representation mentions that the premises is situated in the Bankside, Borough, London Bridge strategic cultural area. The representation is based on the Southwark statement of licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance licensing objectives. The premises also falls within the CIP area for Borough and Bankside. Under the Southwark Statement of Licensing Policy 2016 - 2020 the local CIP applies to night clubs, public houses and bars, restaurants and cafes, off-licences, supermarkets, convenience stores and similar premises.
15. The licensing responsible authority also describe the operating schedule as lacking and does not adequately address the four licensing objectives. The applicant has not addressed the presumption to refuse this application within the operating schedule and licensing recommend refusal of this application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the policy area. There is not enough information within the description of the premises to show how this premises will operate and further clarification is sought on this point. Licensing reserve the right to comment further once this information is provided. The applicant has been asked to consider conditions relating to off sales.
16. The planning department object to this proposed licence under the objective of prevention of nuisance. The application seeks to licence a large open area that has no planning permission for an A class use and for which no assessment has been made in respect of the impacts that a large licenced premises may have. It is likely to be a significant source of noise. This application has no noise impact assessment, no dispersal strategy and no obvious means of controlling noise from a large open area that on the plan is shown as tables for drinking.
17. The planning department state that the council does look to support meantime uses that have a community benefit. It is acknowledged that retaining public houses can provide a significant benefit where those businesses are community hubs and part of the social life of the immediate area. Creating a large area for drinking such as this in an area well served by licensed premises would have a negligible community benefit. Switching focus from sale of alcohol to provision of a cultural venue would increase the benefit provided to the area, but noise impacts would need to be assessed and mitigated against.
18. Copies of the representations are attached as Appendix B.

Representation from other persons

19. There are no representations from other persons.

Conciliation

20. The representations received were forwarded to the applicant. The conciliation process has resulted in planning withdrawing their representation on the understanding that a planning application will be made for a temporary use of this site. That application should be accompanied by a noise impact assessment.

Correspondence relating to the process are attached as Appendix C. The licensing sub-committee will be updated on 7 March 2019.

The local area

21. 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 are also shown on the map:

Public houses and restaurants

- YO! Sushi, Wolfson House, 49 St Thomas Street, London SE1 (Monday to Saturday until 23:30 and Sunday until 23:00)
- The Savanna, Unit SU58 London Bridge Station, London SE1 (Monday to Sunday until 22:30)
- Bob's Lobster, Unit SU59 London Bridge Station, London SE1 (Sunday to Wednesday until 00:00 and Thursday to Saturday until 01:00)
- The Horseshoe Inn, 26 Melior Street, London SE1 (Monday to Saturday until 00:30 and Sunday until 23:30)
- Texas Joe's, 8-9 Snowfields, London SE1 (Monday to Sunday until 23:30)
- Lost Rivers Deli Bar, 7-13 Melior Street, London SE1 (Sunday to Thursday until 23:30 and Friday and Saturday until 00:00)
- Londrino, 36 Snowsfields, London SE1 (Sunday to Thursday until 00:00 and Friday and Saturday until 00:30)
- Champor Champor, 62 - 64 Weston Street, London SE1 (Monday to Sunday until 00:30).

Deregulation of entertainment

22. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
23. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Borough and Bankside cumulative impact zone

24. 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.

25. 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.
26. 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.
27. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

28. Council assembly approved Southwark's statement of licensing policy 2016 - 2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 – Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

29. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
30. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
- Closing time for restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.
 - Public bars, wine bars and other drinking establishments:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00
 - There are no restriction times for hotel bars and guest houses.

Resource implications

31. 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

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

36. 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.

37. 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.
38. 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

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

43. 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

44. 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

45. 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.
46. 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

47. 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.

48. 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.
49. 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.
50. 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.
51. 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.
52. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
53. Under the Human Rights Act 1998. the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
54. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application premises licence
Appendix B	Representation from responsible authorities
Appendix C	Conciliation correspondence
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	22 February 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	22 February 2019	

02/01/2019

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

Ref No. 1154914

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

	The FIS Bar Limited
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Premises Details

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

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

Premises trading name

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

Address Line 1	GROUND FLOOR
Address Line 2	1-7 FENNING STREET
Town	LONDON
County	
Post code	SE1 3QR
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

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

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

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

Other Applicants

Personal Details - First Entry

Name	The FIS Bar Limited
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Address - First Entry

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

Contact Details - First Entry

Telephone number	
Email address	

Operating Schedule

When do you want the premises licence to start?

	14/02/2019
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If you wish the licence to be valid only for a limited period, when do you want it to end?

	14/02/2021
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General description of premises (see guidance note 1)

	Warehouse building (Ground & First floors) with outside areas
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If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

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

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)

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

Provision of late night refreshment

	i) Late night refreshment
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Supply of alcohol

	j) Supply of alcohol
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B- Films

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

	Both
--	------

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

	Within the existing buildings or outside or in temporary structures outside
--	---

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

Day	Start	Finish
Mon	12:00	22:30
Tues	12:00	22:30
Wed	12:00	22:30
Thur	12:00	22:30
Fri	12:00	22:30
Sat	11:00	22:30
Sun	11:00	22:30

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

--	--

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)

--	--

E - Live Music

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

	Both
--	------

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

	either inside buildings or outside or outside under temporary structures
--	--

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

Day	Start	Finish
Mon	12:00	22:30
Tues	12:00	22:30
Wed	12:00	22:30
Thur	12:00	22:30
Fri	12:00	22:30
Sat	11:00	22:30
Sun	11:00	22:30

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

--	--

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)

--	--

F - Recorded Music

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

	Both
--	------

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

	either inside buildings or outside or outside under temporary structures
--	--

Standard days and timings for Recorded Music (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	23:30
Fri	12:00	23:30
Sat	11:00	23:30
Sun	11:00	23:00

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

--	--

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)

	Recorded Music will be played inside only during the additional hours that this area is licensed to sell alcohol (ie. beyond the hours stated above which relate to both the inside and outside areas)
--	--

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

	comedy, spoken word, activities (such as quizzes, crazy golf, sports screenings or bingo) etc
--	---

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)

	either inside or outside or under temporary structures outside
--	--

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

Day	Start	Finish
Mon	12:00	22:30
Tues	12:00	22:30
Wed	12:00	22:30
Thur	12:00	22:30
Fri	12:00	22:30
Sat	11:00	22:30
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)

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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)

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I - Late Night Refreshment

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

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

	Will be served inside warehouse building
--	--

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

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

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

--	--

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

--	--

J - Supply of Alcohol

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

	Both
--	------

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	00:00
Fri	12:00	01:00
Sat	11:00	01:00
Sun	11:00	23:00

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

	All sales of alcohol after 23:30 will be sold and consumed inside the Warehouse building
--	--

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

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

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Marco
Surname	Mendes

DOB

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

Address of proposed designated premises supervisor

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

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

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

K

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

	N/A
--	-----

L - Hours premises are open to public

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

Day	Start	Finish
Mon	11:00	23:30
Tues	11:00	23:30
Wed	11:00	23:30
Thur	11:00	00:30
Fri	11:00	01:30
Sat	10:00	01:30
Sun	10:00	23:30

State any seasonal variations (Please read guidance note 5)

--	--

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

--	--

M - Steps to promote four licencing objectives

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

	The Applicant has previously operated Flat Iron Square and Bar by the River (The Scoop) within the borough. Similar steps to those set out below were successfully applied at both sites to promote the licensing objectives.
--	---

b) the prevention of crime and disorder

	<ol style="list-style-type: none"> 1. The premises shall install and maintain a CCTV system in consultation with the Metropolitan Police Crime and Prevention Officer. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practicable upon the reasonable request of the Police or authorised Officer throughout the preceding 31 day period. 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be immediately available when the premises are open to the public. The staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested. 3. The need for door supervisors at the premises will be assessed by way of a risk assessment and cognisance will be taken of Police advice. 4. Substantial food and non-intoxicated beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. 5. Notices shall be prominently displayed in the outdoor area requesting patrons to use the area quietly. 6. Alcohol sold for consumption off the premises shall be supplied in sealed containers.
--	---

c) public safety

	<ol style="list-style-type: none"> 1. The premises shall install and maintain a CCTV system in consultation with the Metropolitan Police Crime and Prevention Officer. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practicable upon the reasonable request of the Police or authorised Officer throughout the preceding 31 day period. 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be immediately available when the premises are open to the public. The staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested. 3. The need for door supervisors at the premises will be assessed by way of a risk assessment and cognisance will be taken of Police advice. 4. Substantial food and non-intoxicated beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. 5. Notices shall be prominently displayed in the outdoor area requesting patrons to use the area quietly. 6. Alcohol sold for consumption off the premises shall be supplied in sealed containers.
--	---

d) the prevention of public nuisance

	<ol style="list-style-type: none"> 1. The number of persons permitted at any one time (excluding staff) shall not exceed 600. 2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local businesses and residents and leave the area quietly. 3. Waste or recyclable materials, including bottles, shall not be placed in outside areas between 23.00hrs and 08.00hrs. 4. Where available, a responsible member of staff shall join the local Pubwatch or other local crime reduction scheme approved by the Police. 5. The premises licence holder shall be bound by the terms of the Dispersal Plan and such Plan shall be updated by the Premises Licence Holder from time to time as appropriate. A copy of the Plan shall be retained at the premises and made available for inspection by the Relevant Authorities. 6. The Dispersal Plan (around the terminal hour) is intended to make the maximum contribution (by exercising pro-active measures towards and at the end of trading) to move customers away from the premises and its immediate area in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour and crime. 7. The Dispersal Plan is subject to review and will address problems and concerns if they are identified in order to establish a permanent reduction or elimination of the problems and concerns. 8. Where requested, local residents will be provided with contact details for the premises and its management and a copy of the dispersal policy. 9. Staff will be fully trained to ensure that customers are reminded when leaving that they should leave quietly and that they should be respectful of neighbours in the vicinity. 10. In relation to persons seated in any external areas of the premises, staff will monitor these areas at all times to ensure that persons seated outside do not cause a public nuisance or affect any neighbouring properties. 11. Staff will ensure that all outside areas are kept clean and tidy at all times and will ensure that all refuse is collected at the end of the evening. 12. The door supervisors will encourage patrons to leave in smaller batches to discourage a mass exodus. This also ensures that the outside area is more manageable. 13. Staff at the premises will encourage customers to drink up and progress to the exit throughout the latter part of drinking up time. 14. Staff will actively encourage customers not to assemble outside the premises once the premises close. 15. Staff will ensure that the surrounding areas directly outside the premises are clean and free from rubbish and any other waste. 16. Persons who wish to smoke will be required to be directed away from any enclosed areas and areas closest to local residents.
--	---

e) the protection of children from harm

	<p>1. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as driving licence or passports.</p> <p>2. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the staff member who refused the sale. A log shall be available for inspection at the premises by the Police or an authorised Officer.</p>
--	---

Please upload a plan of the premises

	R [REDACTED]
--	--------------

Please upload any additional information i.e. risk assessments

--	--

Checklist

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

Home Office Declaration

Please tick to indicate agreement

	<input type="checkbox"/> I am 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	Neil Benson
-----------	-------------

Date (DD/MM/YYYY)	02/01/2019
Capacity	Director

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

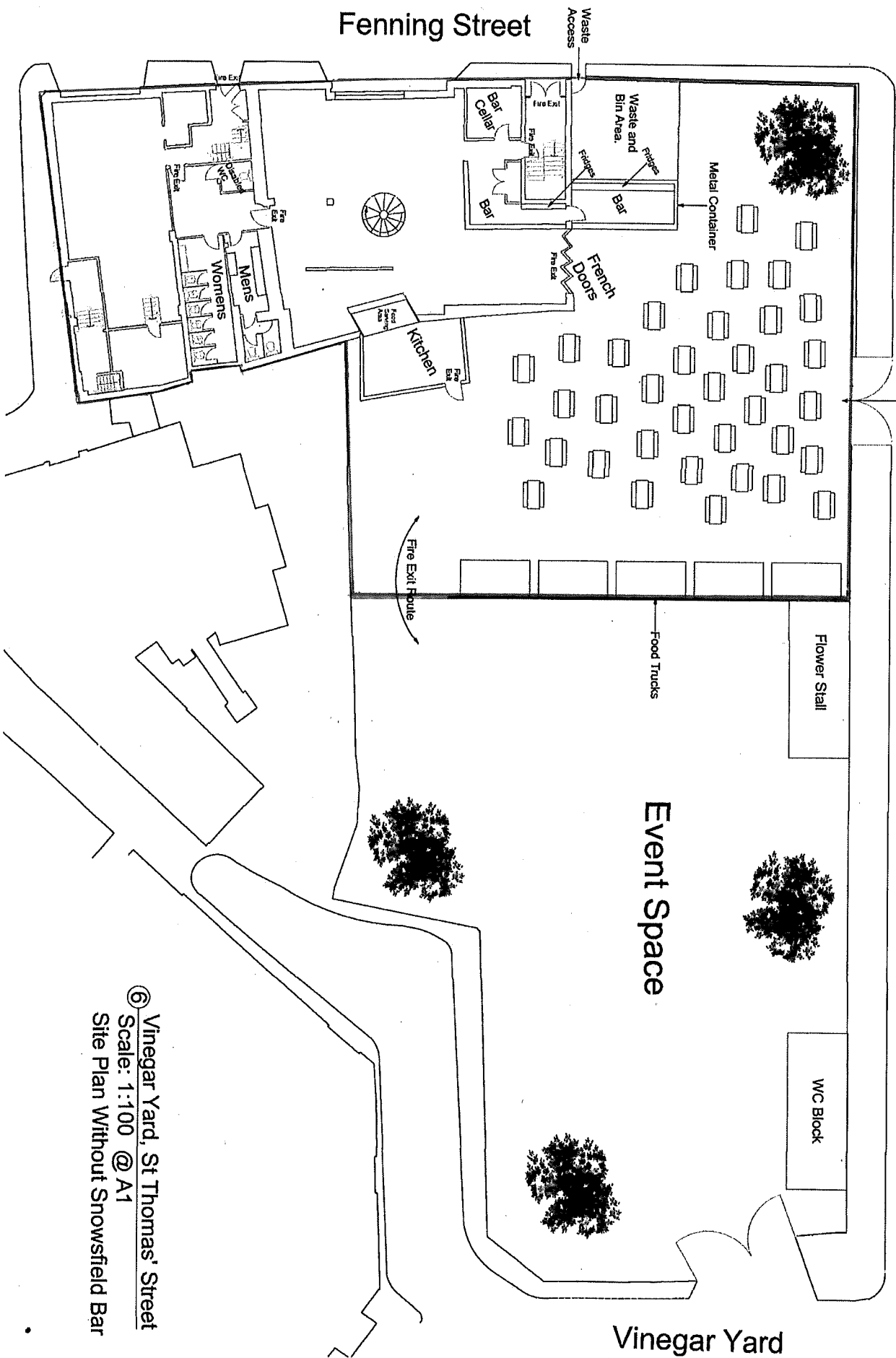
The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

Fenning Street

Public Access and Egress

St Thomas' Street

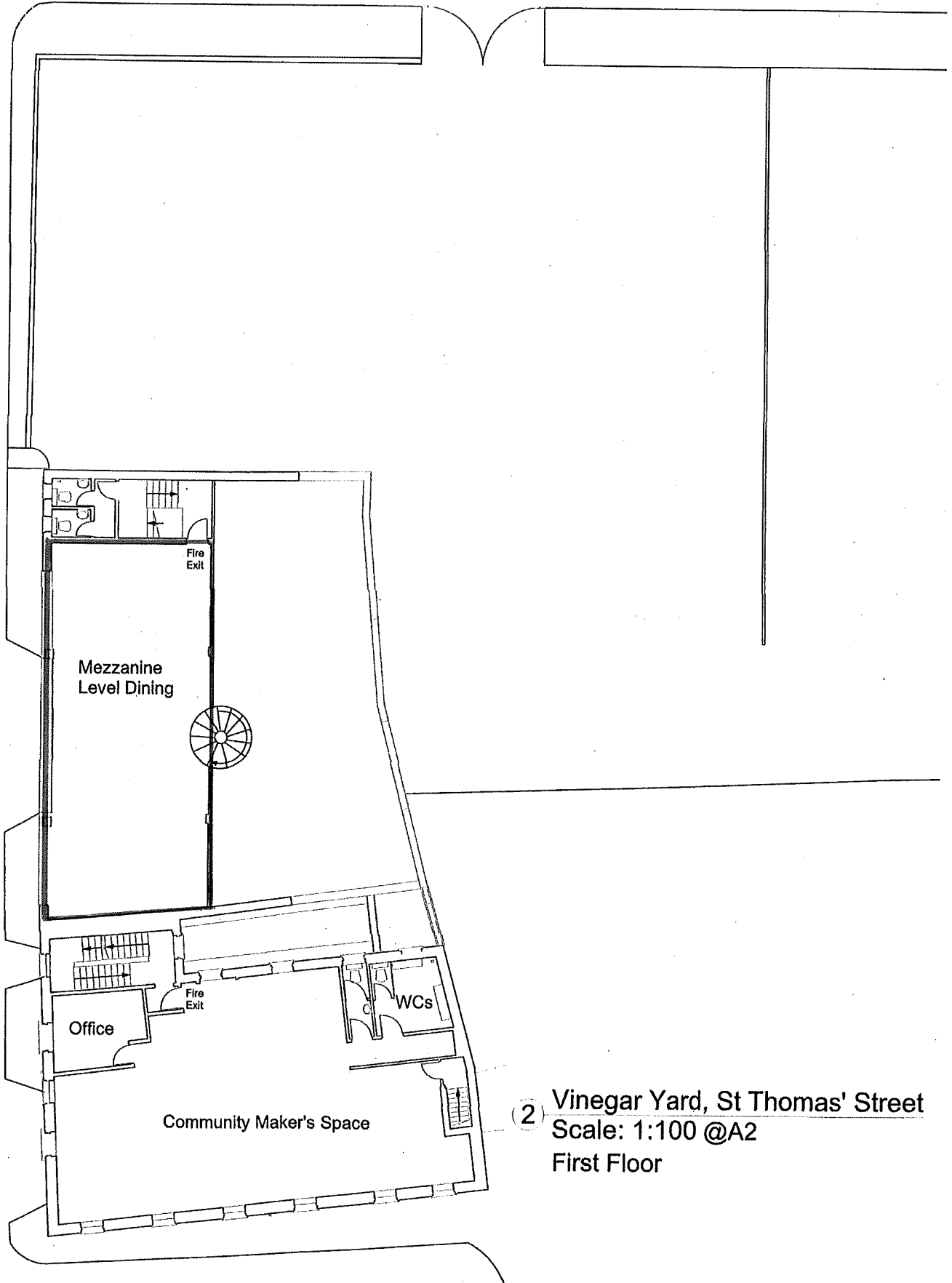
Vinegar Yard



© Vinegar Yard, St Thomas' Street
 Scale: 1:100 @ A1
 Site Plan Without Snowfield Bar

St Thomas' Street

Fenning Street



② Vinegar Yard, St Thomas' Street
Scale: 1:100 @A2
First Floor



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/021/19

Date: 5th February 2019

Dear Sir/Madam

Re:- FIS Bar Ltd Vinegar Yard 1-7 Fenning Street SE1 3QR

Police are in receipt of an application from the above for a new time limited premises licence to run between the 14/02/2019 and the 14/02/2021, reference **866395**

The premises are located in the Borough & Bankside cumulative impact area as defined by Southwark's statement of Licensing Policy.

The premises is described as a Warehouse building with outside areas. It would appear from the plans that there is an inside bar area with a mezzanine dining area, some other adjoining areas are being dealt with under a separate application **ref 866397**

All applicants for new premises licences or for variation of existing premises licences, made in respect of classes of premises affected by the policy, located within a special policy area, must address the local concerns raised within their application and operating schedule.

Where a presumption against the grant of a licence exists and a relevant representation has been received, this Authority must consider whether it would be justified in departing from its special policy in the individual circumstances of the case.

This Authority will need to be satisfied that the grant of the application under consideration will not impact further on the relevant licensing objectives, before any grant or part grant of the application can be approved.

Examples of factors that this Authority may consider as demonstrating that there

will be no impact may include:

- Small premises intended to cease operation before midnight
- Premises which are not alcohol led and only operate during the day time economy
- Instances where an existing business operation is being relocated while maintaining the same style of operation
- Where a suite of conditions is proposed that will ensure that the premises operates in a specified manner. For instance, in the case of a food led operation, a suite of conditions that governs the minimum number of covers provided; that alcohol will only be provided by waiter / waitress service and together with a table meal.

Examples of factors that this Authority is unlikely to consider as demonstrating that There will be no impact may include:

That the premises will be well managed (as this is an expectation of all licensed premises

That the premises will be constructed to a high standard

That the applicant operates a similar style of business elsewhere (such as within another local authority area) without complaint

This particular application makes reference to an accommodation limit of 600 persons at any one time. It also refers to substantial food being available throughout its operation, however there are no restrictions to the service of food as ancillary to a table meal.

Save for the premises closing before midnight on Sunday through to Wednesday, the Thursday has a closing time of 00:30 and the Friday and Saturday 01:30. In my opinion this application does not satisfy any of the above factors for me to recommend that the licensing subcommittee would be justified in departing from their special policy.

A premises such as this in my opinion is likely to add to the existing cumulative impact. The applicant has not addressed sufficiently Southwark's cumulative impact policy in their application.

I object to the granting of this licence under the prevention of crime and disorder licensing objective for the above reasons.

Submitted for consideration.

PC Ian Clements 2362AS

Southwark Police Station
323 Borough High Street
02072326756

MEMO: Licensing Unit

To Licensing Unit **Date** 7 February 2019

Copies

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

Email jayne.tear@southwark.gov.uk

Subject Re: Vinegar Yard, Ground Floor 1-7 Fenning Street, London, SE1 3QR

– Application to for a premises licence

I write with regards to the above application for the grant of a premises licence submitted by The FIS Bar Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Films (indoors and outdoors) on Monday to Friday from 12:00 to 22:30 and on Saturday and Sunday from 11:00 to 22:30
- Live music (indoors and outdoors) on Monday to Friday from 12:00 to 22:30 and on Saturday and Sunday from 11:00 to 22:30
- Recorded music (indoors and outdoors) on Monday to Wednesday from 12:00 to 23:00, on Thursday and Friday from 12:00 to 23:30, Saturday 11:00 to 23:30 and on Sunday from 11:00 to 23:00
- Anything of a similar description to live music, recorded music and performance of dance (indoors and outdoors) on Monday to Friday from 12:00 to 22:30 and on Saturday and Sunday from 11:00 to 22:30
- Late night refreshment (indoors) on Thursday from 23:00 to 23:30 and on Friday and Saturday from 23:00 to 00:30 the following day
- Supply of alcohol (on and off the premises) on Monday to Wednesday from 12:00 to 23:00, Thursday from 12:00 to 00:00, Friday from 12:00 to 01:00 the following day, Saturday from 11:00 to 01:00 the following day and on Sunday from 11:00 to 23:00
- Overall opening times shall be on Monday to Wednesday from 11:00 to 23:30, Thursday from 11:00 to 00:30 the following day, Friday from 11:00 to 01:30 the following day, Saturday from 10:00 to 01:30 the following day and on Sunday from 10:00 to 23:30

The premises is described as: *'Warehouse building (Ground and First floors) with outside areas.'*

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.

This premise is situated within the Bankside, Borough, London Bridge Strategic Cultural & London Bridge District Town Centre Area and under the Southwark Statement of Licensing policy 2016 – 2020:

- The appropriate closing times for public houses, wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.
- The appropriate closing times for restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

There is not enough information within the description of the premises to show how this premises will operate (whether a restaurant or a drinking establishment etc.) and I would like further clarification on this point and reserve the right to comment further once this information is provided.

The premises also falls within the CIP area for Borough and Bankside. Under the Southwark Statement of Licensing Policy 2016 - 2020 the Local CIP applies to night clubs, public houses & bars, restaurants & cafes, off-licences, supermarkets, convenience stores and similar premises.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Borough and Bankside policy area as defined in paragraph 129 of the policy and this premises falls into the class of premises in 130 of the policy.

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

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not contributing to crime and disorder and public nuisance within the policy area.

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

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

To consider adding further conditions as follows:

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

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

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

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

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:

Our Ref: 19-CE-00026

Contact: Gavin Blackburn

Telephone: 020 7525 7007

Fax: 020 3357 3101

E-Mail: planning.enquiries@southwark.gov.uk

Web Site: <http://www.southwark.gov.uk>

Date: 17/01/2019

Dear Sir/Madam

General enquiry re:

VINEGAR YARD, GROUND FLOOR, 1-7 FENNING STREET, LONDON, SE1 3QR

Summary description:

Date Received: 11/01/2019

The planning department object to this proposed licence under the objective of prevention of nuisance.

The application seeks to licence a large area and a building that has no planning permission for an A class use and for which no assessment has been made in respect of the impacts that a large licenced premises may have. A significant part of the site is open and significantly larger than the beer garden of the Horseshoe. It is likely to be a significant source of noise.

It is understood that this proposal is intended as a temporary use whilst the site is considered for redevelopment. A temporary entertainment venue on this site maybe possible and a planning application should be made for such a use if that is what is intended. This application has no noise impact assessment, no dispersal strategy and no obvious means of controlling noise from a large open area that on the plan is shown as tables for drinking. The immediate area is well served for drinking venues and a nearby smaller venue at 40 Bermondsey Street has resulted in complaints from the noise arising from outside drinking. This much larger site would require significant mitigation to be made acceptable and at present none is proposed as part of the application.

The Council does look to support meantime uses that have a community benefit. It is acknowledged that retaining public houses can provide a significant benefit where those businesses are community hubs and part of the social life of the immediate area. Creating a large area for drinking such as this in an area well served by licensed premises would have a negligible community benefit. Switching focus from sale of alcohol to provision of a cultural venue would increase the benefit provided to the area, but noise impacts would need to be assessed and mitigated against.

Yours faithfully

Gavin Blackburn

Senior Enforcement Officer

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

From: Regen, Licensing
Sent: Monday, February 11, 2019 4:36 PM
To:
Cc: Mills, Dorcas
Subject: FW: Vinegar Yard 1-7 Fenning Street and 80-82 St Thomas Street

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

From: Blackburn, Gavin
Sent: Monday, February 11, 2019 4:31 PM
To: 'Neil Benson'; Regen, Licensing
Cc: Planning.Enquiries
Subject: RE: Vinegar Yard 1-7 Fenning Street and 80-82 St Thomas Street

Dear Mr Benson,

Thank you for contacting me today to discuss this matter. I'm withdrawing the planning objection to the licence on the understanding that an application will be made for a temporary use of this site. That application should be accompanied by a noise impact assessment.

You are anticipating that you may receive a positive decision in respect of your premises licence before a planning application is decided. That maybe the case. Clearly I can't predetermine the outcome of a planning application so if you do commence operating before the application is decided you do so at risk that permission maybe refused.

On balance I consider that a planning application is the best way to consider local amenity and other planning considerations and having received your undertaking to make such an application there is no need for objection to your licensing application to remain.

Kind regards

Gavin Blackburn

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

From: Neil Benson [mailto:
Sent: Monday, February 11, 2019 2:52 PM
To: Blackburn, Gavin
Cc: Planning.Enquiries
Subject: Vinegar Yard

Hi Gavin

Thanks very much for returning my call

As discussed we will be making a planning application in relation to Vinegar Yard and will arrange for this to be accompanied by an assessment of the noise impact.

The site will open in advance of this (subject to a premises licence being granted) and we should therefore have a good idea of how it's operating in practice so we can ensure appropriate measures are in place to operate side by side with our neighbours (the licence conditions should however ensure this happens)

We did not receive a separate representation from Environmental Health regarding noise however I would like to think this is due to their experience with us at Flat Iron Square which I believe had been positive

I've arranged to meet with Dan Taylor to show him the site next week and have also already met with Dan previously, the ward counsellors and senior members of the council to discuss our plans - which appear to have wide ranging support

Jayne Tear has made a representation which will no doubt ensure the appropriate conditions required to deal with your concerns are imposed

In the circumstances I would ask that you withdraw your objections to both licence applications

If you wish to discuss this further I'm happy to do so or to show you the site

Thanks for your assistance

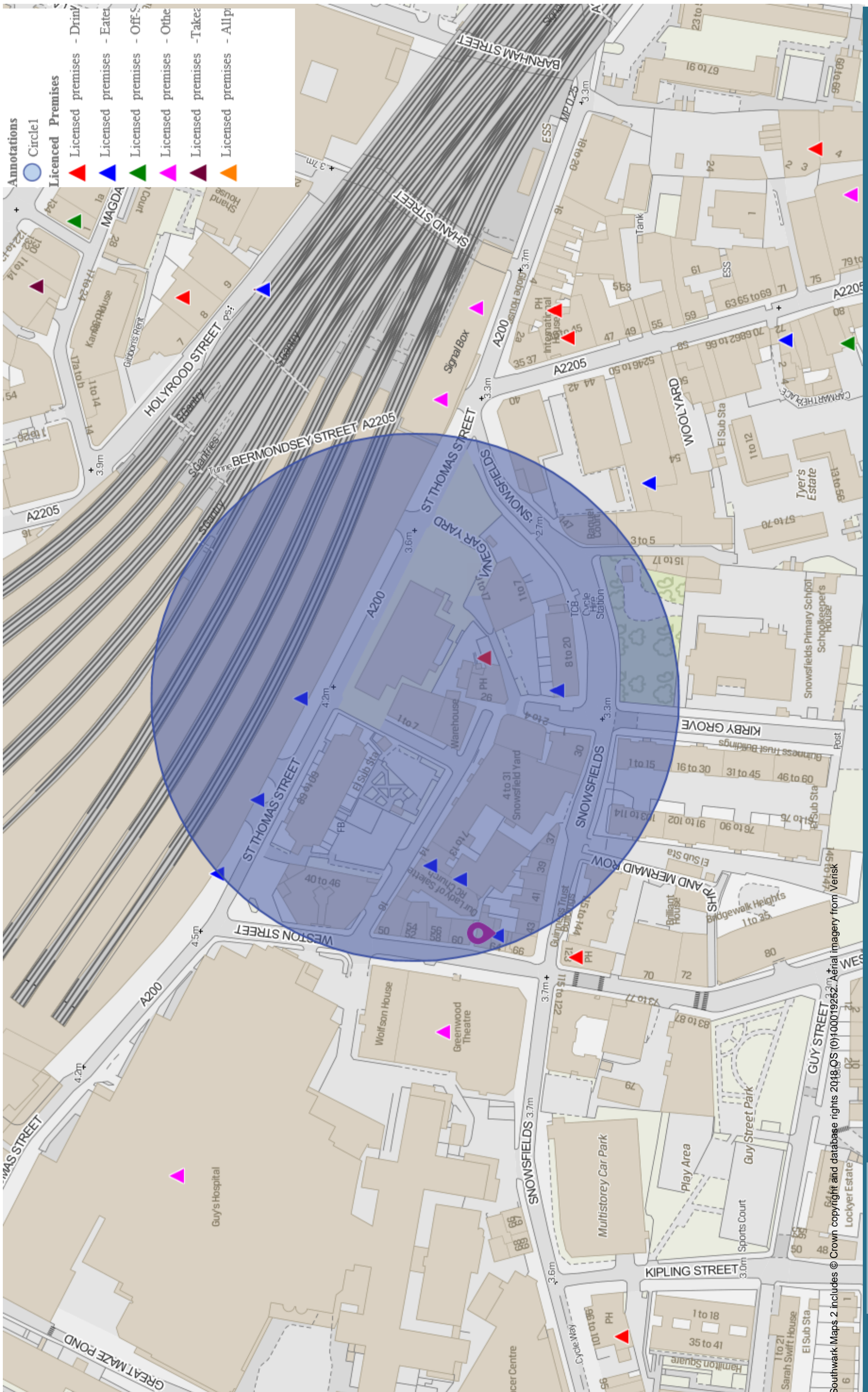
Kind Regards

Neil Benson

Commercial Director

Flat Iron Square Limited

VINEGAR YARD, 1-7 FENNING STREET, SE1 3QR



Southwark Maps 2 includes © Crown copyright and database rights 2018 OS (0)100019262. Aerial imagery from Verisk

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18-Feb-2019



Item No. 7.	Classification: Open	Date: 7 March 2019	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Flat Iron, 112-114 Tooley Street, London SE1 2TH	
Ward(s) or groups affected:		London Bridge and West Bermondsey	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Flat Iron Steak Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Flat Iron, 112-114 Tooley Street, London SE1 2TH.
2. Notes:
 - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Flat Iron, 112-114 Tooley Street, London SE1 2TH under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to a representation from a responsible authority and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 14 of this report provide a summary of the application under consideration by the sub-committee. Copies of the existing premises licence and of the full application are attached as Appendices A and B.
 - c) Paragraphs 15 to 22 of this report deals with the representations received to the premises licence application and any conciliation progress made. Copies of the relevant representations from responsible authorities are attached as Appendix C.
 - d) Paragraph 23 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

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The premises licence allows for the following activities:
 - Late night Refreshment (indoors):
 - Sunday to Thursday: 23:00 to 23:30
 - Friday and Saturday: 23:00 to 01:00
 - Sale of alcohol for consumption on and off the premises:
 - Sunday to Thursday: 10:00 to 23:30
 - Friday and Saturday: 10:00 to 00:30
 - Operating hours:
 - Sunday to Thursday: 10:00 to 00:00
 - Friday and Saturday: 10:00 to 01:00.
9. A copy of the premises licence is provided as Appendix A.

The variation application

10. On 21 December 2018, Flat Iron Steak Limited applied to this council to vary the premises licence issued in respect of the premises known as Flat Iron, 112-114 Tooley Street, London SE1 2TH.
11. The variation application is summarised as follows:
 - Increase the hatched area where customers may drink without a table meal as shown on the plans.
 - Amend condition 340 to permit 75 customers (from 50) to be able to consume alcohol in the hatched area of the plan without a table meal.
 - Delete condition 341 That there shall be no sale of alcohol for consumption off the premises, except for (a) sealed or resealed bottles to persons who have dined on the premises; or (b) alcohol sold in in sealed containers ancillary to a takeaway meal.
12. No other changes to the permitted hours, activities or conditions are sought or implied.
13. The variation to the premises application form provides the applicant operating schedule. Parts M, N and O and P set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part P of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix B.

Designated premises supervisor

14. The designated premises supervisor is Darren Smith who has a personal licence issued by Haringey Council.

Representations from responsible authorities

15. There is a representation from licensing as a responsible authority.
16. The licensing 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. They advise that this premise is situated within the Bankside, Borough and London Bridge strategic cultural and London Bridge district town centre area, under the Southwark statement of licensing policy 2016 - 2020.
17. Due to the limited information on the application form and to further address the licensing objectives, the licensing authority have asked the applicant to provide further information and also consider proposed conditions with regards to accommodation limit, off-sales and signage.
18. The representation is attached as Appendix C.

Representation from other persons

19. There are no representations from other persons.

Conciliation

20. The representations were forwarded to the applicant, however there still unresolved issues. The licensing sub committee will be updated of any developments on 7 March 2019.

Premises history/Inspections

21. The premises licence was initially granted on 6 April 2018 to Flat Iron Steak Limited.

22. A minor variation was submitted to regularise changes to the basement and ground floor. This application was granted 23 November 2018

The local area

23. 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:

Public houses, restaurants and theatres

- More Champagne, 5A More London Place, London SE1 (Monday to Sunday until 02:30)
- Hilton London Tower Bridge Hotel, 5A More London Place, London SE1 (Monday to Sunday until 02:00)
- Jamies Italian, 5A More London Place, London SE1 (Monday to Sunday until 00:30)
- Chilango, 90 Tooley Street. London SE1 (Monday to Saturday until 00:00 and Sunday until 23:30)
- Shad Indian, 96 Tooley Street, London SE1 (Monday to Sunday until 23:00)
- Bridge Bar and Bistro, 139 Tooley Street, London SE1 (Monday to Saturday until 02:00 and Sunday until 00:00)
- Suchard, 102 Tooley Street, London SE1 (Monday to Saturday until 00:00 and Sunday until 23:30)
- Velo (basement and ground floor), 104 Tooley Street, London SE1 (Monday to Sunday until 23:30)
- Chicken Cottage, 128 Tooley Street, London SE1 (Sunday to Thursday until 00:00 and Friday and Saturday until 02:00).

Off licences:

- Tesco Stores, 125 Tooley Street, London SE1 (Monday to Sunday until 23:00)
- Costcutter, 134 Tooley Street, London SE1 (24 hours).

Deregulation of entertainment

24. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
25. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Southwark statement of licensing policy

26. Council assembly approved Southwark's statement of licensing policy 2016 - 2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

27. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
28. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
 - Closing time for restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.

Resource implications

29. A fee of £100 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

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

34. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
35. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
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 other 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
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation.

Conditions

38. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
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 late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
42. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions came into force – age verification policy and smaller measures for alcoholic drinks.
43. Members are also referred to the Home Office guidance on conditions.

Reasons

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

Hearing procedures

45. 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.
46. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

47. 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.
48. 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.
49. 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.

50. 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.
51. 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.
52. 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.
53. 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

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

Strategic Director of Finance and Governance

55. 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

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APPENDICES

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

AUDIT TRAIL

Lead Officer	Ian Smith Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	22 February 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	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 February 2019	

Licensing Act 2003 Premises Licence



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

Premises licence number

865703

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Flat Iron Steak Limited 112-114 Tooley Street London SE1 2TH	
Ordnance survey map reference (if applicable), 180096533197	
Post town London	Post code SE1 2TH
Telephone number 077 8061 8097	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed off premises Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 10:00 - 00:00
Tuesday 10:00 - 00:00
Wednesday 10:00 - 00:00
Thursday 10:00 - 00:00
Friday 10:00 - 01:00
Saturday 10:00 - 01:00
Sunday 10:00 - 00:00

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

The times the licence authorises the carrying out of licensable activities

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

Late Night Refreshment - Indoors

Monday	23:00 - 23:30
Tuesday	23:00 - 23:30
Wednesday	23:00 - 23:30
Thursday	23:00 - 23:30
Friday	23:00 - 01:00
Saturday	23:00 - 01:00
Sunday	23:00 - 23:30

Sale by retail of alcohol to be consumed off premises

Monday	10:00 - 23:30
Tuesday	10:00 - 23:30
Wednesday	10:00 - 23:30
Thursday	10:00 - 23:30
Friday	10:00 - 00:30
Saturday	10:00 - 00:30
Sunday	10:00 - 23:30

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 23:30
Tuesday	10:00 - 23:30
Wednesday	10:00 - 23:30
Thursday	10:00 - 23:30
Friday	10:00 - 00:30
Saturday	10:00 - 00:30
Sunday	10:00 - 23:30

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

Flat Iron Steak Limited
 6 York Street,
 London,
 W1U 6QD
 02074204110
ACatlin@tandtp.com

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

08177784

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

Darren Smith
 [REDACTED]
 [REDACTED]
 [REDACTED]

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

Licence No. L [REDACTED]
 Authority L.B Haringey

Licence Issue date 23/11/2018

[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

288 A CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and all areas the licensable activities are carried out to a responsible standard in all lighting conditions.

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

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

340 Except for a maximum of 50 persons in the area hatched black on the plans at any one time, the consumption of alcohol on the premises shall be ancillary to food and by seated persons only.

341 There shall be no sale of alcohol for consumption off the premises, except for (a) sealed or resealed bottles to persons who have dined on the premises; or (b) alcohol sold in sealed containers ancillary to a takeaway meal.

342 Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

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

344 A dispersal policy is written and submitted for the premises and a condition placed on the licence that the dispersal policy is implemented, all staff are trained in the use of the policy and a copy of the dispersal policy is kept onsite and can be viewed by authorised Council and Police Officers.

345 An incident log book recording system shall be kept at the premises to record details of any of the following occurrences at the premises:

- Instances of anti-social or disorderly behaviour
- Seizure of drugs or weapons
- Calls to the police or fire brigade
- Any complaints received
- Ejections of people from the premises
- Visits to the premises by the local authority, police or fire brigade
- Refused sales of alcohol
- Any malfunction in respect of the CCTV system, searching equipment or scanning equipment
- All crimes reported
- Any other relevant incidents

The incident book I incident recording system shall record the time, date, location and description of each incident, the printed and signed name of the person reporting the incident and any action taken in respect of the incident. The incident book I incident recording system shall be available I be accessible at the premises

at all times that the premises are in use in accordance with this licence and shall be made available to officers of the council, police or fire brigade on request.

346 Clearly legible notices shall be prominently displayed where they can easily be seen and read by customers requesting to the effect that patrons leave the area in a quiet and order in manner.

347 Delivery and collection times shall not take place late at night or early in the morning.

348 Refuse and recyclable waste shall be stored in a designated refuse storage area until it is due to be collected. Immediately prior to collection, refuse will be taken out ready for collection. Bins must be brought back to the designated refuse storage area immediately after refuse has been collected.

349 Clearly legible signage shall be prominently displayed where it can easily be seen and read by customers informing customers that a challenge 21 policy is in operation at the premises.

4AG A challenge 21 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 21 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 old. Valid photographic identification is composed of a UK/EU driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card.

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

Annex 4 - Plans - Attached

Licence No. 865703

Plan No. 3153-80

Plan Date September 2018

Application to vary a premises licence under the Licensing Act 2003

2018

Application to vary a premises licence under the Licensing Act 2003

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

	Flat Iron Steak Limited
Premises licence number	865703

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

£	0
---	---

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

Address Line 1	112-114 TOOLEY STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 2TH
Ordnance survey map reference	
Description of the location	
Telephone number	

Part 2 - Applicant details

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

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

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

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

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

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

	<p>The application proposes to:</p> <p>1) Increase the hatched area where customers may drink without a table meal, as shown on the enclosed plans.</p> <p>2) Amend condition 340 to permit 75 customers to be able to consume alcohol in the hatched area without a table meal.</p> <p>3) Delete condition 341 requiring off sales to be in sealed containers only and ancillary to a take away meal.</p> <p>No other changes to the permitted hours, activities or conditions are sought or implied.</p>
--	--

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

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

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

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

--	--

Supply of alcohol (if ticking fill in box J)

--	--

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

	None
--	------

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

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

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variations (Please read guidance note 6)

--	--

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

--	--

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

	341 - There shall be no sale of alcohol for consumption off the premises, except for (a) sealed or resealed bottles to persons who have dined on the premises; or (b) alcohol sold in sealed containers ancillary to a takeaway meal.
--	---

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

	Please tick otherwise state reason for not uploading

Reason for not uploading the premises licence

	Licence will not upload. Will send under separate cover.
--	--

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

	<p>The conditions currently attached to the premises licence will continue to have effect, with the exception of condition 340 which is to be amended to read:</p> <p>"Except for a maximum of 75 persons in the area hatched black on the plans at any one time, the consumption of alcohol on the premises shall be ancillary to food and by seated persons only."</p> <p>And condition 341 which is proposed to be deleted.</p>
--	--

b) the prevention of crime and disorder

	please refer to box a) above.
--	-------------------------------

c) public safety

	please refer to box a) above.
--	-------------------------------

d) the prevention of public nuisance

	please refer to box a) above.
--	-------------------------------

e) the protection of children from harm

	please refer to box a) above.
--	-------------------------------

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

Upload proposed plans	
Upload existing plans	

Checklist

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

I agree to the above statement

	I agree
PaymentDescription	
AuthCode	
LicenceReference	
PaymentContactEmail	

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

Full name	Thomas & Thomas Partners
Date (DD/MM/YYYY)	21/12/2018

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

Capacity	Solicitors on behalf of the applicant
----------	---------------------------------------

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

Full name	
Date (DD/MM/YYYY)	
Capacity	

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

Contact name and address for correspondence	<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> Thomas & Thomas Partners LLP 38A Monmouth Street London WC2H 9EP
Telephone No.	<div style="background-color: black; width: 100px; height: 15px;"></div>
If you prefer us to correspond with you by e-mail, your email address (optional)	<div style="background-color: black; width: 100px; height: 15px;"></div>

Please tick to indicate agreement

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

I agree to the above statement

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

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

Project :

112-114 Trolley Street

Scale: 1:100 @A3

Drawing Number: 3153-80

NOTE: CONTRACTOR TO CHECK ALL FIRE EXTINGUISHERS FOR EXPIRY DATES AND REPLACE AS NECESSARY BY THE DATE SPECIFIED IN THIS PROJECT DOCUMENTATION. BLACK AND RED PEN INK ONLY.

October 2017

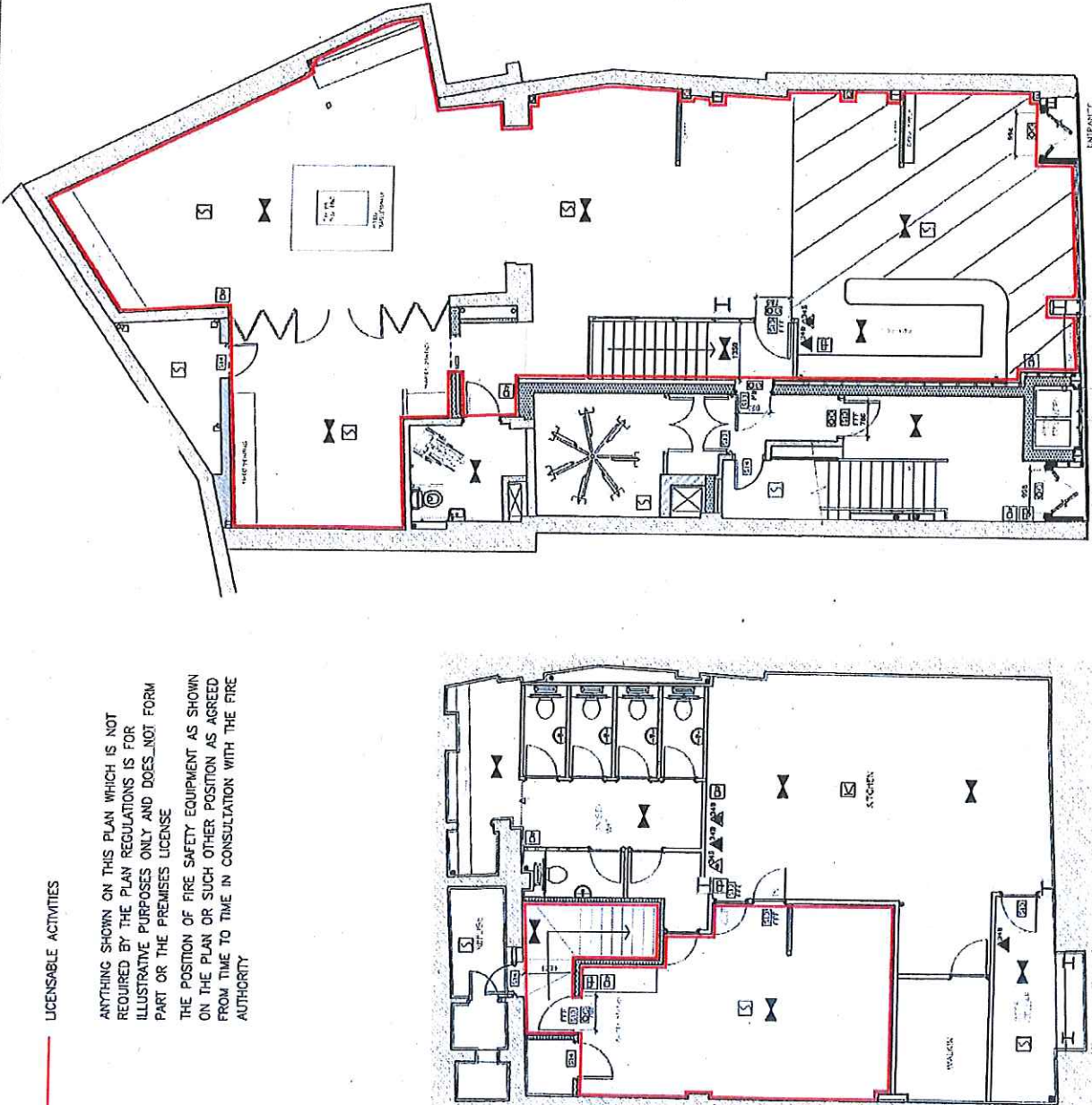


LEGEND :-

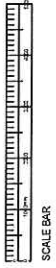
- ▲13A Water fire extinguisher
- ▲34B Foam fire extinguisher
- ▲34B Carbon dioxide fire extinguisher
- ⊗ Area covered with system of escape lighting that will illuminate the area
- ⊞ Area covered by automatic smoke detector
- ⊞ Area covered by automatic heat detector
- ⊞ Doors fitted with a panic bolt with notice adjacent to fastening
- ⊞ Fire alarm call point with fire action sign adjacent
- ⊞ Door free from all fastenings
- ⊞ Door incorporating electro magnetic door closer
- ⊞ VP Panel of clear glass in the door to give visual warning of fire
- ⊞ Dry powder extinguisher
- ⊞ Refuge holding area point
- ⊞ Fire ESCAPE notices to current BS at the date of installation
- ⊞ Directional arrow
- ⊞ Fire door keep shut
- ⊞ Fire door keep locked
- ⊞ Electronic Fire Alarm Sounder (24v DC)
- ⊞ Fire blanket in container
- ⊞ Illuminated exit box/sign
- ⊞ Visual fire alarm

LICENSABLE ACTIVITIES

ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT FORM PART OF THE PREMISES LICENSE
 THE POSITION OF FIRE SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITION AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY

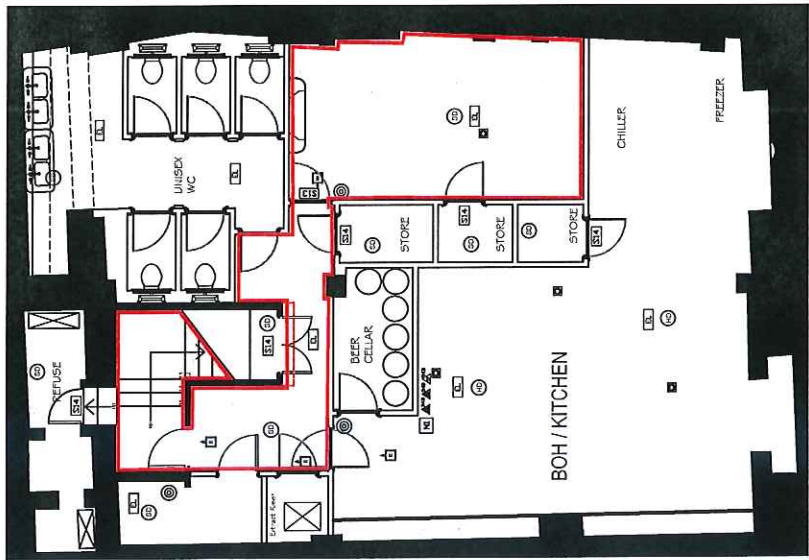
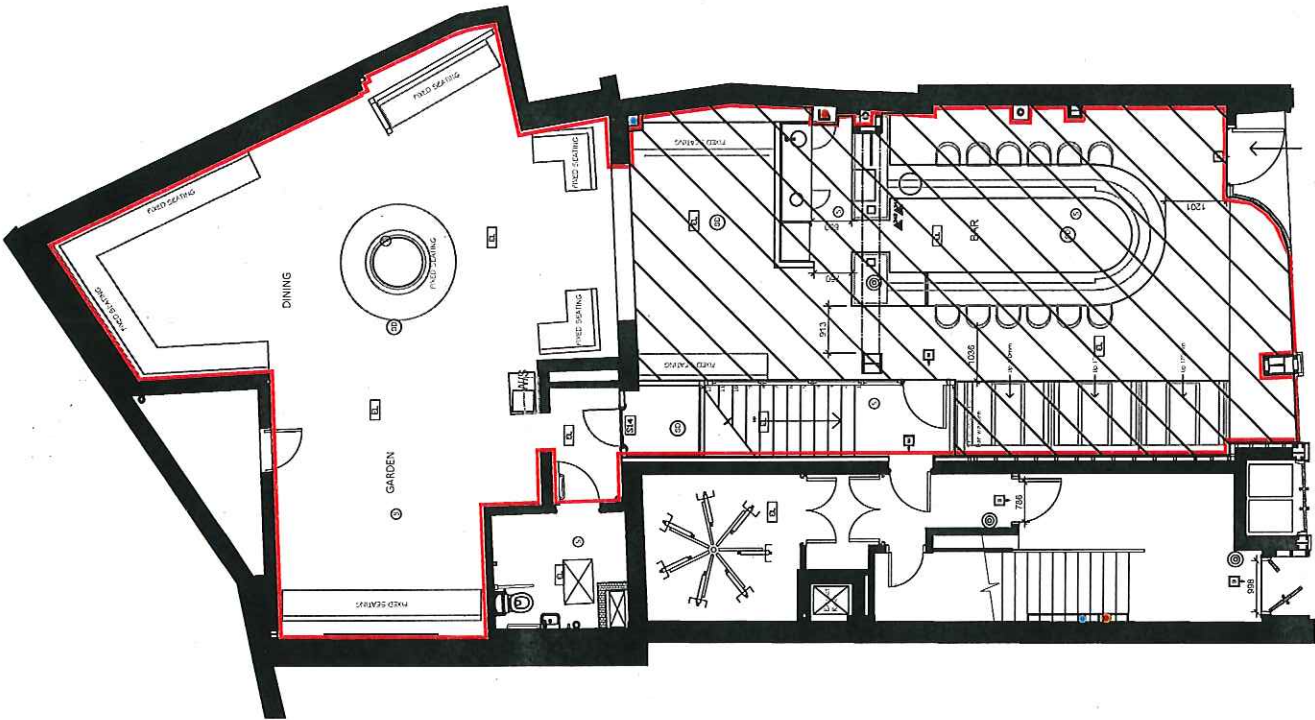


September 2018



LEGEND :-

- A13A Water fire extinguisher
- A34B Foam fire extinguisher
- 34B Carbon dioxide fire extinguisher
- Area covered with system of escape lighting that will illuminate the area
- Area covered by automatic smoke detector
- Area covered by automatic heat detector
- Doors fitted with a panic bolt with notice adjacent to fastening
- Fire alarm call point with fire action sign adjacent.
- Door free from all fastenings
- Door incorporating electro magnetic door closer
- Panel of clear glass in the door to give visual warning of fire
- Dry powder extinguisher
- Refuge holding area point
- Fire ESCAPE notices to current BS at the date of installation
- Directional arrow
- Fire door keep shut
- Fire door keep locked
- Electronic Fire Alarm Sounder (24v DC).
- Fire blanket in container
- Illuminated exit box/sign
- Visual fire alarm



LICENSABLE ACTIVITIES

ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT FORM PART OF THE PREMISES LICENSE

THE POSITION OF FIRE SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITION AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY.

MEMO: Licensing Unit

To Licensing Unit **Date** 18 January 2019

Copies

From Jayne Tear **Telephone**

Email jayne.tear@southwark.gov.uk

Subject Re: Flat Iron Steak, 112-116 Tooley Street, London, SE1 2TH
 – Application to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by Flat Iron Steak Limited under the Licensing Act 2003, which seeks the following licensable activities:

The application proposes to:

- Increase the hatched area where customers may drink without a table meal, as shown on the enclosed plans.
- Amend condition 340 to permit 75 customers to be able to consume alcohol in the hatched area without a table meal.
- Delete condition 341 requiring *off* sales to be in sealed containers only and ancillary to a take away meal.

The premises was described as '*a premises that are primarily to be used as a restaurant*' in the original application for a premises licence.

This premise is situated within the Bankside, Borough, London Bridge Strategic Cultural & London Bridge District Town Centre Area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

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

On my initial representation regarding the premises licence application I asked for confirmation of an accommodation limit, which seems to be missing from the premises licence.

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

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

Regarding the removal of condition 341, the application does not provide any replacement control measures to address the licensing objectives therefore in order to promote the licensing objectives I ask that the applicant considers the following conditions are added to the operating schedule to replace condition 341:

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

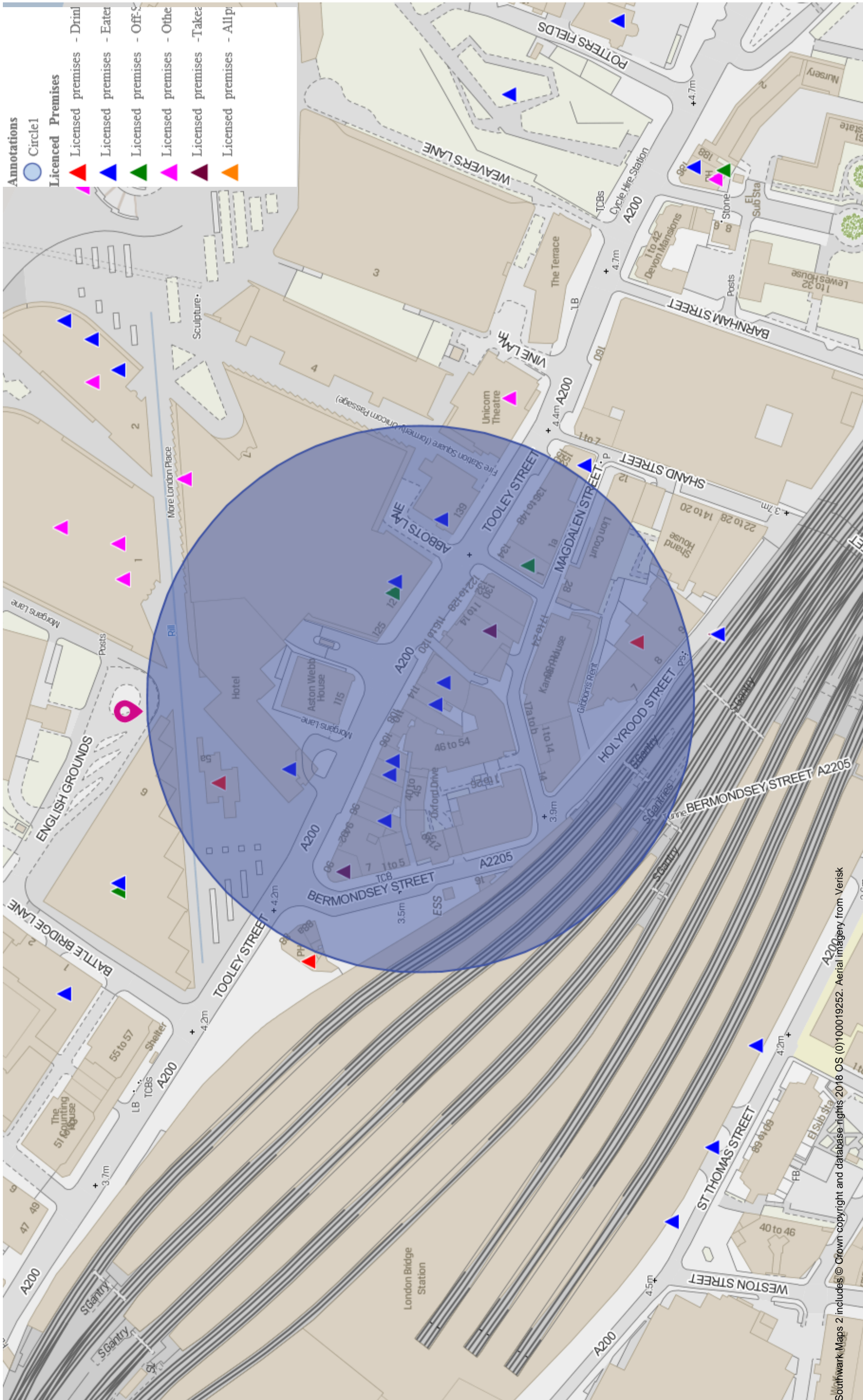
I therefore submit this representation and welcome any discussion with the applicant to consider the above representation

I reserve the right to comment further once the accommodation limit has been provided.

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

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

FLAT 110N, 112-114 TOOLEY STREET, SE1 2TH



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19-Feb-2019

Item No. 8.	Classification: Open	Date: 7 March 2019	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: 55 East, 57-59 East Street, London SE17 2DJ	
Ward(s) of group(s) affected		North Walworth	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Keeley McKenzie for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as 55 East – 57-59 East Street, London, SE17 2DJ.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as appendix A.
 - c) Paragraphs 12 to 15 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted by Responsible Authorities are attached to this report in Appendix B. A map showing the location of the premises is attached to this report as Appendix C.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 21 November 2018 Keeley McKenzie applied to this Council for the grant of a premises licence in respect of 55 East, 57-59 East Street, London SE17 2DJ. The premises are described in the application as being:

“...55 East is a Speciality Coffee and Exhibition Shop on East Street. East Street is made up mainly of independents such as cafes/ restaurants/ supermarkets/retail/ pubs/salons and its famous 6-day week market.

Serving up light breakfast, healthy lunches, small evening plates, tasty cakes & speciality coffee, tea, hot chocolate and fresh juices.

It is proximally 45sqm in size. A terrace unit with flats above. It has a double glazed window door entrance, with some rear windows and a disabled unisex toilet.

Equipped with a sophisticated CCTV & an alarm system. It seats around 25 covers, which is a mix of sofas and wooden dining chairs. Background music plays throughout. We operate a wait on service, with a good mix of clientele.

We will supply a selection of wines and craft beer for an in-house consumption to compliment our small plate food options...”.

9. The application and is summarised as follows:
- The sale by retail of alcohol (on sales only)
 - Monday to Sunday: 11:00 to 23:30
 - The provision of regulated entertainment in the form of recorded music (indoors)
 - Monday to Sunday: 07:30 to 23:30
 - Opening hours
 - Monday to Sunday: 08:30 to 17:00 and 18:30 to 23:00
10. The proposed designated premises supervisor of the premises is Keeley McKenzie who has a personal licence with Liverpool City Council. Ms McKenzie is also the applicant.

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

Representations from responsible authorities

12. The Metropolitan Police Service has made a representation which simply asks for the applicant to agree to additional conditions. The representation is available in Appendix B.
13. This council's trading standards department has made a representation which again asks for the applicant to agree to additional conditions. The representation is available in Appendix B.
14. The representation from the council's licensing department in their role as responsible authority raises concerns in relation to the location of the premises within a residential area. Additional conditions are requested and a reconsideration of the hours applied. The representation is also available in Appendix B. All the representations by the responsible authorities relate to public nuisance.

Representations from other persons

15. No representations have been received from other persons.

Conciliation

16. The applicant was sent copies of all representations on 19 February 2019. At the point that this report was composed, the author had not been made aware that any approach had been made to conciliate.

Premises history

17. There is no history of complaints connected with the premises.
18. One temporary event notice (TEN) was applied for in the last 12 months (in November 2018), but this was rejected as it was outside of the statutory time limit for a late TEN.

Map

19. A map showing the location of the premises is attached to this report as Appendix C. The following premises are the closest to the premises:

Nata Club, 51 East Street, London SE17 2DJ:

- The sale of alcohol to be consumed both on the premises:
 - Sunday to Thursday: 10:00 to 23:00
 - Friday and Saturday: 10:00 to 23:30
- The provision of late night refreshment (indoors)
 - Monday to Sunday: 23:00 to 23:30

- The provision of regulated entertainment in the form of live and recorded music (indoors)
 - Monday to Sunday: 14:00 to 23:00

Central News, 68 East Street, London SE17 2DQ:

- The sale of alcohol to be consumed off the premises -
 - Monday to Sunday 09:00 to 21:00.

Daily Fresh Supermarket, 48 East Street, London SE17 2DN:

- The sale of alcohol to be consumed off the premises -
 - Monday to Sunday 06:30 to 23:00.

Good Intent Public House, 24-26 East Street, London SE17 2DN:

- The sale of alcohol to be consumed on and off the premises
 - Monday to Sunday 07:00 to 00:00
- The provision of late night refreshment (indoors)
 - Sunday to Sunday 23:00 to 00:00.

Southwark council statement of licensing policy

20. 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.
21. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
22. Within Southwark’s statement of licensing policy 2016 - 2020, the premises are identified as being outside of a cumulative impact policy (CIP) area and within the Elephant and Castle major town centre area. Under the Southwark statement of licensing policy 2016 - 2020 the local CIP applies to night clubs, public houses and bars, off-licences, supermarkets and grocers. The closing time recommended in the statement of licensing policy for the following:
- Closing time for restaurants and cafes:
 - Sunday to Thursday 00:00
 - 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

23. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value bands B.
24. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and similar notices were exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

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

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
30. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence.
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the premises supervisor.
 - To reject the application.

Conditions

31. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
32. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
33. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
34. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
35. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

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

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

39. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
40. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
41. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

42. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
43. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
44. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
45. Under the Human Rights Act 1998 the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
46. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

48. The head of 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	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	21 February 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		21 February 2019

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

APPENDIX A

21/11/2018

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

Ref No. 1136930

<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">17 JAN 2019</p>
--

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

	Keeley McKenzie
--	-----------------

Premises Details

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

£	23.750
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

Premises trading name

	55 East
--	---------

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

Address Line 1	57-59 EAST STREET
Address Line 2	
Town	LONDON
County	
Post code	SE17 2DJ
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

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

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

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

<input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Details of Individual Applicant

Personal Details

Title	Ms
If other, please specify	
Surname	McKenzie
Forenames	Keeley
Date of birth	██████████
I am 18 years old or over	Yes
Nationality	United Kingdom

Current Address

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

Contact Details

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

Do you wish to add a second individual applicant?

<input type="checkbox"/>	No
--------------------------	----

Operating Schedule

When do you want the premises licence to start?

<input type="checkbox"/>	26/12/2018
--------------------------	------------

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

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

--	--

General description of premises (see guidance note 1)

	<p>55 East is a Speciality Coffee & Exhibition Shop on East Street. East Street is made up mainly of independents such as cafes/ restaurants/ supermarkets/retail/ pubs/salons & its famous 6-day week market.</p> <p>Serving up light breakfast, healthy lunches, small evening plates, tasty cakes & speciality coffee, tea, hot chocolate & fresh juices.</p> <p>It is proximally 45 sqm in size. A terrace unit with flats above. It has a double glazed window door entrance, with some rear windows and a disabled unisex toilet. Equipped with a sophisticated CCTV & an alarm system. It seats around 25 covers, which is a mix of sofas and wooden dining chairs. Background music plays throughout. We operate a wait on service, with a good mix of clientele.</p> <p>We will supply a selection of wines & craft beer for an in-house consumption to compliment our small plate food options.</p>
--	---

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

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

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)

	f) recorded music

Provision of late night refreshment

--	--

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

Supply of alcohol

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

F - Recorded Music

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

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

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

	Music will be played in the background to create an ambience.
--	---

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

Day	Start	Finish
Mon	07:30	23:30
Tues	07:30	23:30
Wed	07:30	23:30
Thur	07:30	23:30
Fri	07:30	23:30
Sat	07:30	23:30
Sun	07:30	23:30

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

--	--

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

--	--

J - Supply of Alcohol

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

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

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

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

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

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

	Screen-Shot-2018-11-12-at-23.57.05.png
--	--

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Keeley
Surname	McKenzie

DOB

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

Address of proposed designated premises supervisor

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

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

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

Personal licence number (if known)	██████████
Issuing authority (if known)	Liverpool City Council

K

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

N/A

L - Hours premises are open to public

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

Day	Start	Finish
Mon	08:30	17:00
	18:30	23:30
Tues	08:30	17:00
	18:30	23:00
Wed	08:30	17:00
	18:30	23:30
Thur	08:30	17:00
	18:30	23:30
Fri	08:30	17:00
	18:30	23:30
Sat	08:30	17:00
	18:30	23:30
Sun	08:30	17:00
	18:30	23:30

State any seasonal variations (Please read guidance note 5)

--

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

--

M - Steps to promote four licencing objectives

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

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

Personal licence number (if known)	██████████
Issuing authority (if known)	Liverpool City Council

K

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

	N/A
--	-----

L - Hours premises are open to public

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

Day	Start	Finish
Mon	08:30	17:00
	18:30	23:30
Tues	08:30	17:00
	18:30	23:30
Wed	08:30	17:00
	18:30	23:30
Thur	08:30	17:00
	18:30	23:30
Fri	08:30	17:00
	18:30	23:30
Sat	08:30	17:00
	18:30	23:30
Sun	08:30	17:00
	18:30	23:30

State any seasonal variations (Please read guidance note 5)

--	--

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

--	--

M - Steps to promote four licencing objectives

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

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

	<p>TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP: Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:</p> <ul style="list-style-type: none"> a/ no selling of alcohol to underage people b/ no drunk and disorderly behaviour on the premises area c/ vigilance in preventing the use and sale of illegal drugs at the retail area d/ no violent and anti-social behaviour e/ no any harm to children <ul style="list-style-type: none"> - Operating Schedule providing the hours of operation and licensable activities during those hours. - Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorise each sale - Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers. - CCTV system installed with recording option available - Roller metal exterior shutters will be fixed to ensure that the shop front is safe and secure at all times.
--	--

b) the prevention of crime and disorder

	<p>CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.</p> <p>A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.</p> <p>Not selling alcohol to drunk or intoxicated customers.</p> <p>Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.</p> <p>Prevention and vigilance in illegal drug use at the coffee shop area.</p>
--	---

c) public safety.

	<p>Internal and external lighting fixed to promote the public safety objective.</p> <p>Well trained staff adherence to environmental health requirements.</p> <p>Training and implementation of underage ID checks.</p> <p>A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The logbook shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.</p> <p>All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.</p>
--	--

d) the prevention of public nuisance

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

	<p>Noise reduction measures to address the public nuisance objective.</p> <p>Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.</p> <p>Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.</p> <p>The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.</p> <p>Customers will be asked not to stand around loudly talking in the street outside the premises.</p> <p>Customers will not be admitted to premises above opening hours.</p> <p>The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.</p> <p>Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.</p> <p>Adequate waste receptacles for use by customers will be provided in the local vicinity</p>
--	---

e) the protection of children from harm

	<p>"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.</p> <p>Staff will be highly trained about the requirement for persons' identification, age establishment etc.</p> <p>All the details provided in the Training Record Book available the coffee shop.</p> <p>Log Book will be kept upon the premises all the times.</p>
--	---

Please upload a plan of the premises

	174-East-Street-Location-plan.pdf
--	---

Please upload any additional information i.e. risk assessments

--	--

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.</p>
--	--

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

	I understand that I must now advertise my application (In the local paper within 14 days of applying)
--	---

Home Office Declaration

Please tick to indicate agreement

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

Declaration

I agree to the above statement

	Yes
PaymentDescription	200003428165, ,
AuthCode	021232
LicenceReference	ks102 94212
PaymentContactEmail	[REDACTED]

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

Full name	Keeley McKenzie
Date (DD/MM/YYYY)	21/11/2018
Capacity	Full

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	

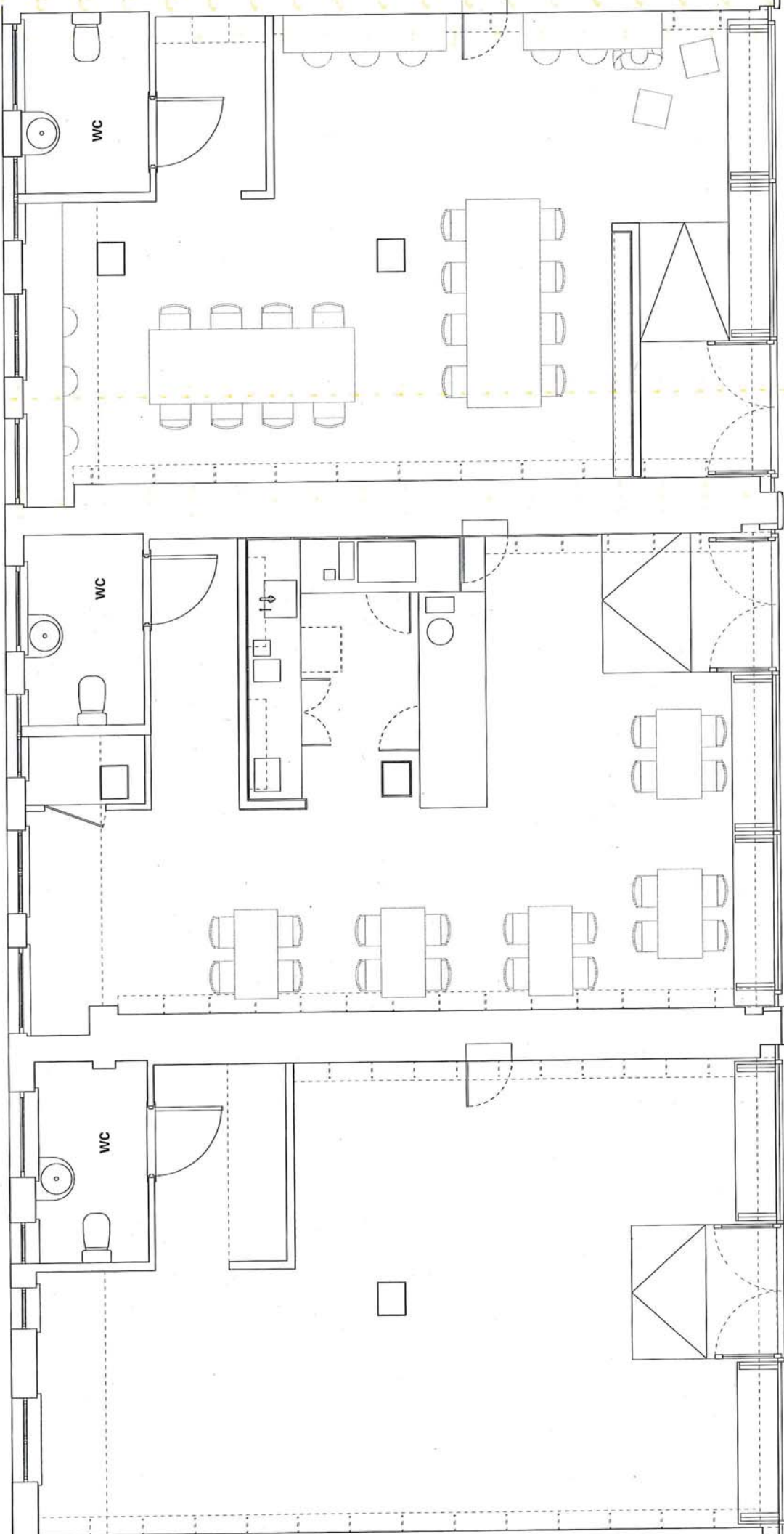
Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

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

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

address (optional)	
--------------------	--

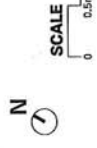
The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



55 EAST - STUDIO

55 EAST - KITCHEN

55 EAST - LOUNGE



<p>Project: 174 Title: Ground Floor Plan Dwg No: sk-050 Rev: Scale: 1:100 @ A3</p>	<p>ISSUES Rev / 20.11.18 Licensing submission</p>	<p>NOTES - These drawings are not for construction purposes.</p> <p>CarverHaggard Unit 210, 241-251 Ferndale Road, London, SW9 8BJ +44 (0)20 7274 2137 / www.carverhaggard.com</p>
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GENERAL NOTES

- Drawings show design intent and the proposed relationship between finished elements.
- All work to be in accordance with current Building Regulations.
- All structural works to meet Structural Engineer's specification.
- All work to existing building subject to site investigation and opening-up works.
- All details to be developed with Contractor / manufacturers; fabrication drawings to be provided for review.
- In event of discrepancy between these requirements, contact Architect.

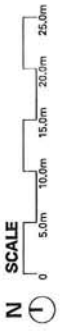
KEY



1 Site location plan
1:1250



2 Site location plan
1:500



NOTES
- These drawings are not for construction purposes.

ISSUES
Rev/ 29.08.17 Planning submission (withdrawn)
A 28.09.17 Planning submission

Project: 174
Title: Site Location Plan
Dwg No: 174-00-001
Rev: /
Scale: 1:1250/1:500 @ A3

CarverHaggard
Unit 415, 241-251 Fendale Road, London, SW9 8BU
+44 (0)20 7274 2137
www.carverhaggard.com



APPENDIX B POLICE

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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD21/22/19

date: 07th February 2019

Dear Sir/Madam

Re:- 55 East Kitchen 57-59 East Street SE17 2DJ

Police are in possession of an application from the above for a new premises licence. The application describes the operation as a coffee & exhibition shop.

The hours applied for are within that recommended by Southwark's licensing policy for restaurants and Cafes. The premises are situated in a designated major town centre however they are also within a residential area.

The police object to the granting of the licence in its current format, but would welcome discussions with the applicant as to some appropriate control measures to address the four licensing objectives, in particular the prevention of crime and disorder.

The applicant has offered some conditions to address the licensing objectives however these are vague and we would suggest the following conditions and wording in order to avoid any ambiguity

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

5. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.
6. Signage on entrance/exit requesting customers to respect neighbours and leave quietly
7. That there shall be no more than four smokers outside at any time and this shall be monitored by staff.
8. All alcohol sales shall cease 30 minutes prior to closing time

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

Yours Sincerely

Pc Mark Lynch 2246AS
Licensing Officer
Southwark Police Licensing Unit
Tel: 0207 232 6756

Heron, Andrew

From: Read, Kirty
Sent: 19 February 2019 13:50
To: Heron, Andrew
Subject: FW: Application for a new premises license at 57-59 East Street, SE17 2DJ T/A "55East" Application Reference number 865961

From: Beswick, Claire **On Behalf Of** Regen, Licensing
Sent: Friday, January 25, 2019 2:23 PM
To: O'Gorman, Sinead
Subject: FW: Application for a new premises license at 57-59 East Street, SE17 2DJ T/A "55East" Application Reference number 865961

From: Moore, Ray
Sent: Friday, January 25, 2019 2:13 PM
To: [REDACTED]

Cc: Gander, Paul; Miller, Justin; Bourne, Matt
Subject: Application for a new premises license at 57-59 East Street, SE17 2DJ T/A "55East" Application Reference number 865961

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Keeley McKENZIE for a new premises license in respect of the above address and respond accordingly with representations made under the Licensing Objectives.

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

In the general description of the premises it states "I am carrying on or proposing to carry on a business which involves the use of premises for licensable activities." It further states:-

55 East is a Speciality Coffee & Exhibition space, featuring a mix of independents such as cafes/ restaurants and its famous 6-day week market.

Serving up light breakfast, healthy lunch and afternoon coffee, speciality coffee, tea, hot chocolate & fresh pastries.

It is proximally 45 sqm in size. A terrace with a large window door entrance, with some rear view. Equipped with a sophisticated CCTV & alarm system. The interior is which is a mix of sofas and wooden dining tables. We operate a wait on service, with a good atmosphere.

We will supply a selection of wines & craft beers to compliment our small plate food options.

It is proposed to sell alcohol from 07:30 hours to 23:30 hours.

This authority notes that in section M (a) it makes reference to both not selling to minors and Challenge 25.

This authority notes that under the heading of the licensing objective "the protection of children from harm" Me) it states the following:-

"Challenge 25" sign which is a retailing but looks under 25 to carry acceptable ID (a card bearing the PASS passport) if they wish to buy alcohol.

Staff will be highly trained about the rec establishment etc.

All the details provided in the Training F
Log Book will be kept upon the premise

Although these matters deal with the main issue this authority would ask that this is removed and replaced with the following, fully compliant industry standard conditions.

- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- No unaccompanied children under the age of 16 will be permitted any time.
- No gambling machines will be on the premises.

If you require any general training materials; refusals register or Challenge 25 posters this authority is happy to supply these.

Many thanks

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

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

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

www.southwark.gov.uk/TradingStandards

Need proof of age? Visit www.southwark.gov.uk/pal

Need advice on consumer issues? Visit Citizens Advice via www.direct.gov.uk/consumer



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

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

MEMO: Licensing Unit

To	Licensing Unit	Date	14 February 2019
Copies			
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

Subject Re: 55 East, 57-59 East Street, London, SE17 2DJ

– Application for a premises licence

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

- Recorded music (indoors) on Monday to Sunday from 07:30 to 23:30
- Supply of alcohol (on the premises) on Monday to Sunday from 11:00 to 23:30
- Overall opening times shall be on Monday to Sunday from 08:30 to 17:00 and from 18:30 to 23:30

The premises is described as '55 East is a specialty coffee & exhibition shop on East Street. East Street is made up mainly of independents such as cafes/restaurants/supermarkets/retail/pubs/salons & its famous 6-day week market. Serving up light breakfast, healthy lunches, small evening plates, tasty cakes & specialty coffee, tea, hot chocolate & fresh juices. It is approximately 45sqm in size. A terrace unit with flats above. It has a double glazed window door entrance, with some rear windows and a disabled unisex toilet. Equipped with a sophisticated CCTV & an alarm system. It seats around 25 covers, which is a mix of sofas and wooden dining chairs. Background music plays throughout. We operate a wait on service, with a good mix of clientele. We will supply a selection of wines & craft beer for an in-house consumption to compliment our small plate food options'.

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

The premises is situated in Elephant and Castle Major Town Centre Area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for **restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours**. The appropriate closing time **for public houses, wine bars or other drinking establishments in this area on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours**.

The premises is also surrounded by residential properties.

There has not been any time left 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.

Further to this the closing hours asked for within the application **on Sunday to Thursday** are in excess of the hours that are appropriate for a drinking establishment within the licensing policy and to promote the licensing objectives I ask the applicant to bring the hours in line with the policy and for the licensable activities to cease half an hour before the closing times as follows:

- Recorded music (indoors) on Sunday to Thursday to cease at 23:00 and on Friday and Saturday to cease at 23:30
- Supply of alcohol (on the premises) on Sunday to Thursday to cease at 22:30 and on Friday and Saturday to cease at 23:00
- Opening times to cease on Sunday to Thursday at 23:00 and on Friday and Saturday to cease at 23:30

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

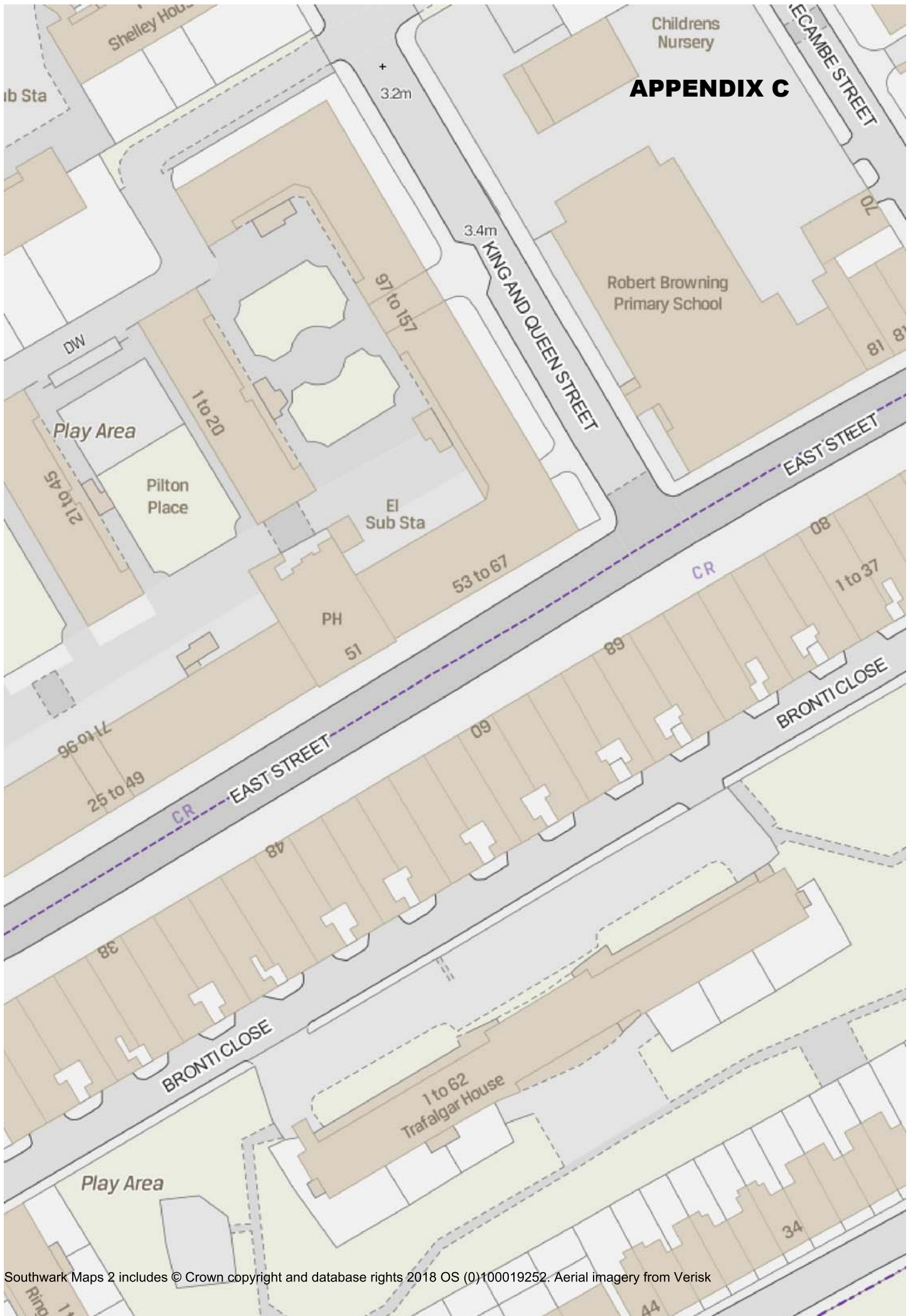
- An accommodation limit for the premises. (to be conditioned)
- To provide a written dispersal policy for the premises. (to be conditioned)

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

APPENDIX C



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

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

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Councillor Renata Hamvas (Chair)	1	Debra Allday, legal team	1
Councillor Sunny Lambe	1	Dorcas Mills, licensing team	1
Councillor Lorraine Lauder MBE	1	Andrew Heron, licensing team	1
		Jayne Tear, licensing team	1
Councillor Sunil Chopra (reserve)	By email	Ray Moore, trading standards team	1
		Gavin Blackburn, planning enforcement team	1
		P.C. Ian Clements	By email
		P.C. Graham White	By email
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