

Licensing Sub-Committee

Thursday 1 August 2019

10.00 am

Room G06 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Dora Dixon-Fyle MBE
Councillor Sunny Lambe
Councillor Margy Newens

Reserves

Councillor Adele Morris

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

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

Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 23 July 2019



Licensing Sub-Committee

Thursday 1 August 2019
10.00 am
Room G06 - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	ELECTION OF CHAIR	
	To elect a chair for this meeting.	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
5.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
6.	LICENSING ACT 2003: THE HORSESHOE INN, 26 MELIOR STREET, LONDON SE1 3QP	1 - 46

Item No.	Title	Page No.
7.	LICENSING ACT 2003: CAFÉ MURANO, 184-192 BERMONDSEY STREET, LONDON SE1 3UW	47 - 82

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: 23 July 2019

Item No. 6.	Classification: Open	Date: 1 August 2019	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: The Horseshoe Inn, 26 Melior Street, London SE1 3QP	
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 under Section 51 of the Licensing Act 2003 by a local resident for a review of the premises licence issued in respect of the premises known as The Horseshoe Inn, 26 Melior Street, London SE1 3QP.
2. Notes:
 - a) The grounds for the review are stated in paragraph 12 and 13 of this report. A copy of the full application is provided as Appendix A.
 - b) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B.
 - c) Paragraphs 14 to 20 of this report deals with the representations submitted in regards to the review application. Copies of the representations together with responses received to the representations are attached as Appendices C, D and E.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

- The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
 - The guidance to the Act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The applications 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. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51(1) of the Act it remains open to any responsible authority or interested party to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The current licence issued in respect of the premises known as The Horseshoe, 26 Melior Street, SE1 3QP was issued on 30 September 2005. The licence permits the following licensable activities during the hours shown:
- Films (indoors):
 - Monday to Saturday from 10:00 to 00:00
 - Sunday from 12:00 to 23:00
 - Indoor Sports:
 - Monday to Saturday from 10:00 to 00:00
 - Sunday from 12:00 to 23:00
 - Live music (indoors):
 - Monday to Saturday from 10:00 to 00:00
 - Sunday from 12:00 to 23:00
 - Recorded music (indoors):
 - Monday to Saturday from 10:00 to 00:00
 - Sunday from 12:00 to 23:00

- Late Night Refreshment (indoors):
 - Monday to Saturday from 23:00 to 00:30
 - Sunday from 23:00 to 23:30
- The sale by retail of alcohol to be consumed on and off premises:
 - Monday to Saturday from 10:00 to 00:00
 - Sunday from 12:00 to 23:00
- The opening hours of the premises are as follows:
 - Monday to Saturday from 10:00 to 00:30
 - Sunday from 12:00 to 23:30.

10. A copy of the current premises licence is attached to the report as Appendix B.

Designated premises supervisor

11. The designated premises supervisor (DPS) is Peter Alan Collie, who holds a personal licence issued by Southwark Council.

The application for a review of the premises licence

12. On 9 June 2019 an application for the review of the premises licence was submitted by an other person (local resident). The grounds for the review relate to the following licensing objectives of the prevention of public nuisance.
13. The concerns of the resident is that despite the fact that the current licence stipulates that the outside of the pub will be closed at 22:30 and the balcony at the rear of pub will close at 23:00, the pub also has a rear garden, a completely open space, where currently customers are allowed to drink, shout and generally be very loud until midnight or later. This has an effect on residents in the adjacent and nearby flats. He does not understand why the rear garden does not have a closing time stipulated in the licence condition.

Representation and comments from responsible authorities

14. A representation has been submitted by the licensing team (as a responsible authority).
15. They advise that the premises is situated within the cumulative impact area for Borough and Bankside and the licensing sub committee may want to consider bringing the hours of operation for the rear garden in line with that of the hours recommended within the Southwark statement of licensing policy. In submitting this representation and to promote the prevention of public nuisance they recommend that the licensing sub- committee consider the following:
- That an accommodation limit is set for the rear garden area.
 - That the rear garden area is closed to patrons at 22:00
16. A copy of the representation is attached as Appendix C.

Representations from other persons in support of review application

17. There are two further representations submitted by other persons, one from the review applicant reiterating issues raised and the other from a local in support of the review.

Representations from other persons in support of the premises

18. There are two representations submitted in support of the premises. They mention that the Horseshoe is a respectable business that does not cause a public nuisance. The outdoor garden is very well maintained and sanctuary for locals. They advise that the garden closes at a reasonable hour and the area is closely monitored by security. They also state that they have not heard any disturbances after midnight as alleged in the review application.
19. These representations are attached as Appendix D.

Submission from the licence holder

20. The licence holder has submitted a statement to demonstrate their proactive response to the review application. This is attached as Appendix E.

Operating history

21. The current licence was issued on 30 September 2005 to Mr Peter Alan Collie who is also the designated premises supervisor to date.

Complaints history

22. There have been three complaints to the licensing unit regarding noise and antisocial behaviour from the patrons of the premises. Licensing officers investigating the complaints visited the premises on 27 April 2019 at 22:40 hours and found the premises to be in breach of the following condition 345; a) That the outside of the pub will be closed at 22:30 in the front; b) That the balcony at rear of pub will close at 23:00. A warning letter regarding the breach was sent to the licensee on 7 May 2019. A copy of the warning letter is attached as Appendix F.

The local area

23. A map of the area is attached to this report as Appendix G. The premises is identified by a diamond 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 including terminal hours are also shown on the map:

Public houses and restaurants

- Vinegar Yard, 1-7 Fenning Street, London SE1(Sunday to Thursday until 23:00, Friday and Saturday until 00:00)
- Vinegar Yard, 80-82 St Thomas Street, London SE1 (Sunday to Thursday until 23:00 and Friday and Saturday until 23:15)
- Yo, SuShi, Wolfson House, 49 St Thomas Street, London SE1 (Monday to Saturday 23:30 Sunday until 23:00)
- The Savanna, Unit SU58 London Bridge Station, London SE1(Monday to Sunday until 22:30)

- 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, Friday and Saturday until 00:00)
- Londrino, 36 Snowsfields, London SE1(Sunday to Thursday until 00:00, Friday and Saturday until 00:30)
- Globe House, 37 Bermondsey Street, London SE1(Monday to Sunday until 00:00)
- Tanner & Co, 50 Bermondsey Street, London SE1 (Monday to Sunday ` 02:30)

Deregulation of entertainment

24. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 to 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 area

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.
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:
- 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.
31. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. 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. To be read in conjunction with Appendix B to the policy.
 - 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.
32. 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.

Resource implications

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

Consultation

34. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

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, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
37. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

38. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
39. The four licensing objectives are:
- The prevention of crime and disorder
 - The protection of public safety
 - The prevention of nuisance
 - The protection of children from harm.
40. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
41. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn

- If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
42. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
 43. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
 44. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
 45. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

46. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
 - The holder of the licence
 - The applicant
 - Any person who made relevant representations
 - The chief officer of police for the area (or each police area) in which the premises are situated.

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 review of the premises licence under section 51 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.
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 community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file	Licensing Unit Hub 1 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Review application
Appendix B	Current premises licence
Appendix C	Responsible authority representation
Appendix D	Representations in support and against the review application
Appendix E	Licensee response to review application
Appendix F	Warning letter
Appendix G	Map of local area

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	19 July 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	19 July 2019	

09/06/2019

Application for a review of a premises licence or club premises certificate under the Licensing Act
Ref No. 1247341

Please enter the name of applicant who is applying for the review of a premises licence under section 51/
applying for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the
premises described in part 1

--	--

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

Address Line 1	HORSESHOE
Address Line 2	26 MELIOR STREET
Town	LONDON
County	
Post code	SE1 3QP
Ordnance survey map reference or description	

Name of premises licence holder or club holding club premises certificate (if known)

	PETER ALAN COLLIE
--	-------------------

Number of premises licence or club premises certificate (if known)

	7861
--	------

I am

	1) an individual, body or business which is not a responsible authority (please read guidance note 1)
--	---

Personal Details

Title	Mr
If other, please specify	
Surname	
Forenames	
I am 18 years old or over	Yes

Current Address

Address Line 1	██████████
Address Line 2	
Town	LONDON
County	
Post code	██████

Contact Details

Daytime contact telephone number	██████████
E-mail address (optional)	██████████

Would you like to add a second applicant?

	No
--	----

This application to review relates to the following licensing objective(s)

	Please select one or more as appropriate
	3) the prevention of public nuisance

Please state the ground(s) for review (please read guidance note 2)

	The current licence, at point 345 states: "a) That the outside of the pub will be closed at 22:30 in the front; b) That the balcony at rear of pub will close at 23:00". This is clearly to avoid noise that can affect the adjacent neighbours. However, the pub also has a rear garden, a completely open space, where currently customers are allowed to drink, shout and generally be very loud until midnight or later. This has affected myself and the residents in my flat, but also I know other neighbours in my block of flats. I have reported the public nuisance several times to the Licence Team and Southwark Noise Team, but due to the current licence the pub is allowed to do that. If the front area is closed at 22:30 and the balcony at rear at 23:00, I do not understand why the rear garden does not have a closing time in the licence agreement, which I believe should be no later than 23:00 (night hours).
--	---

Please provide as much information as possible to support the application (please read guidance note 3)

	In the past I have asked directly the pub employees about reducing the noise in the back garden, but with no results. I then called the Noise Team at least 3 times, but the Team could not attend or they advised they could attend when the noise has already terminated. I have also been in contact with Southwark Licence Team, in particular Charlie Jerrom, to report the nuisance caused and to provide several video evidence of the noise perceived from my flat.
--	---

Have you made an application for review relating to this premises before?

	No
--	----

If yes, please state the date of the application

--	--

If you have made representations before relating to these premises please state what they were and when you made them

--	--

Checklist

	I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate I understand that if I do not comply with the above requirements my application will be rejected
--	---

Declaration (please read guidance note 5)

Applicant Full Name	██████████
Applicant or Applicant's solicitor or other duly authorised agent	
Date	09/06/2019
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Full name	██████████
-----------	------------

Address (please read guidance note 6)

Address Line 1	██████████ .
Address Line 2	
Town	LONDON
County	
Postcode	██████████
Telephone number (if any)	██████████
Email	██████████

Licensing Act 2003 Premises Licence



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

Premises licence number

007861

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
THE HORSESHOE INN Horseshoe 26 Melior Street London SE1 3QP Ordnance survey map reference (if applicable), 533086179910	
Post town London	Post code SE1 3QP
Telephone number 020 7403 6364	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence Films - Indoors Indoor Sporting Event Live Music - Indoors Recorded Music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises For any non standard timings see Annex 2
Monday 10:00 - 00:30
Tuesday 10:00 - 00:30
Wednesday 10:00 - 00:30
Thursday 10:00 - 00:30
Friday 10:00 - 00:30
Saturday 10:00 - 00:30
Sunday 12:00 - 23:30

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

Sale by retail of alcohol to be consumed on premises

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

Films - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

Indoor Sporting Event

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

Live Music - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

Recorded Music - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

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 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 23:30

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00

Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

Sale by retail of alcohol to be consumed off premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

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

Peter Alan Collie
26 Melior Street,
London, SE1 3QP

[REDACTED]
[REDACTED]

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

N/A

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

Peter Alan Collie

[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. 7850
Authority London Borough of Southwark

Licence Issue date 30/09/2005

[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.

102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

103 Where a film is to be submitted for classification to the licensing authority, the cinema or venue operator must submit the film intended for exhibition to the authority at least 28 days prior to the first date upon which the film is intended to be exhibited

104 Where a programme includes a film in the 12a, 15 or 18 category no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms

"PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME"

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

105 Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film.

106 Immediately before each exhibition at the premises of a film passed by the licensing authority notices shall be displayed both inside and outside of the premises so that persons entering can readily read them and be aware of the Category attached to any film or trailer.

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

109 Alcohol shall not be sold or supplied except during permitted hours as stated elsewhere on this licence and:

a. On Christmas Day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.

b. On New Year's Eve, except on a Sunday, 10.00.a.m. to 11.00.p.m.

c. On New Year's Eve on a Sunday, 12 noon to 10.30.p.m.

d. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

i) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;

iii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

v) The taking of alcohol from the premises by a person residing there;
or

vi) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

vii) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the

premises .

110 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only which is produced solely by the reproduction of recorded sound is permitted.

111 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain;

112 This licence allows for the premises to be open for non standard timings only when a Temporary Events Notice is submitted.

113 This licence allows for the premises for the sale or supply of alcohol for non standard timings only when a Temporary Events Notice is submitted.

114 This licence allows for the premises for the licensable activities and for non standard timings stated below on the following days:

Live Music and Making Music on an occasional basis, mainly Friday or Saturday and to a maximum of four times a month only.

Films, Indoor Sporting Events and Recorded Music only when a Temporary Events Notice is submitted.

127 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;

c. To a canteen or mess.

154 a. The Licensee / Duty Manager shall ensure that he has sufficient trained staff on duty to ensure the safe evacuation of the premises in an emergency. Such staff shall have been specifically instructed on their duties in the event of an emergency by the Licensee or by a person nominated by him. The instruction given to staff shall include training on the safe and efficient running of the premises and the safe evacuation of the premises.

b. A nominated member of staff in addition to the Duty Manager shall have responsibility for fire prevention measures and for ensuring that all escape routes including exit doors are fully available.

c. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role. The Licensee / Duty manager shall, once he is satisfied as to the competence of each member of staff, record this in the Fire log book.

158 a. The Licensee / Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.

294 Toughened glass shall be used for the service of drinks.

325 That after 18:00 children under 16 shall not be admitted in any area where alcohol is sold and consumed and not admitted to restaurant area after 21:00.

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

333 That an age identification scheme shall be established and maintained. The scheme shall

a. Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to responsible staff to be under the age of 16 who is attempting to gain admission to any area where alcohol is sold or consumed after 18:00 except for the restaurant area where this requirement shall apply from 21:00.

b. Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

340 That all staff are trained in Health and Safety and Food Hygiene.

341 That no less than 10 working days notice shall be provided to the Police when Temporary Events are planned.

342 That the licensee shall join the local Pubwatch scheme, when one is in place.

343 That all music will stop at 22:30 on balcony at rear.

344 That all windows in front of function room be closed.

345 a) That the outside of the pub will be closed at 22:30 in the front;

b) That the balcony at rear of pub will close at 23:00.

326 That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council

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

Annex 4 - Plans - Attached

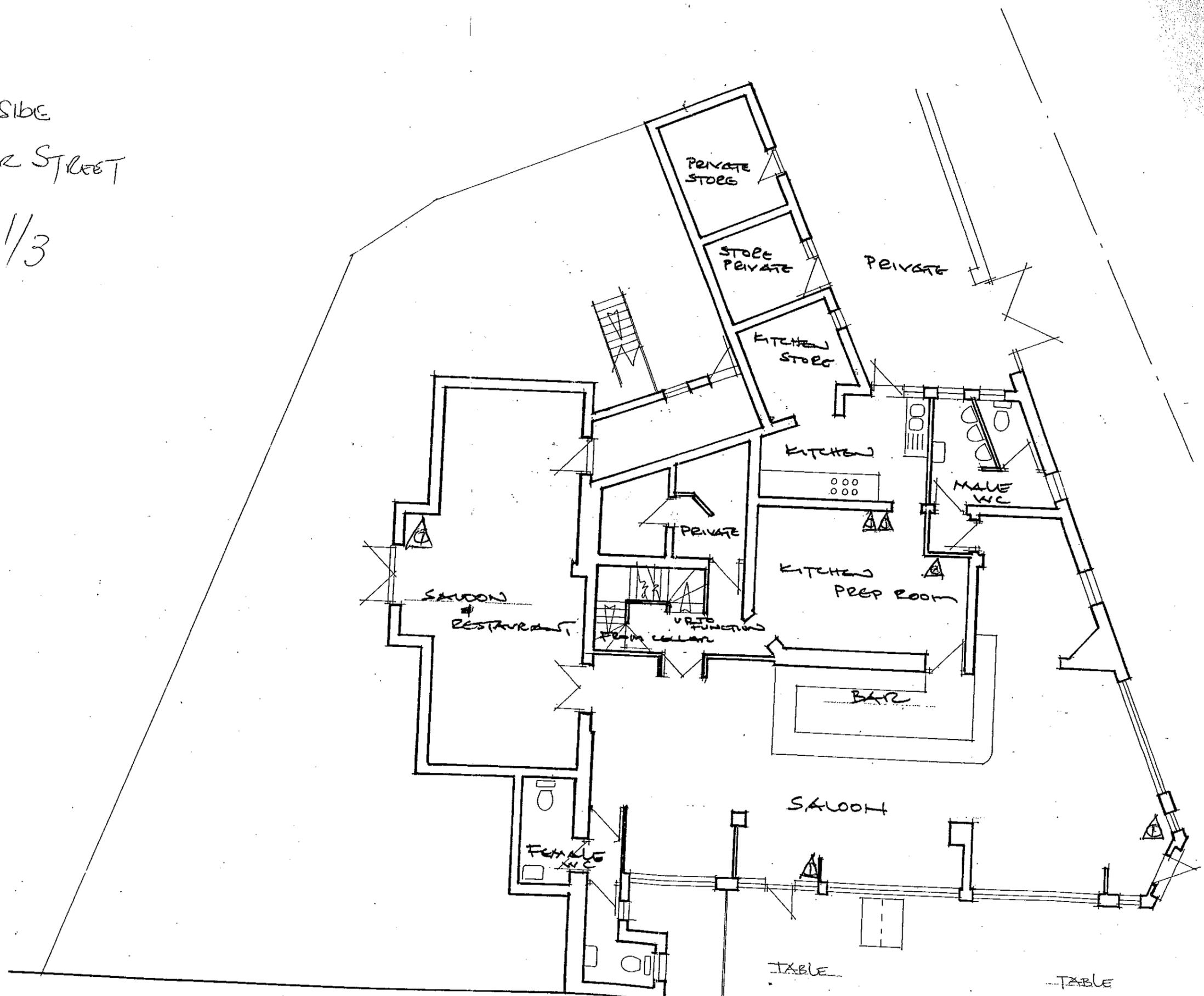
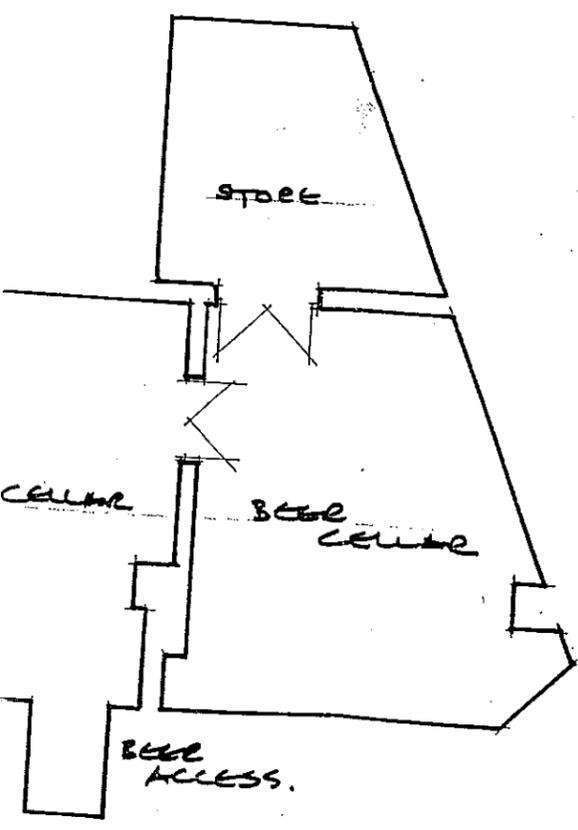
Licence No. 007861

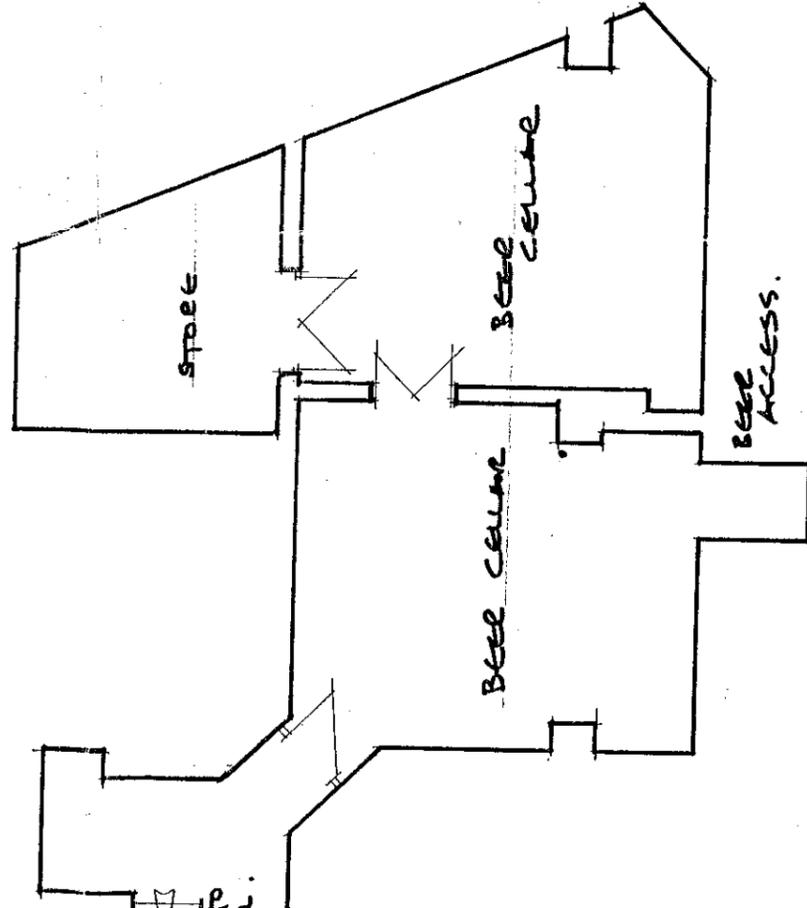
Plan No. N/A

Plan Date N/A

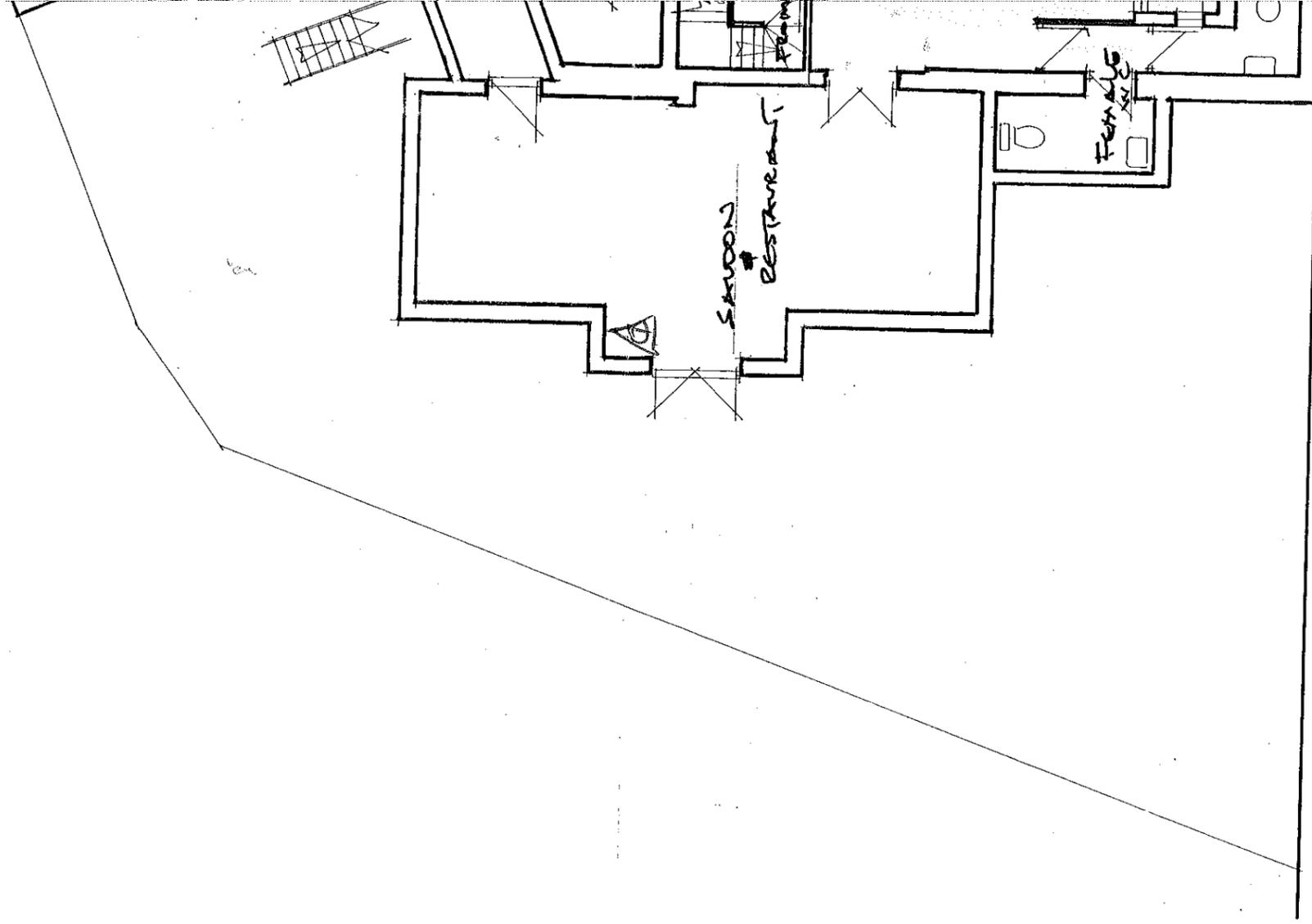
HORSESIDE
MELIOR STREET

1/3

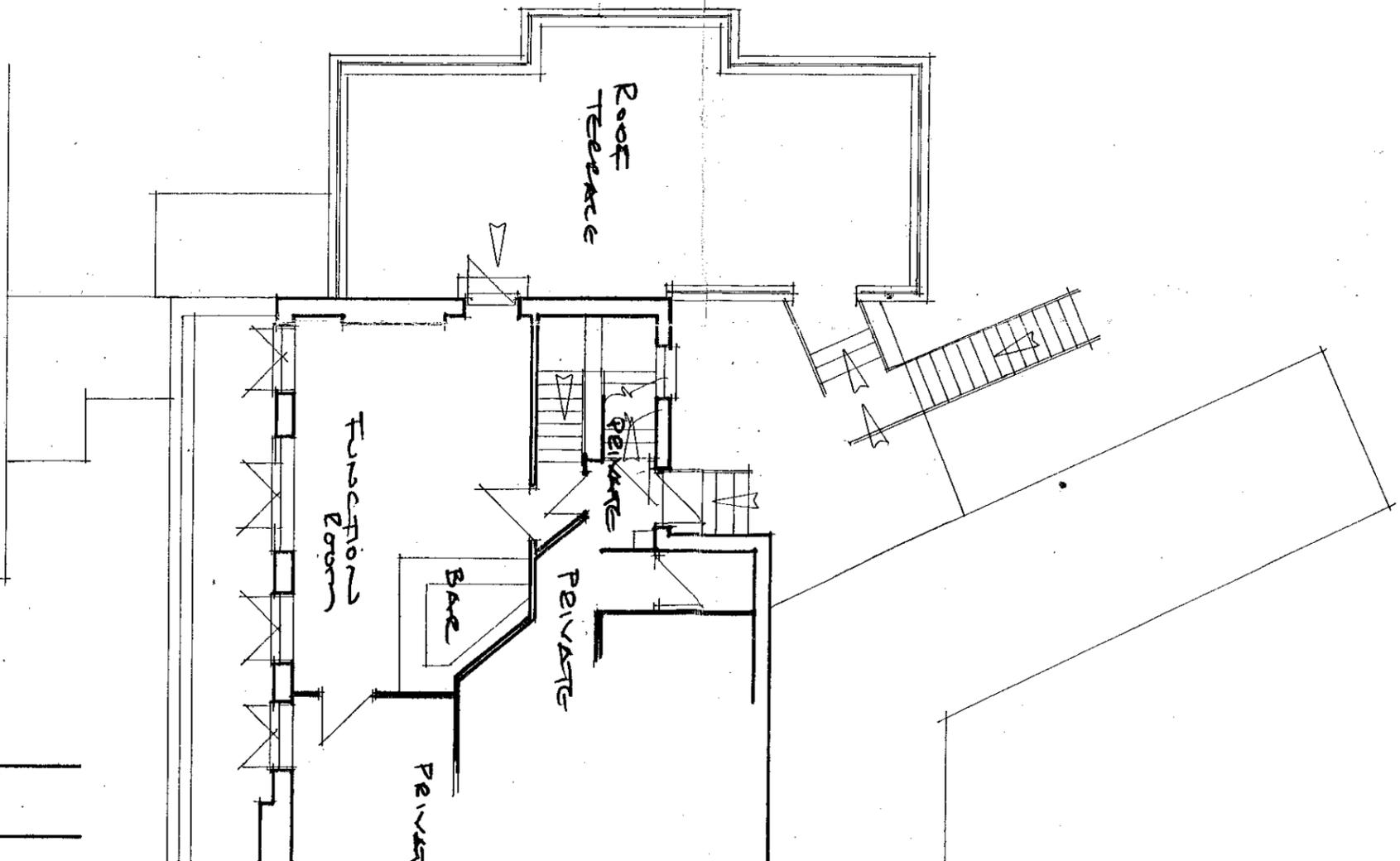
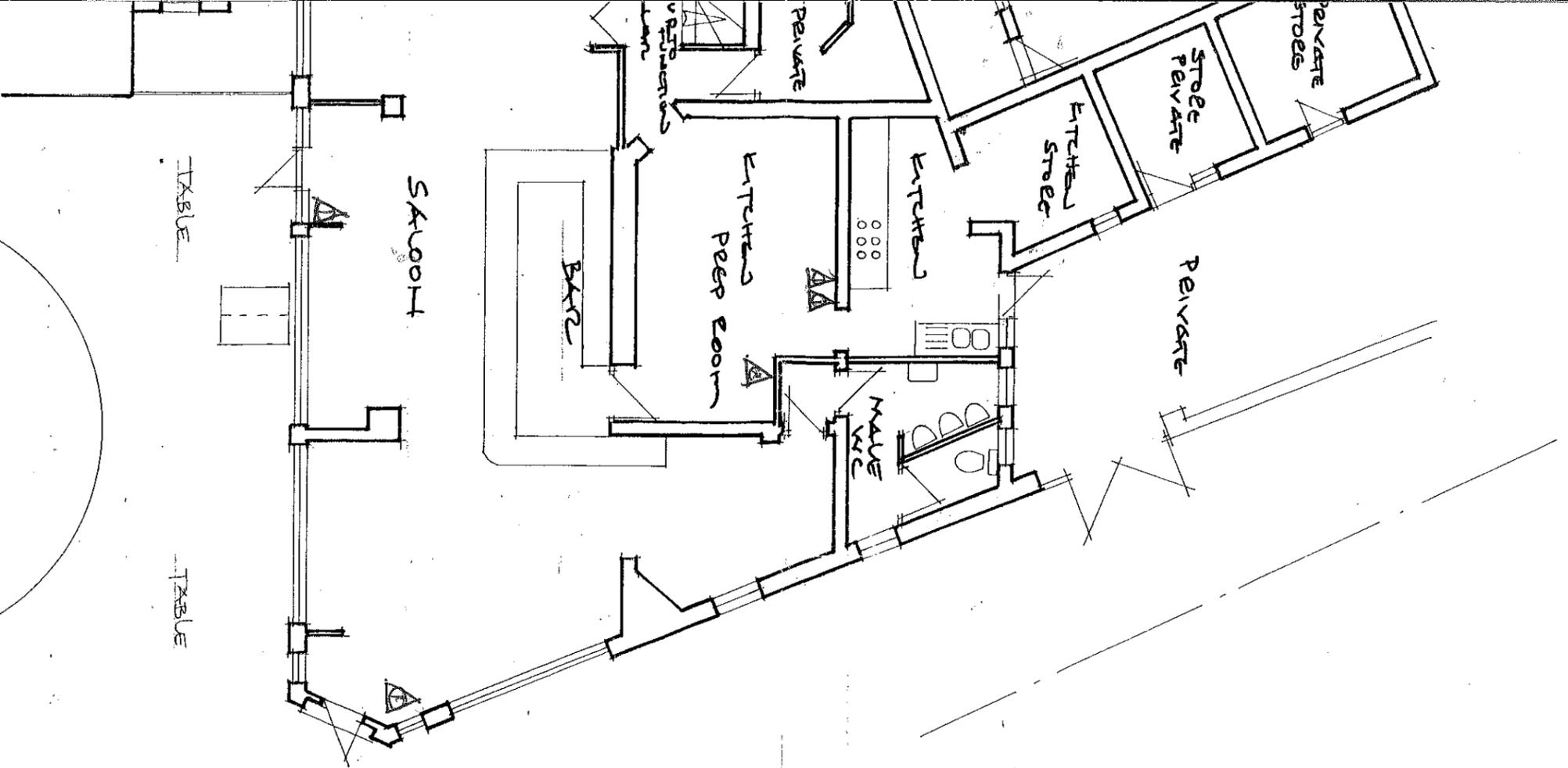




BASEMENT



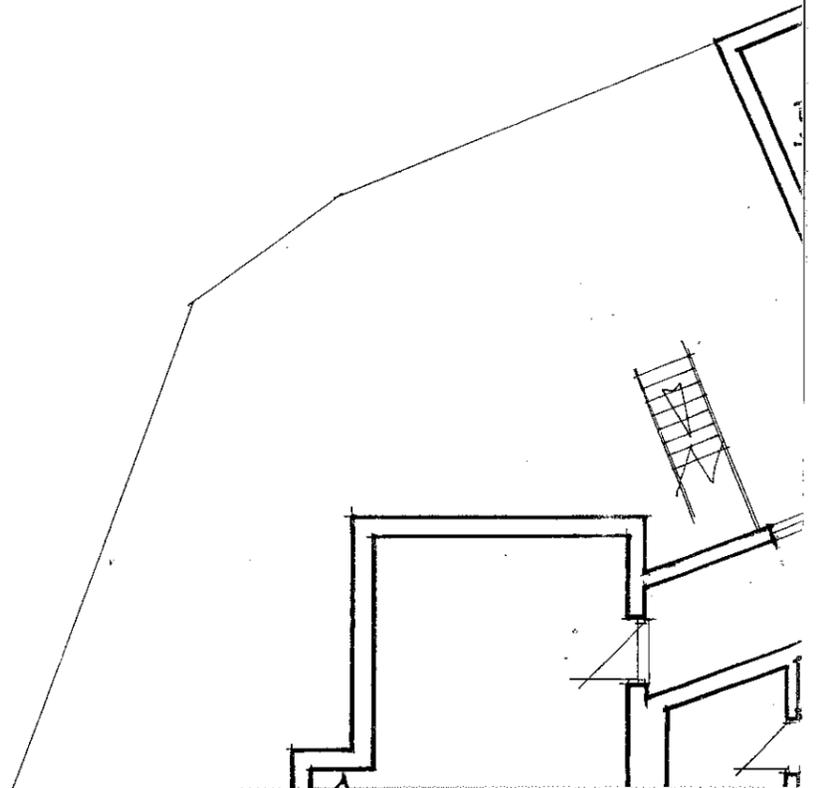
CREW

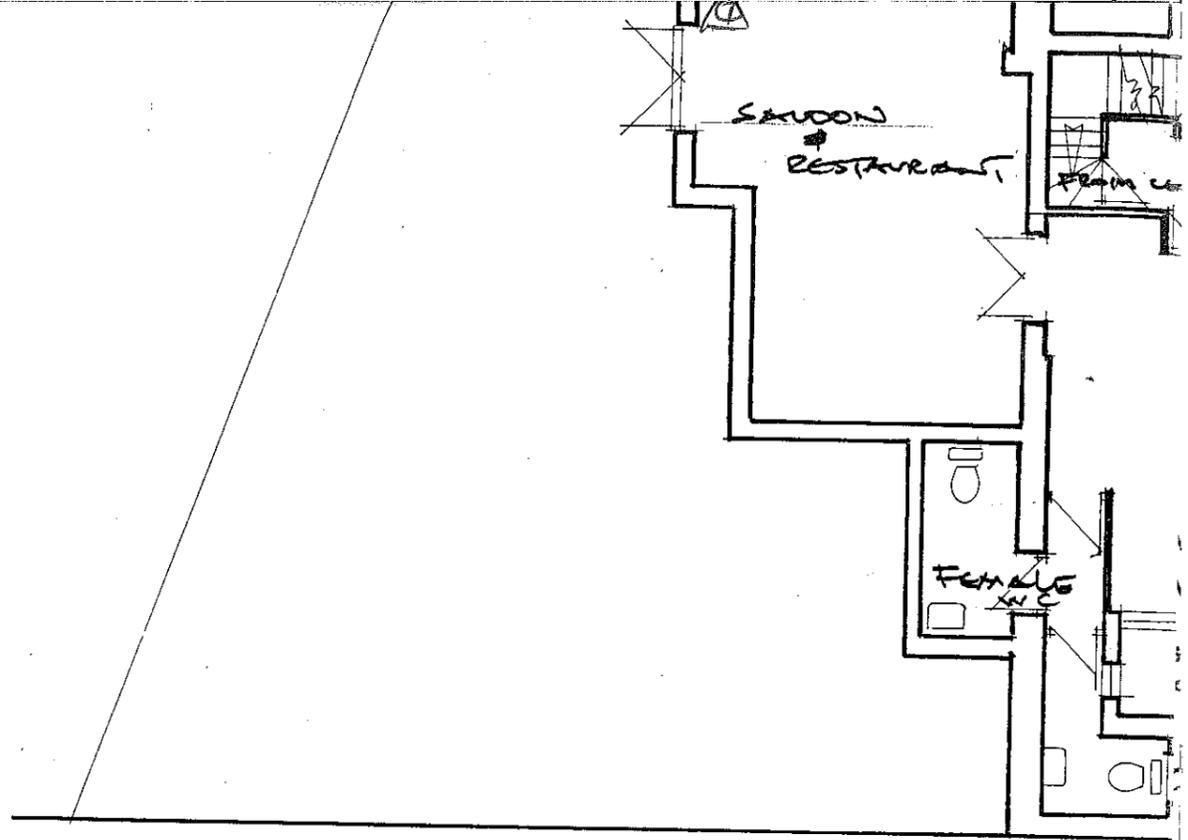
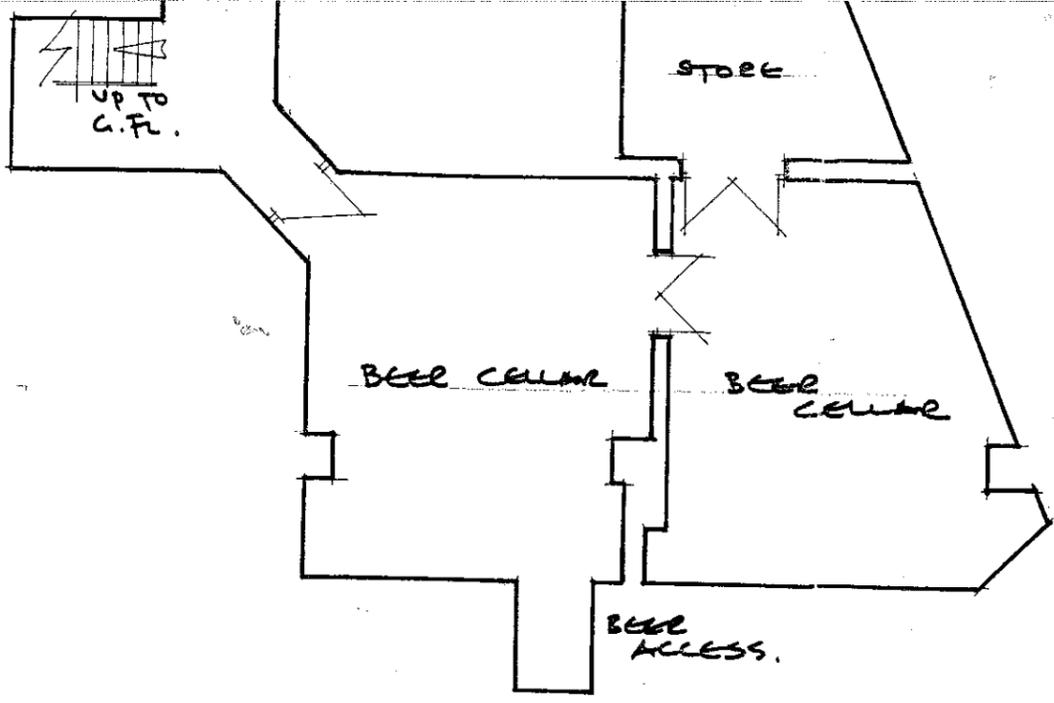


FEST

2D

rev	d
project	THE
client	J.T



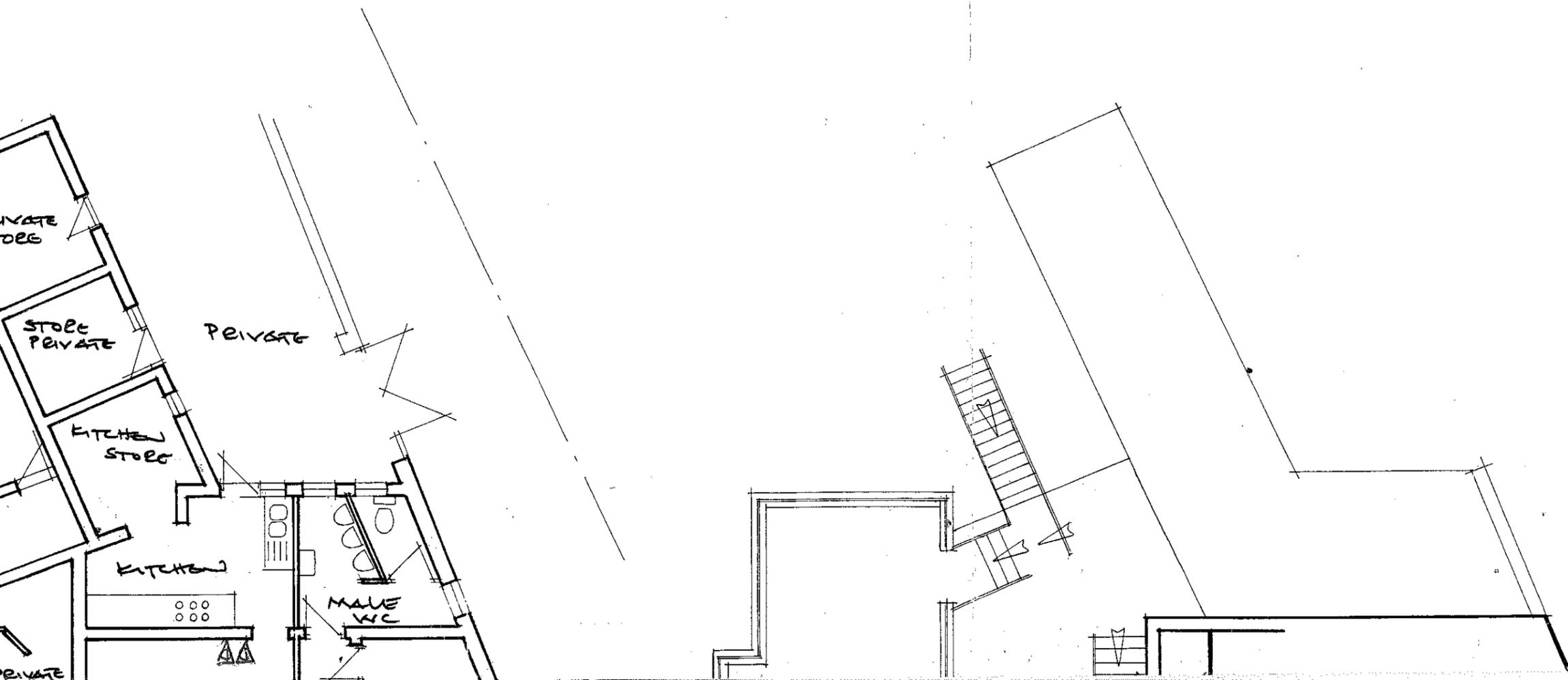


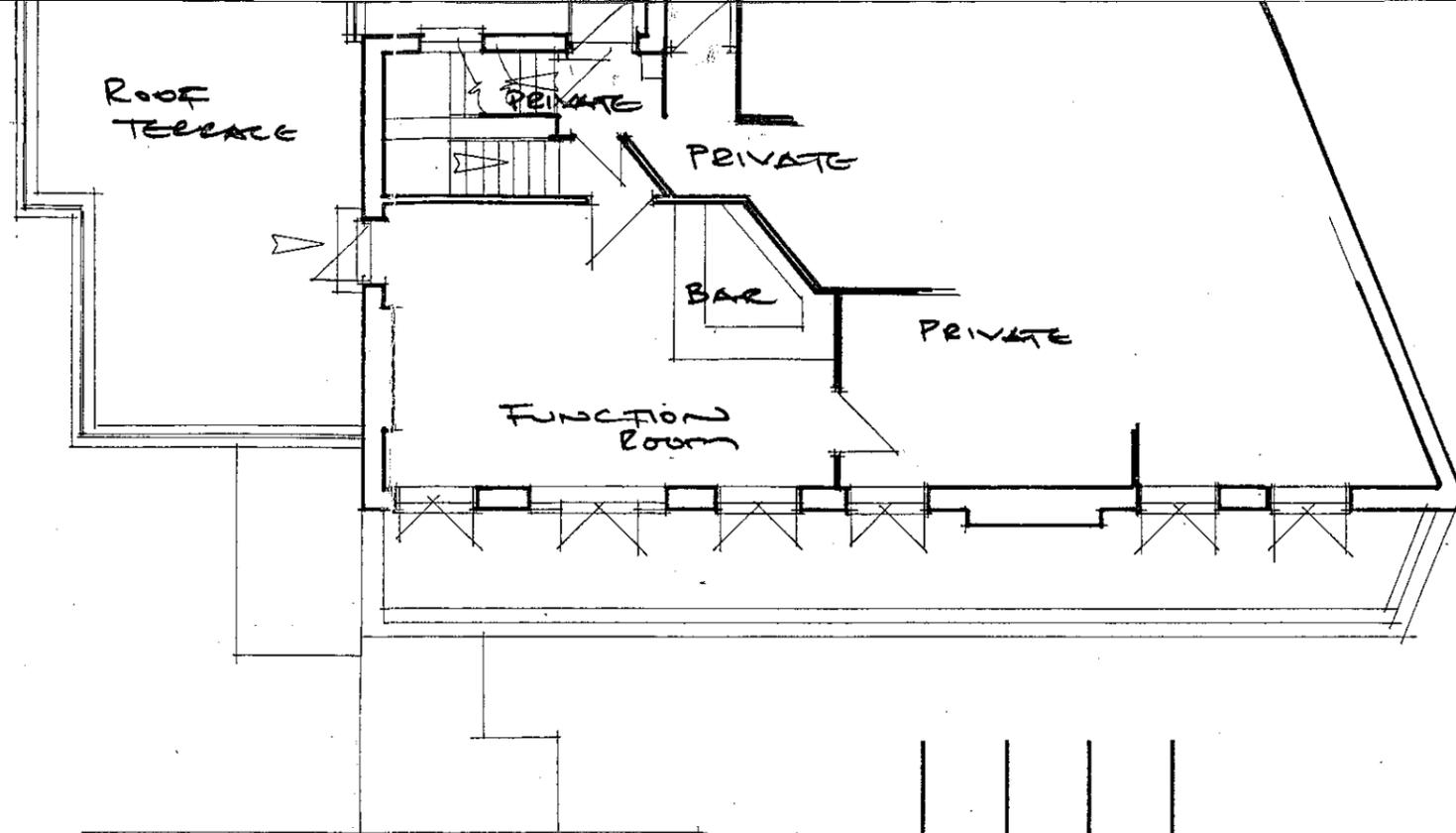
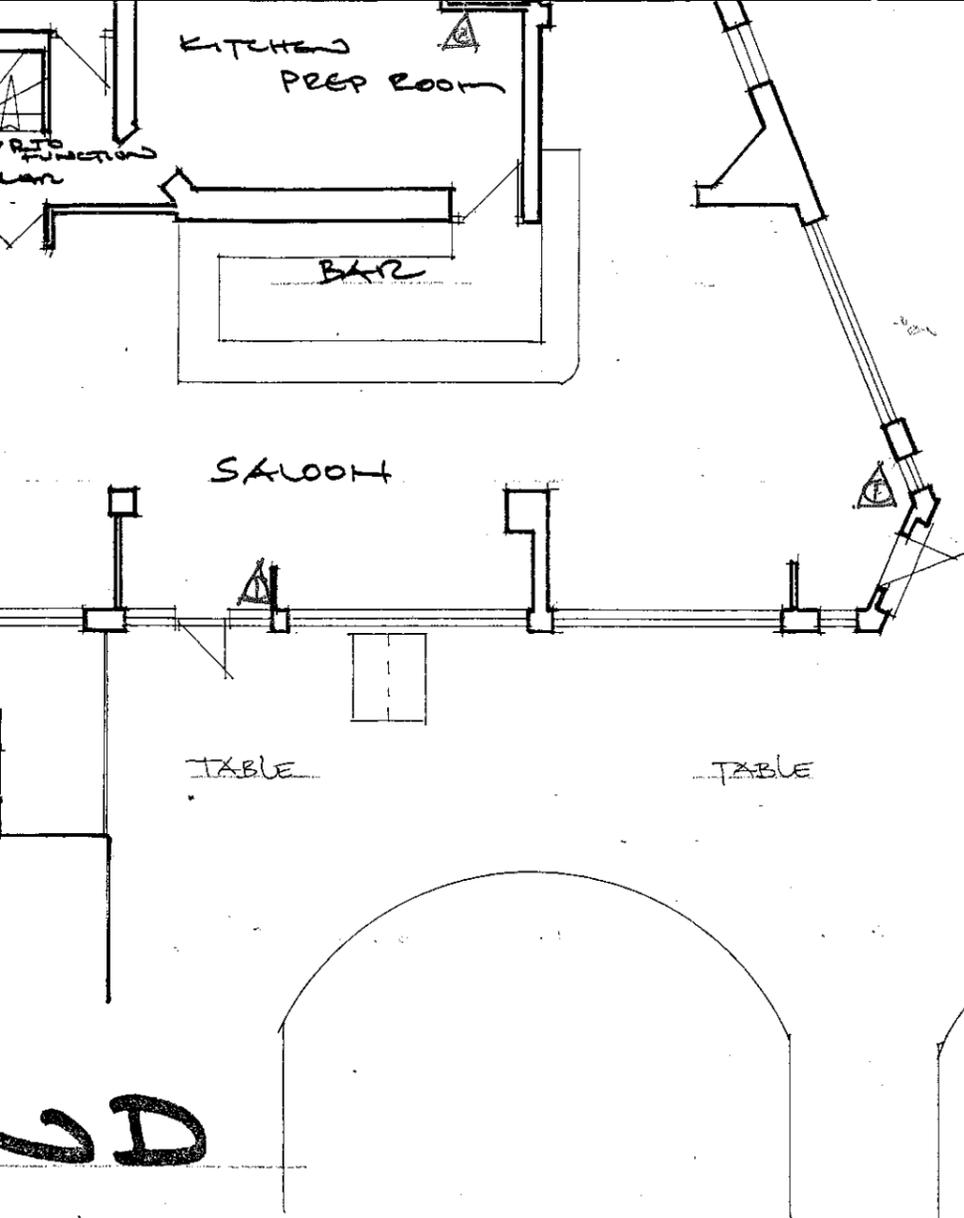
BASEMENT

GROUND

DO NOT SCALE THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE FABRICATION OF ANY WORK OR ORDERING OF MATERIALS

HAMLIN ILES & CRAGO RETAIN COPYRIGHT IN AND OWNERSHIP OF THESE DRAWINGS.





FIRST

rev	date	by

project
 THE HORSESHOE P.H.
 MELIOR ST LONDON SE1

client
 J. T. DAVIES & SONS LTD

title
 FLOOR PLANS


 Hamlin Iles & Crago
 40 The Broadway, Cheam, Surrey SM3 8BD
 Telephone 020 8715 0515, Facsimile 020 8715 0520
 E-mail hic@globalnet.co.uk

scale 1:100	drawn	job no. D29	no. 01	rev.
date Aug 04	checked			

MEMO: Licensing Unit

To Licensing Unit **Date** 8 July 2019

Copies

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

e

Email jayne.tear@southwark.gov.uk

Subject Re: The Horseshoe, 26 Melior Street, London, SE1 3QP
- Application to review the premises licence.

I write with regards to the above application to review the premises licence submitted by Iacopo Liviabella under the Licensing Act 2003.

The application is submitted under the prevention of public nuisance licensing objective and the grounds for the review are:

'The current licence, at point 345 states: "a) That the outside of the pub will be closed at 22:30 in the front; b) That the balcony at the rear of the pub will close at 23:00". This is clearly to avoid noise that can affect the adjacent neighbours. However, the pub also has a rear garden, a completely open space, where currently customers are allowed to drink, shout and generally be very loud until midnight or later. This has affected myself and the residents in my flat, but also I know of other neighbours in my block of flats. I have reported the public nuisance several times to the Licensing Team and Southwark Noise Team, but due to the current licence the pub is allowed to do that. If the front area is closed at 22:30 and the balcony at the rear at 23:00, I do not understand why the rear garden does not have a closing time in the licence agreement, which I believe should be no later than 23:00 (night hours)'

My representation is concerned with the prevention of public nuisance.

My representation is based on the Southwark Statement of Licensing policy 2019 – 2021 and relates to the licensing objective for the prevention of public nuisance.

There have been 3 complaints to the licensing unit regarding noise and antisocial behaviour from the patrons of the premises.

Licensing officers investigating the complaints visited the premises on 27 April 2019 at 22:40 hours and found the premises to be in breach of the following condition;

9506 - a) That the outside of the pub will be closed at 22:30 in the front;

A warning letter regarding the breach was sent to the licensee on 7 May 2019.

The premises is situated within the Cumulative Impact Area for Borough and Bankside and the licensing sub committee may want to consider bringing the hours of operation for the

rear garden in line with that of the hours recommended within the Southwark Statement of licensing policy.

I therefore submit this representation and to promote the prevention of public nuisance I recommend that the licensing sub- committee consider the following:

- That an accommodation limit is set for the rear garden area.
- That the rear garden area is closed to patrons at 22:00

I may provide further supporting information to this representation at a later stage.

Southwark's Statement of Licensing Policy 2019 – 2021 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

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

1 (review applicant)

From: [REDACTED]
Sent: Saturday, June 22, 2019 11:55 PM
To: Jerrom, Charlie; Regen, Licensing
Subject: Horseshoe Inn

Dear Charlie and Licensing Team,

I would like to report again the Horseshoe Inn in Melior Street not respecting their licence terms. The balcony at the back should be closed at 11pm as per their licence, but they still have customers there now at 11:45pm. I took a video again which I would be happy to share with you. I know their licence is under review now and there is a meeting on the 1st August, I'll be happy to show this and the other videos I took in the past as evidence.

In the meanwhile, despite the licence is under review, I believe the business should still respect the terms stipulated in the licence. Have any actions been taken at all, or did controls take place, since I have been reporting this situation for months now?

Regards

2 support of review

From: [REDACTED]
Sent: Wednesday, June 26, 2019 9:22 AM
To: Krishnan, Anusyutha; Regen, Licensing
Subject: Re: FW: Horseshoe Inn pub - Premises Licence review

Dear all

As per my previous email, I'd like to make my representation with reference to the licence review for the Horseshoe Inn pub.

I live very close to the pub and the pub's clients are creating significant noise nuisance by being allowed to drink and shout outside. The pub has an outside area (literally in front of our building) and people drink and shout there until late at night. People leaving the pub from the inside should also be reminded to do that without making noise, as it is not uncommon that people stay outside making noise until late. Clearly, this issue is particularly relevant on Thursdays, Fridays and Saturdays and during Spring and Summer.

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

Can you please keep my posted in relation to this representation and the licence review process?

Regards

[REDACTED]

3 against review

From: [REDACTED]
Sent: 04 July 2019 18:21
To: Regen, Licensing
Subject: Licence Review at The Horseshoe Pub SE1 - Licence number 868471

To whom it may concern ,

I am writing in regard to The Licence Review at The Horseshoe Pub SE1 - Licence number 868471.

I am the closest resident to the Horseshoe Garden and being in the SE1 neighbourhood, we expect a certain amount of noise. To that extend, I can testify that the Horseshoe is very well run and noise is kept to a minimum in my opinion.

The Horseshoe Garden is in fact a welcoming place where locals can chat and relax , There is no music playing and it closes midnight.

Even though I am actually not using the pub, I thought this was worth noting.

Please let me know if there are any further matters I can assist with.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4 against review

From: [REDACTED]
Sent: Friday, June 14, 2019 5:26 PM
To: Regen, Licensing
Subject: Representation for Licence Number: 868471

Premises (Review - Under the grounds relating to the Licensing objective for prevention of public nuisance. Resident are subjected to noise nuisance from the pub rear garden, a completely open space, where currently customers are allowed to drink, shout and generally be very loud until midnight or later.)

Licence Number: 868471

Grounds:Public Nuisance

OBJECTION to the claims of Public Nuisance

14 June 2019

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

Hello Sirs-

I am writing in objection to Premises review for the Horseshoe Pub on Melior St. I am write as a neighbouring resident and business owner.

The grounds of the review state the business is a Public Nuisance due to noise coming from its garden. I do not agree with this statement. The Horseshoe Pub is a respectable business that does not cause a public nuisance. The outdoor garden is very well maintained and sanctuary for locals. The garden closes at a reasonable hour and the area is closely monitored by security. I have not heard any disturbances after midnight as alleged in the review.

The area has a number of surrounding businesses that also have open air dining and drinking and it would be incredibly difficult for anyone to specifically fault the Horseshoe Inn as the source of any disturbances. Recently a vast courtyard known as Vinegar Yard, which shares a party wall with the Horseshoe, has opened and the evening crowds there can number more than 1000. They also have amplified music playing from public address systems. Since this has opened the noise levels in the area have increased dramatically. It would be difficult, if not impossible, to separate the noise of the patrons of Vinegar Yard from the much smaller crowds sat in the beer garden of the Horseshoe.

As a resident here myself I have come to realise that noise levels will be increased during the weekend. The London Bridge area is a vibrant area and is becoming more of a destination for a larger audience. This increases the appeal of the area and also increases revenues for the local councils and the government through increased sales and VAT. It is not a quiet village

neighbourhood but a booming area that continues to grow. With that growth comes the potential for more noise and disturbance.

The Horseshoe is also a pub of great significance to the area and predates any current residential developments. Operating as pub since 1794 it is a community hub. It is one of the only buildings that will survive the redevelopment of the area and it is a planned focal point of the development. The current plans for the area will increase footfall greatly to the area and with that the levels of noise and "public nuisance". The Horseshoe will serve as welcome respite to that and as a reminder of the history of the area.

Thanks

██████████

████████████████████

████████████████████

Licensee Submission

From: peter collie [REDACTED]
Sent: Thursday, July 04, 2019 9:20 AM
To: Regen, Licensing
Subject: Licence Review Horseshoe inn pub

To whom it may concern ,

My name is Peter Collie and I am The Licence holder of The Horseshoe Inn SE1 3QP and have been for 23 years

I am writing to explain why I think ,this Licence Review is unwarranted.

In the time I have been here ,We have had No problems with our Licence , no problems with Police or any other interested parties !

As the area around us have changed, with New Offices and Residents , we have stayed , a well run Public House .

While we welcome the changes around us , we still want to keep our identity, which has also been welcomed by Southwark Council and others ,including The Victorian Society and as such, we have been made a special case that we must not to be changed !

Our trade is made up of Local Community , local NHS workers and local small Business, so it would be self harming ,if we did not take our responsibility's ,in making sure we do not unduly affect out Neighbours.

In reading The Objection to our Licence , it really makes no sense.

- 1) we allow drinking , in our garden We are a Pub and Licensed to do so !
- 2) Our garden is open ! As is every other Pub garden in The UK !
- 3) we allow shouting [until 12am](#) and after We close our garden [at 12am](#) , which is not late in The middle of London and if people are loud , we ask them to please be respectful of our Neighbours and we also have signs around the garden stating this !

To Show our commitment to our Neighbours and The well running of The Horseshoe , Here is a list what we do to mitigate our annoyance around us -

We normally have 4 Licence holders on The premises .

We have Security , on our busy nights .

We have Stint , who go around clearing up and also look out for anti Social Behaviour.

We have a sound Monitor , with a book and digital recording to record our noise levels !

We have CCTV covering all areas of The Pub (inside and outside)

We do not have Music in our garden .

We do not use TENS !

We have moved our Bottle Bank to an area ,away from any residents .

We also , do not use all our Licensing times , we do not serve alcohol after [11.30pm](#) (Mon to Sat) and we close [at 10pm](#) on a Sunday ! Christmas is the only time we may use all our hours but , it should be noted that our Christmas Party's finish around [20th December](#) and we do not Open New Years Eve .

All this is done on our own vocation and is not part of our Licence .

It should also be noted that we have 6 NEW Licensed Premises , within 100 yards of us and also ,an open air area backing onto our garden that holds 1000 people !

Melior Street ,is also a cut through ,for people going and coming away from Bermondsey Street and while it may seem they are Horseshoe Customers , they are not ! We , again ,have Digital recording of the noise around The Horseshoe ,when we are closed

This noise is not of our making ,so ,Changes to our Licence will only effect The Local Community that rely on us , to have a space outside (away from their flats , with no open areas) which some have been doing for 60 years .

As people quite rightly say , if you buy a Flat next to a Pub you will get Pub Noise , same if you buy next to a School (Kids) Airport , planes , Church , Bells !

The garden is also the only place people can go out and smoke after [10.30 pm](#) (licence requirement in front of Pub) and would set a precedent ,for people wanting to smoke after [10.30pm](#) .

Our Digital recordings of our noise are open to anyone who may require to hear them and confirm they are genuine .

The person making this complaint has stated that The licensing team and Noise team found nothing wrong , when they visited (many times) Maybe there is a personal grudge here !!

Lastly , it should be noted that I am a -

Fellow of The British Institute of Inn keeping .

We are members of The Local Pub Watch.

We are members of Southwark Safe .

The 4 Licence holders are accredited with Drink Aware training ,Southwark's Challenge 25. We also have a 5*food rating and 5* Drinks rating !

Kind Regards,
Peter Collie FBIi

The Horseshoe Inn, London Bridge



Peter Alan Collie
THE HORSESHOE INN
26 Melior Street
London
SE1 3QP

Licensing Unit
Direct Dial - 02075257529
Facsimile - 020 7525 5705

7 May 2019

Location ID
F24PA226ME/2

Dear Sir/Madam,

RE: THE LICENSING ACT 2003 – THE HORSESHOE INN, 26 Melior Street, London, SE1 3QP

I write to inform you that on 27 April 2019 at 22:36 an officer of the Council's Licensing Unit visited your premises and noted the following matters of concern:

- 1) a) That the outside of the pub will be closed at 22:30 in the front;
- b) That the balcony at rear of pub will close at 23:00. **Contrary to condition 345 on the premises licence**

The matter listed above potentially constitutes a contravention of either the licences issued under the Licensing Act 2003 by this Council in respect of the premises operation; or of other related legislation.

In particular, I would advise you that Section 136 (1)(a) of the Licensing Act 2003 states that:

A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or
- (a) Knowingly allows a licensable activity to be so carried on.

In this instance this Service does not intend to take any further formal action. However, we would advise you to take such reasonable steps as may be necessary to prevent any further repetition of the matters raised. We would also warn you that should any further breach be reported to us we will give consideration to the appropriate legal action to be taken. You should understand that this could lead to legal proceedings being taken and / or the suspension or loss of your licences.

I would make clear that it is the practice of the Council's Licensing Unit to send officers to visit premises to check to see if unauthorised activities are being provided. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to the staff or publican at the time of the visit.

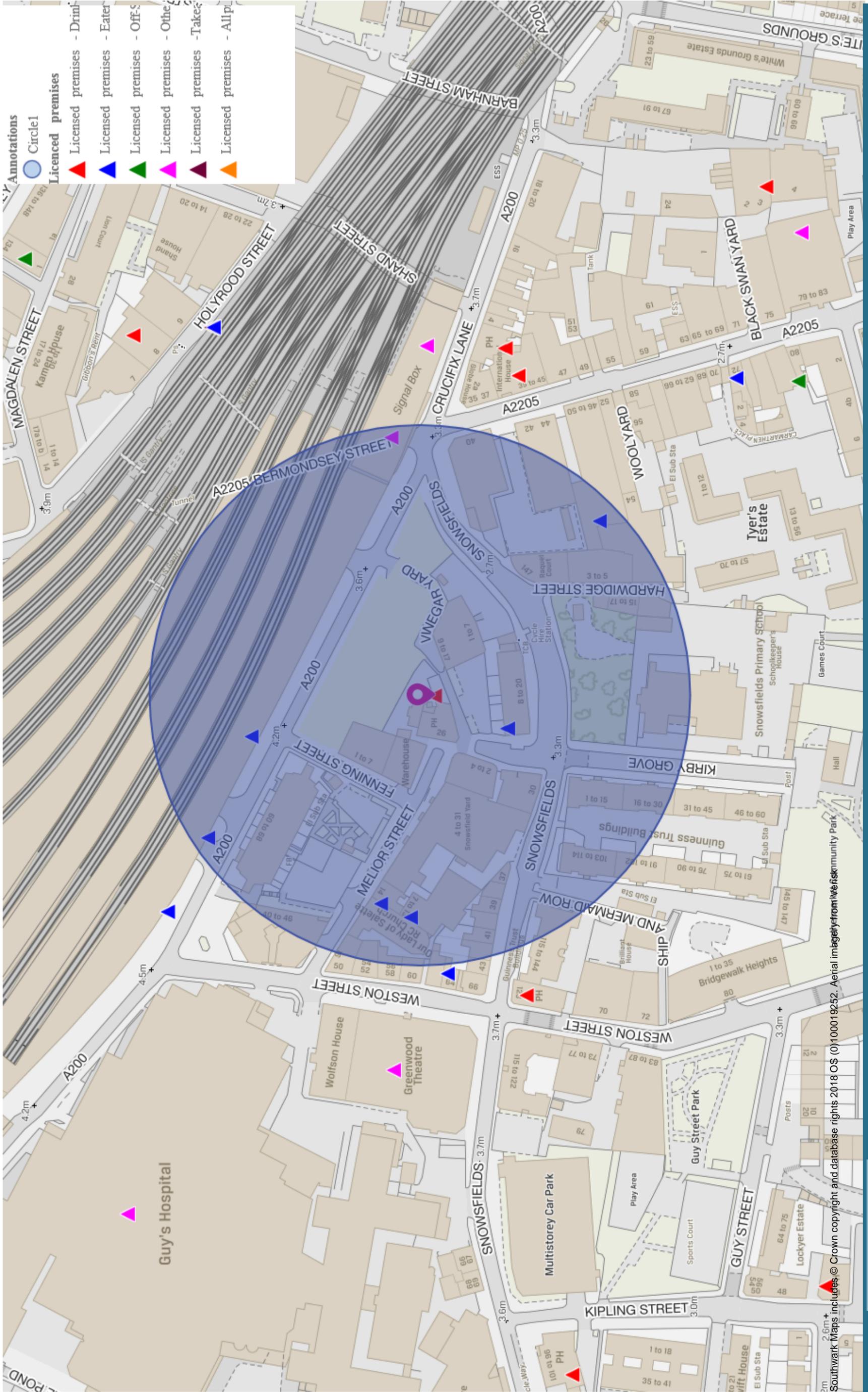
You should also understand that where other Services have interest in the matters noted we will be notifying them of this recent visit. You may receive follow-up visits from them.

Please ensure you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact us on the telephone number given above.

Yours sincerely,

Charlie Jerrom
Licensing Enforcement Officer
charlie.jerrom@southwark.co.uk

Horseshoe Inn, 26 Melior Street, SE1 3QP



Southwark Maps includes Crown copyright and database rights 2018 OS (0)100019252. Aerial imagery from Weiskommunity Park.

50 m

15-Jul-2019



Item No. 7.	Classification: Open	Date: 1 August 2019	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Café Murano, 184-192 Bermondsey Street, London SE1 3UW	
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 Angela Hartnett Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of Café Murano, 184 -192 Bermondsey Street, London SE1 3UW.
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 18 of this report deals with the representations received to application and any conciliation progress made. Copies of the relevant representations from responsible authorities are attached as Appendices B & C.
 - d) Paragraph 19 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 3 June 2019, Angela Hartnett Ltd applied to this council for the grant of a premises licence in respect of Café Murano, 184 – 192 Bermondsey Street, London SE1 3UW. The premises is described as a restaurant.

9. The application is summarised as follows:
 - Late night refreshment:
 - Sunday to Thursday from 23:00 to 00:30
 - Friday and Saturday from 23:00 to 01:30

 - Supply of alcohol (on and off the premises):
 - Sunday to Thursday from 08:00 to 00:00
 - Friday and Saturday from 08:00 to 01:00

 - Operating hours of premises:
 - Sunday to Thursday from 08:00 to 00:30
 - Friday and Saturday from 08:00 to 01:30

 - Non standard timings:
 - From the end of permitted hours on New Years' Eve, to the start of permitted hours on New Years' Day.

- Sundays before Bank Holiday Monday until 01:30
10. The premises licence application form provides the applicant operating schedule. Parts 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 James Cardy who has a personal licence issued by Newham Council.

Representations from responsible authorities

12. Representations were submitted by Metropolitan Police Service, licensing (as a responsible authority) and public health.
13. The police are concerned that the premises are situated within a residential area based on Southwark's statement of licensing policy. The hours applied for are outside of the framework hours of 23:00 for restaurants as detailed in policy. They are also concerned that no accommodation limit has been supplied and as such they state that they are not able to adequately assess the impact of the assessment. The police request that the applicant considers prohibiting the use of any outside area after 22:00 and suggests that number of permitted smokers in this area should be reduced. They have also proposed a condition reducing the opening hours to be considered by the applicant.
14. The licensing representation is based on the Southwark statement of licensing policy 2019 – 2021. They note that the opening hours requested are in excess of that which is appropriate within the licensing policy and ask the applicant to consider bringing the opening hours (and in turn the licensable activities), in line with the hours recommended in the policy. They also seek to add conditions which are commonly used for restaurant premises.
15. The public health representation state that this premises is located close to local residents and schools and are concerned that the daily dispersal from events, has the potential to result in public nuisance and disturb local residents. In addition to this, the premises is in close vicinity of numerous other licensed establishments. They suggest a reduction in hours requested and also propose a further condition to the applicant for their consideration.
16. Copies of the representations are attached as Appendix B.

Representation from other persons

17. There are no representations from any other persons.

Conciliation

18. The representations received were forwarded to the applicant representative. An attempt to conciliate the issues raised has been submitted by applicant

representative. This is attached as Appendix C. The licensing sub-committee will be updated on 1 August 2019.

The local area

19. 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. The licensed premises terminal hours are also shown on the map.

Public houses and restaurants

- Village East, 171 – 173 Bermondsey Street, London SE1 (Monday to Thursday Thurs until 00:30, Friday and Saturday until and Sunday until 23:30)
- South Point Suites, 190 Bermondsey Street, London SE1 (24 hours)
- Pizarro Restaurant, 194-204 Bermondsey Street, London SE1 (Monday to Saturday until 00:30 and Sunday until 00:00)
- Antico, 214 Bermondsey Street, London SE1 (Monday to Wednesday until 23:00, Thursday until 00:00, Friday and Saturday until 01:30 and Sunday until 22:30).
- Hakata Ramen, 177 Bermondsey Street, London SE1 (Sunday until 22:3, Monday to Thursday until 23:00 and Friday and Saturday until 00:00)
- Izakaya, 204 Bermondsey Street, London SE1(Monday to Sunday until 23:30).

Deregulation of entertainment

20. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 to 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
21. 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 area

22. 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.
23. 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.

24. 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.
25. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

26. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. 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. To be read in conjunction with Appendix B to the policy.
 - 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 Soutwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
- 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

29. A fee of £315.00 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 C.

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

Principles for making the determination

34. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
35. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority

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

Conditions

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

Reasons

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

Hearing procedures

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

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

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

47. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
48. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
49. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
50. 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.
51. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
52. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office 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
Appendix B	Representations from responsible authorities
Appendix C	Conciliatory response
Appendix D	Map of local area

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	19 July 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	19 July 2019	

03/06/2019

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

Ref No. 1243703

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

	Angela Hartnett Ltd
--	---------------------

Premises Details

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

£	81500
	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

	Cafe Murano
--	-------------

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

Address Line 1	184-192 Bermondsey Street
Address Line 2	
Town	London
County	
Post code	SE1 3UW
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	Angela Hartnett Ltd
------	---------------------

Address - First Entry

Street number or building name	█
Street Description	██████████
Town	London
County	
Post code	██████
Registered number (where applicable)	07375349
Description of applicant (for example, partnership, company, unincorporated association etc)	Private limited Company

Contact Details - First Entry

Telephone number	
Email address	

Operating Schedule

When do you want the premises licence to start?

--	--

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)

	Restaurant
--	------------

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)

Provision of late night refreshment

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

Supply of alcohol

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

I - Late Night Refreshment

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

	Both
--	------

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

	Supply of hot food & drink indoors & outdoors
--	---

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

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

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)

	From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day Sundays before Bank Holiday Monday until 01:30
--	---

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	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	01:00
Sat	08:00	01:00
Sun	08:00	00:00

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)

	From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day Sundays before Bank Holiday Monday until 01:30
--	---

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	James
Surname	Cardy

DOB

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

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	08:00	00:30
Tues	08:00	00:30
Wed	08:00	00:30
Thur	08:00	00:30
Fri	08:00	01:30
Sat	08:00	01:30
Sun	08:00	00:30

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)

	<p>From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day</p> <p>Sundays before Bank Holiday Monday until 01:30</p>
--	--

M - Steps to promote four licencing objectives

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

	Please see appended operating schedule with proposed conditions to address all four licensing objectives.
--	---

b) the prevention of crime and disorder

	See a) above
--	--------------

c) public safety

	See a) above
--	--------------

d) the prevention of public nuisance

	See a) above
--	--------------

e) the protection of children from harm

	See a) above
--	--------------

Please upload a plan of the premises

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

Please upload any additional information i.e. risk assessments

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

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

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

Declaration

I agree to the above statement

	Yes
PaymentDescription	, ,
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	Thomas & Thomas Partners LLP
Date	03/06/2019

(DD/MM/YYYY)	
Capacity	Solicitors on behalf of 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 13). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	03/06/2019
Capacity	

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

Contact name and address for correspondence	[REDACTED]
Telephone No.	0 [REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

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

CAFÉ MURANO
184-192 Bermondsey Street, London SE1 3UW

APPLICATION SUMMARY

Proposed Hours

Sale of alcohol (on the premises)	Sunday - Thursday 08:00 – 00:00 Friday – Saturday 08:00 – 01:00
Sales of alcohol (off the premises)	Sunday – Saturday 08:00 – 00:00
Late night refreshment	Sunday - Thursday 23:00 – 00:30 Friday – Saturday 23:00 – 01:30
Opening Hours	Sunday - Thursday 08:00 – 00:30 Friday – Saturday 08:00 – 01:30

Applicant: Angela Hartnett Ltd

Description: Restaurant

Proposed DPS: James Cardy

Proposed Conditions

- (1) No noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
- (2) Rubbish (including bottles) shall not be moved, removed or placed in outside areas of the premises between 23:00 hours and 08:00 hours.
- (3) Clearly legible signage shall be displayed at all patron exits in such a manner so that it can easily be seen and read by customers requesting to the effect that patrons leave the premises in a quiet and orderly manner that is respectful to the neighbours.
- (4) The pavement in the immediate vicinity of the premises shall keep free from waste or refuse emanating from the premises while the premises are open.
- (5) All waste for collection shall properly be presented and placed no earlier than 30 minutes before the scheduled waste collection times.
- (6) All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
- (7) A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open
- (8) An incident book / incident recording system shall be kept at the premises to record details of any of the following occurrences at the premises:
 - (a) All crimes reported at the premises
 - (b) Complaints received concerning crime and disorder
 - (c) Seizures of drugs or offensive weapons
 - (d) Instances of anti-social or disorderly behaviour / violence
 - (e) Calls to the police or fire brigade
 - (f) Abuse of staff and / or customers
 - (g) Ejections of people from the premises
 - (h) Visits to the premises by the local authority, police, fire brigade or any responsible authority

- (i) Any malfunction in respect of the CCTV system
 - (j) Any other relevant incidents
 - (k) The incident book / incident recording system shall be updated contemporaneously and shall record the time, date, location in the premises 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
 - (l) The incident book / incident recording system shall be available / be accessible at the premises at all times that the premises are in use and shall be made available to officers of the council, police, fire brigade or any responsible authority on request.
- (9) An adequate and appropriate supply of first aid equipment and materials shall be available on the premises at all times. Adequate and appropriate first aid materials / equipment shall be kept at the premises in a first aid box / boxes. The first aid box(s) shall be kept in an easily accessible location(s) and kept free from obstructions at all times. All staff shall be aware of where the first aid box is kept.
 - (10) The premises will be operated in accordance with Health and Safety and related legislation in order to ensure the safety of customers and staff.
 - (11) A CCTV system be installed at the premises, be maintained in full working order and be continually recording at all times the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
 - (12) All CCTV footage shall be kept for a period of 31 days and shall be made immediately available to officers of the police and the council on request. There will be at least one person on duty at all times who is trained in the operation of the CCTV system, capable of retrieving and showing footage at the immediate request of police or council officers and able to download footage to a removable storage device and / or storage media at the immediate request of police or council officers.
 - (13) All staff shall be trained in their responsibilities under the Licensing Act 2003 and trained in respect of the terms and conditions of this licence. Records pertaining to such training shall be kept and updated every 6 months. The training records shall be made immediately available to officers of the police and the council on request.
 - (14) 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 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 or any age identification card validated by the Secretary of State.
 - (15) All staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 21 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.
 - (16) Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 21 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.
 - (17) Maximum number of person permitted in the premises at any one time (not including staff) shall not exceed (TBC).
 - (18) That a dispersal policy will be implemented, kept at the premises and all staff will be trained in their responsibilities. Training records must be kept and immediately available to Enforcement Officers and Police on request.
 - (19) That there will be no licensable activity on the external terrace area, according to the plan attached to this licence, after 00:00.
 - (20) After 00:00, the external terrace area may be used only for smoking by a maximum of 20 patrons. Patrons will not be permitted to take drinks or food with them.

- (21) All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
- (22) 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.

Fire Safety Legend

Fire Legend

-  Manual call point - height TBC on site. To have fire action notices and fire assembly point drawing provided in close proximity
-  Fire alarm panel with red key switched fused spur to BS 5839: Part 1
-  Fire blanket
-  Carbon dioxide fire extinguisher
-  Foam fire extinguisher
-  Sprinkler head within proposed suspended ceiling. Refer to specialist contractors drawings for setout and any void protection details

PLEASE NOTE:
Final position of fire extinguishers to be determined on site in conjunction with specialist contractor. Front of house extinguishers to be finished in chrome.

Ceiling Mounted Fire Detection (Including emergency lighting)

-  Optical smoke detector
-  Optical heat detector
-  Combined sounder beacon base
-  Sounder base
-  Beacon base
-  Existing bulkhead mounted emergency lighting 8 watt 3 hour maintained. L = with running man legend. Arrow denotes direction of escape
-  Denotes 3hr emergency fitting. Refer to drawing 6521-102
-  Recessed LED emergency exit running man sign - White. Arrow denotes direction of escape
-  Surface 3W emergency recessed LED luminaire. Refer to drawing 6521-102
-  Surface mounted 3W emergency LED luminaires. Refer to drawing 6521-102

PLEASE NOTE:
Fire detection fittings shown in RED are within ceiling voids. Detection from Apollo XP95 range or similar approved.

Escape Legend

-  Fire door linking shop to protected corridor (protected corridor not part of Coco demise)
-  Final Exit to open air

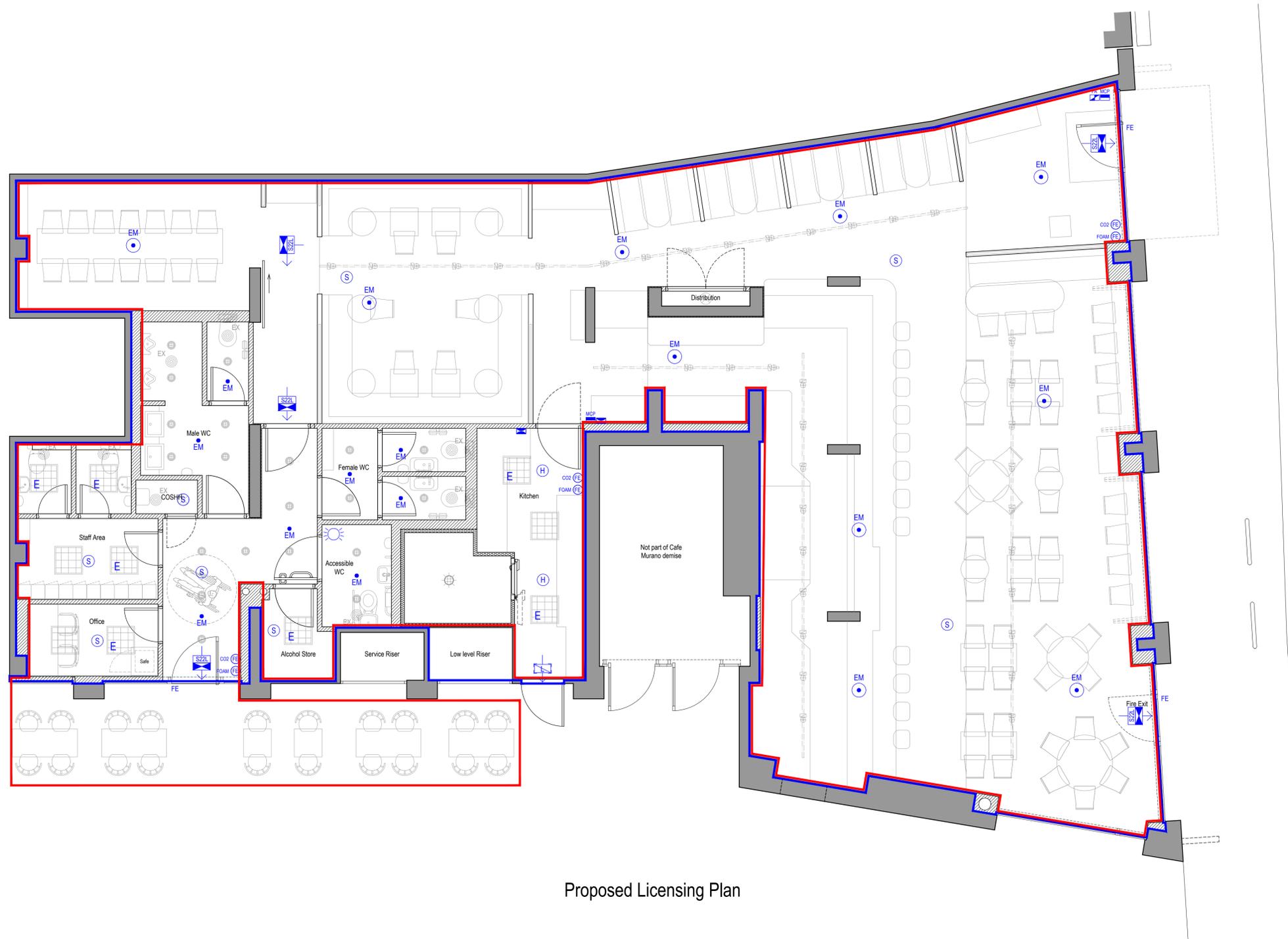
Licensing Legend

-  Indicates area to be used for licensable activities
-  Indicates extents of site boundary

NOTE: All Fire Safety features comply fully with the relevant British Standards and Building Control regulations. Details are set out in the premises Fire Risk Assessment

108 Fire Safety Construction Notes:

- To be read in conjunction with reflected ceiling plan 6521-102 and all other relevant specialist contractors drawings and schedules. Main lighting layout as 6521-102
- Fire detection to be installed and tested to the latest version of to BS5839 part 1 'Fire detection and alarm systems in buildings'.
- Emergency lighting to be installed and tested to BS 5266-1: 2011 Emergency lighting Part 1: 'Code of practice for the emergency escape lighting of premises', BS EN 1838: 2013 'Lighting applications - Emergency lighting' and BS EN 50172: 2004 'Emergency escape lighting systems'. Directional fire exit signage to BS5449 and BS ISO 7010.
- Sprinkler design and installation by specialist contractor, system designed to BS EN 12845 and LPC requirements and installed by LPCB1048 Accredited Contractor.
- Air conditioning and audio systems to shut down upon activation of fire alarm.
- All exit doors should be maintained so as to be capable of being opened easily and immediately from the inside when required. Any doors on the escape routes should not require the use of a key, card, scanner, code or similar system, for persons to exit the premises in the event of a fire.
- Fallow spaces to have limited fire load and be cleared out and left sterile. Fallow spaces are managed spaces where ignition sources are separated from fire load. Fallow spaces cannot under any circumstance be used for storage or any other use, including dry goods storage for chairs etc. Absolutely nothing. Fallow areas to be accessed for maintenance only by trained personnel.
- Installation to be fully tested and commissioned prior to handover. Full emergency lighting, fire alarm system and sprinkler installation commissioning and testing certification to be provided to the Itsu design team on completion.



Proposed Licensing Plan

DO NOT SCALE FROM THIS DRAWING. THE AUTHOR OF THIS DRAWING TAKES NO RESPONSIBILITY FOR ANY DIMENSIONS OBTAINED BY MEASURING OR SCALING FROM THIS DRAWING AND NO RELIANCE MAY BE PLACED ON SUCH DIMENSIONS. ALL DIMENSIONS MUST BE CHECKED AND VERIFIED ON SITE BY THE CONTRACTOR BEFORE COMMENCING ANY WORK OR PRODUCING DRAWINGS. RML ARCHITECTURE MUST BE NOTIFIED IMMEDIATELY OF ANY ERRORS OR DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.

THIS DRAWING AND ALL INFORMATION CONTAINED WITHIN IS THE SOLE PROPERTY OF RML ARCHITECTURE LTD AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT WRITTEN PERMISSION FROM RML ARCHITECTURE LTD.

REV	DESCRIPTION	DATE	BY
A	Amended to match latest GA 6521-101 Rev D and show Fire Safety Plan 6521-107	30-05-19	LFC

BERMONDSEY STREET



0mm 100mm
PRINTED SIZE @ A1

CLIENT
CAFE MURANO

PROJECT
CAFE MURANO
184-192 BERMONDSEY ST
LONDON
SE1 3UW

DRAWING TITLE
PROPOSED LICENSING PLAN

PROJECT No. 6521 DRAWN BY LFC

SCALE 1:50 @ A1 / 1:100 @ A3 DATE APRIL'19

DRAWING No. 6521-108 REVISION A

DRAWING STATUS APPROVAL

RMLArchitecture
12 Albion Street Brighton BN2 9NE



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/21/088/2019

Date: 1st July 2019

Dear Sir/Madam

Re:- Café Murano, 184-192 Bermondsey Street, London SE1 3UW

Police are in possession of an application from the above for a new premises licence 868186. The application describes the premises as a Restaurant.

The premises is situated within a residential area in Southwark's statement of licensing policy. The hours applied for are outside of the framework hours of 23.00hrs for Restaurants as detailed in Southwark's statement of licensing policy.

No accommodation limit has been supplied only that it is to be confirmed, which we would require to fully assess the impact of the application.

No use of any outside area should be allowed after 22.00hrs as recommended in the Southwark Statement of licensing policy except for smokers and the provision of 20 smokers after this time I believe should also be reduced.

I object to the application under the prevention of public nuisance, crime and disorder licensing objective.

In order to address this, I ask the applicant to consider reducing the opening hours and the hours permitted for licensable activities to 23.00hrs, bringing it line with framework hours as detailed in Southwark's statement of licensing policy.

Along with the above, we would like to see the following are considered as precise and enforceable condition that Police would like the applicant to consider addressing the licensing objectives.

1. 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.

Yours Sincerely

PC Graham White

Licensing Officer

Southwark Police Licensing Unit

MEMO: Licensing Unit

To	Licensing Unit	Date	1 July 2019
From	Jayne Tear	Telephone	020 7525 0396
Email	Jayne.tear@southwark.gov.uk\		

Subject Re: Café Murano, 184-192 Bermondsey Street, London, SE1 3UW

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

- Late night refreshment (indoors and outdoors) on Sunday to Thursday from 23:00 to 00:30 the following day and on Friday and Saturday from 23:00 to 01:30 hours the following day
- The supply of alcohol (on & off the premises) on Sunday to Thursday from 08:00 to 00:00 the following day and on Friday and Saturday from 08:00 to 01:00 hours the following day
- Premises shall be open to the public on Sunday to Thursday from 08:00 to 00:30 the following day and on Friday and Saturday from 08:00 to 01:30 hours the following day

Non Standard Timings for all licensable activities and opening times:

- From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.
- Sundays before Bank Holiday Monday until 01:30

The premises is described as a '*Restaurant*'

This premise is situated within a residential area and under the Southwark Statement of Licensing policy 2019 – 2021 the latest appropriate closing times for all types of premises such as restaurants, cafes, public houses wine bars or other drinking establishments is 23:00 hours daily

My representation is based on the Southwark Statement of Licensing policy 2019 – 2021 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The opening hours requested are in excess of that which is appropriate within the licensing policy and I ask the applicant to consider bringing the opening hours (and in turn the licensable activities), in line with the hours recommended in the policy.

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

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

To consider adding the following conditions to promote the licensing objectives:

- 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

And to also consider amending conditions 19 and 20 within the operating schedule provided, to bring in line with the licensing policy for outdoor area's as follows:

- That there will be no licensable activity on the external terrace area, according to the plan attached to this licence, after **22:00**
- After **22:00**, the external terrace area may be used only for smoking by a maximum of 20 patrons. Patrons will no be permitted to take drinks or food with them.

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

Southwark's Statement of Licensing Policy 2019 – 2021 can be found on the following link:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

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

From: Public Health Licensing
Sent: Monday, July 01, 2019 4:26 PM
To: Regen, Licensing
Cc: Shapo, Leidon; Public Health Licensing
Subject: RE: Cafe Murano, 184-192 Bermondsey Street, SE1 3TQ

To whom it may concern:

RE: Cafe Murano, 184-192 Bermondsey Street, SE1 3TQ

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

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

Protection of children from harm

Prevention of crime and disorder

Prevention of public nuisance

General Comments

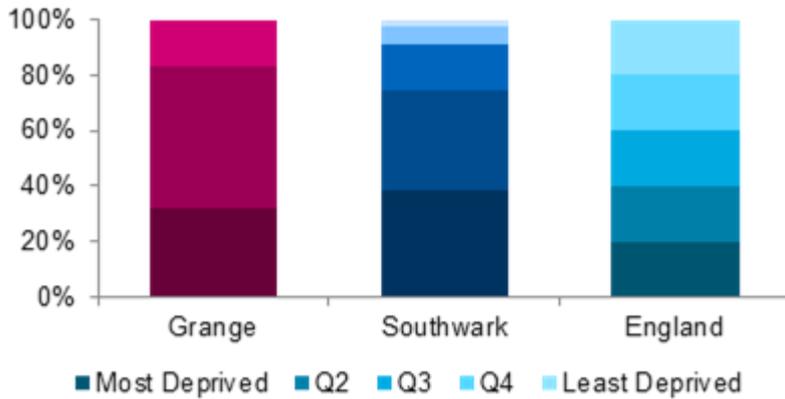
The Applicant requests a new application for the sale of alcohol on and off the premises and late night refreshments.

Requested hours of operation	Opening Hours	Sale of alcohol on the premises	Sale of alcohol off the premises	Late night refreshments indoors and outdoors
Sunday to Thursday	08:00 – 00:30	08:00 – 00:00	08:00 – 00:00	23:00 – 00:30
Friday – Saturday	08:00 – 01:30	08:00 – 01:00	08:00 – 01:00	23:00 – 01:30

Concerns relating to this application

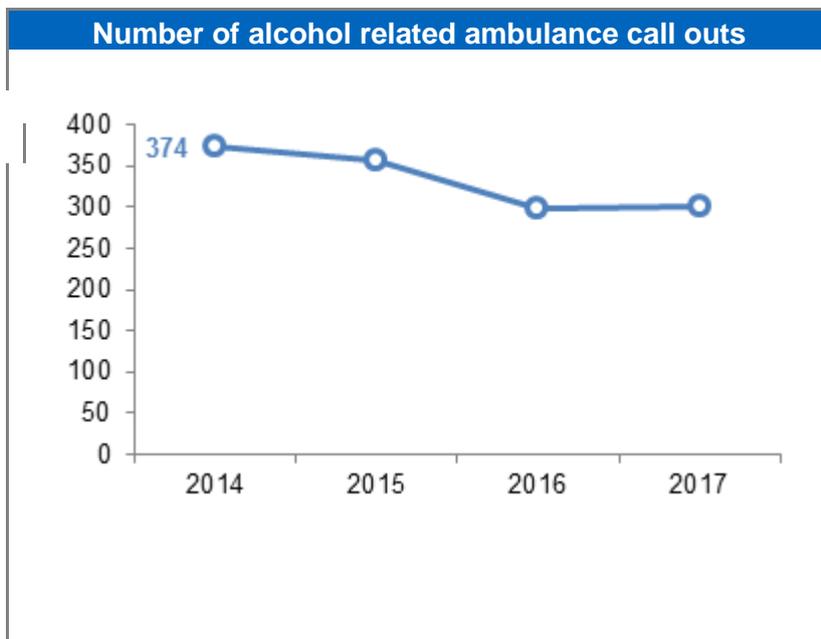
The premises is located in the Grange ward. Grange is a ward with pockets of high deprivation. Figure 1 shows that 32% of residents are in the most deprived quintile and 51% are in the 2nd most deprived quintile. This is relevant because the evidence shows that deprived populations are disproportionately affected by alcohol related harm.

Figure. 1 – proportion of population in each deprivation quintile



Furthermore, Grange is responsible for 9% of all alcohol related ambulance call-outs in Southwark (302 in 2017 alone). This thus shows that alcohol-fuelled activities are having a negative impact on the Ward.

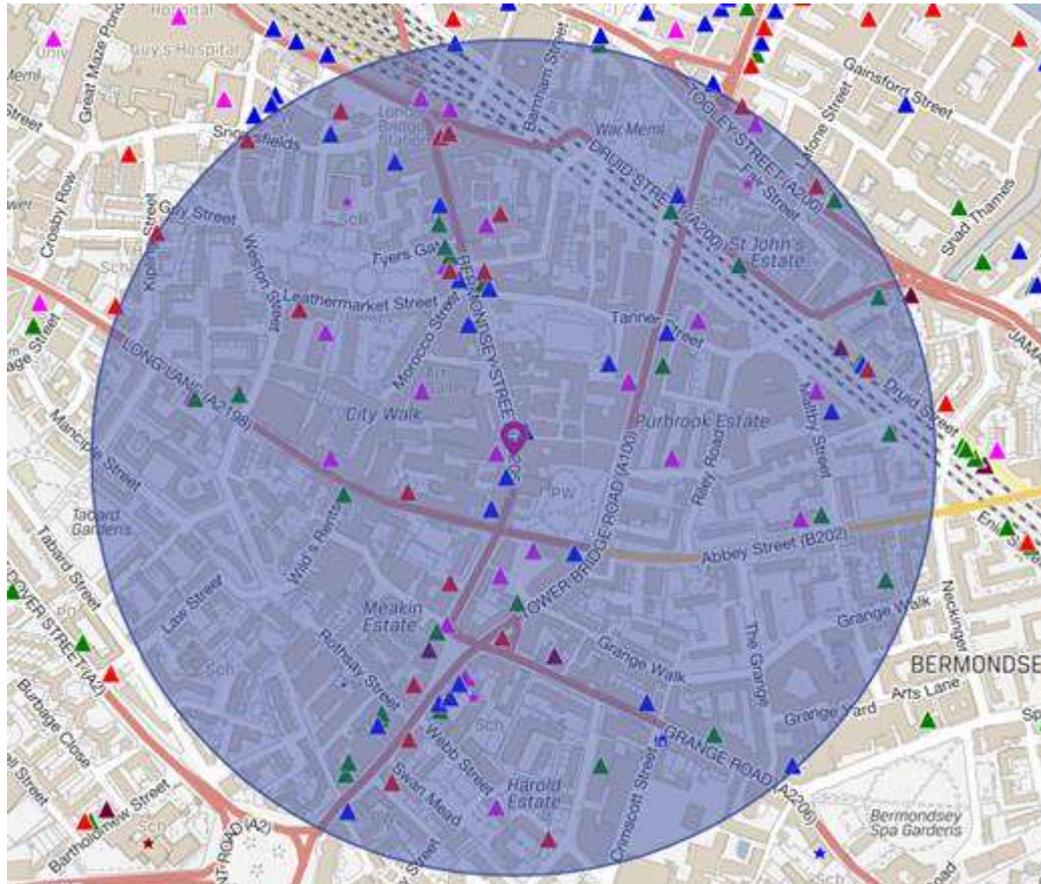
Figure. 2 – Trend of alcohol related ambulance call outs in the Grange Ward



Additionally, this premises is located close to local residents and therefore the dispersal from events, daily, has the potential to result in public nuisance and disturb local residents. The premises is also located within a 10 minute walk from three primary schools. It is therefore likely that children will live close to this premises and are likely to be negatively impacted as a result. As highlighted in the report attached, children in particular are very susceptible to sleep disturbances, that can have serious negative effects on their health and wellbeing.

In addition to this, this premises is in close vicinity of numerous other licenced establishment. Figure 3 shows that there are almost other 100 licenced premises within a 500m radius from the Applicant's establishment.

Figure 3



Lastly, the hours of operations requested by the Applicant fall outside of the Statement of Licensing Policy, that recommends a terminal hour of 23:00 for residential areas.

Recommendations

Taking in to account all of the above, I recommend the operating hours be amended to:

Requested hours of operation	Opening Hours	Sale of alcohol on the premises	Sale of alcohol off the premises	Late night refreshments indoors and outdoors
Monday to Sunday	08:00 – 23:00	11:00 – 22:30	11:00 – 23:00	n/a

Also, with regards to off sales, I recommend that no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%.

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

Yours sincerely,

Clizia Deidda

Public Health Policy Officer (Mental Health, Substance Misuse & Healthcare) | Public Health Division

Place and Wellbeing Department | London Borough of Southwark

160 Tooley Street | London SE1P 5LX

T: 0207 525 7707 | M: 07710 179 570

E: Clizia.deidda@southwark.gov.uk

www.southwark.gov.uk

Impact of noise disturbance on sleep and health

Summary of the evidence: one of the negative repercussions of the Night Time Economy is noise pollution. Noise disturbances can occur in many ways e.g, from within licensed premises (e.g., music too loud), around licensed premises (e.g, by those queuing to get in) or more generally by people moving in/around/out of the NTE area.

Noise disturbance can lead to disturbed or fragmented sleep, which has a detrimental effect on health and wellbeing for all the population and especially children and young people. Fragmented sleep can result in short and long term health implications including; cognitive dysfunction, abnormal growth hormone release, increase of diastolic BP and increased risk of accidents, as well as lower vigilance and lower quality of life overall. This issue is particularly an issue where licenced businesses are located in residential areas.

Given the existing and compelling evidence, It is important for councils to effectively enforce noise regulations available to them in the planning permission stage, licensing stage and in the developed/operating stages

Consuming/drinking alcohol in the night-time economy (NTE) can have many benefits including a more productive economic activity and employment and social cohesion (bringing people together); however it can also come with costs, including crime, fear of crime, alcohol-related ambulance call outs/A&E admissions, public nuisance and light and noise pollution.

There are many reasons for this, One example of the potential negative impact of the NTE is relating to g. noise pollution, for example, occurs because the trading times in the NTE conflict with many people's daily routine/sleep.ⁱ

Although residential properties situated within the area of the NTE can reduce crime, this particular urban setting can also contribute to the number of people disturbed by noise. Some noise is to be expected in areas with a high concentration of NTE activities and will be factored into peoples' decision to move to the area and price that they pay to reside there. However, those in social housing or longstanding residents who moved to the area prior to the NTE development may have no choice in the matter. As such, there is a need to ensure that the levels of noise associated with the NTE are minimised e.g, by encouraging patrons to disperse from the area after closing times (rather than loitering).

Noise disturbances can occur in many ways e.g, from within licensed premises (e.g., music too loud), around licensed premises (e.g, by those queuing to get in) or more generally by people moving in/around/out of the NTE area. Noise does not necessarily occur in the same areas as crime and disorder. Much of the noise disturbances associated with the NTE tend to come "more from large numbers of people going about the business of having a good time"ⁱⁱ.

As explained above, the impact opening hours has on night time noise is important to take into account when considering new licensing applications. Noise from events in premises and the dispersal of those leaving an event will contribute to the

disturbance of residents in surrounding areas, particularly at night. Therefore, applications requesting hours outside those stated in the Southwark Licensing Policy, within residential areas, may considerably contribute to night time noise and negatively impact sleep.

According to the World Health Organisation (WHO) (2011), fragmented sleep can result in short and long term health implications including; cognitive dysfunction, abnormal growth hormone release, increase of diastolic BP and increased risk of accidentsⁱⁱⁱ. Certain groups of people are more vulnerable to noise including children, chronically ill and elderly people and shift workers (WHO, 2011). Naturally, children spend more time in bed than adults and are more exposed to night time noise (WHO, 2011). Sleep is a vital part of daily life and children in particular need uninterrupted sleep for growth and cognitive development^{iv}. Disturbances during the night result in fragmented sleep and chronic partial sleep deprivation induces tiredness, lower vigilance and reduces daytime performance and overall quality of life^v. This can have a detrimental impact on early childhood development and education, which negatively affects lifelong achievement and health (WHO, 2011). For adolescents, psychosocial health, school performance, and risk-taking behaviors are impacted by sleep disruption. Behavioral problems and cognitive functioning are associated with sleep disruption in children. For those with underlying medical conditions, sleep disruption may diminish the health-related quality of life of children and adolescents and may worsen the severity of common gastrointestinal disorders^{vi}. Sleep is an essential part of a healthy lifestyle and is recognised as a fundamental right under the European Convention on Human Rights (European Court of Human Rights, 2003). Night noise guidelines for Europe, set out by WHO, suggest the best protective measures to reduce sleep disturbance include the reduction of events or noise levels, or both (WHO, 2011). Children have no control over where they live. It is the council's obligation to take measures against negative impacts of night time noise in residential areas, to provide a healthy and supportive environment which maximises the health and wellbeing of children in the local area.

It is important for councils to effectively enforce noise regulations available to them in the planning permission stage, licensing stage and in the developed/operating stages. This applies to protect both the properties in the direct vicinity of the premise as well as those on the pedestrian or vehicle routes used by customers when entering/leaving. It may also be necessary to ensure licensed premises have a clear strategy to disperse customers.

To ensure night time noise is kept to a minimum, new licensing applications within residential areas should be restricted to hours within the recommended guidelines in Southwark's Licensing Policy.

ⁱ Wickham M. Alcohol consumption in the night-time economy. GLAEconomics.2012 (working paper 55)

https://www.london.gov.uk/sites/default/files/gla_migrate_files_destination/alcohol_consumption_0.pdf

ⁱⁱ *ibidem*

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

^{iv} Van Kamp, I at al, 2013, The effect of noise disturbed sleep on children's health and cognitive development; Journal of the Acoustical Society of America

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

^{vi} Medic G, Wille M, Hemels MEH. Short-and long- term health consequences of sleep disruption. Nat Sci Sleep. 2017; 9: 151–161.

From: Thomas O'Maoileoin
Sent: Tuesday, July 16, 2019 3:17 PM
To: Mills, Dorcas; Deidda, Clizia; Tear, Jayne; SouthwarkLicensing@met.police.uk
Subject: Re: PROPOSED COMPROMISE Premise Licence Application Cafe Murano, 184-192 Bermondsey Street, London SE1 - Grant of premises licence

Capacity is 128 and that can be conditioned

Best wishes
Thomas

From: Thomas O'Maoileoin
Sent: Tuesday, July 16, 2019 1:29:24 PM
To: Mills, Dorcas; Deidda, Clizia; Tear, Jayne; SouthwarkLicensing@met.police.uk
Cc: Thomas O'Maoileoin
Subject: PROPOSED COMPROMISE Premise Licence Application Cafe Murano, 184-192 Bermondsey Street, London SE1 - Grant of premises licence

Dear Dorcas, Clizia, Jayne and Graham

As you are aware the matter has been listed for a hearing on the 1st August. I think that this is an application that we should be able to agree and therefore hopefully vacate the hearing.

You will have seen from the application that the operator will be **Angela Hartnett** – who as one of the UKs leading female chefs needs little or no introduction. The operation is very food led and will mirror what she has in St James's and Covent Garden. The link to those restaurants is as below:

<https://www.cafemurano.co.uk/>

Please note that the restaurant is directly below a hotel. The hotel operators are Angela's landlords and the terms of her lease are extremely restrictive in terms of what she can and can't do etc.

In the spirit of compromise Angela has asked me to amend the application as follows:

1. There will be no licensable activity on the external terrace area, according to the plan attached to this licence, after 22:00
2. After 22:00, the external terrace area may be used only for smoking by a maximum of 20 patrons. Patrons will not be permitted to take drinks or food with them
3. All licensable activities inside the premises shall stop at midnight
4. Any off sales of alcohol shall be provided in sealed containers and taken away from the premises
5. 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

We are also happy to agree to a **written dispersal policy** and an **accommodation figure** (just waiting for the Fire Risk Assessment to come back) to be conditioned.

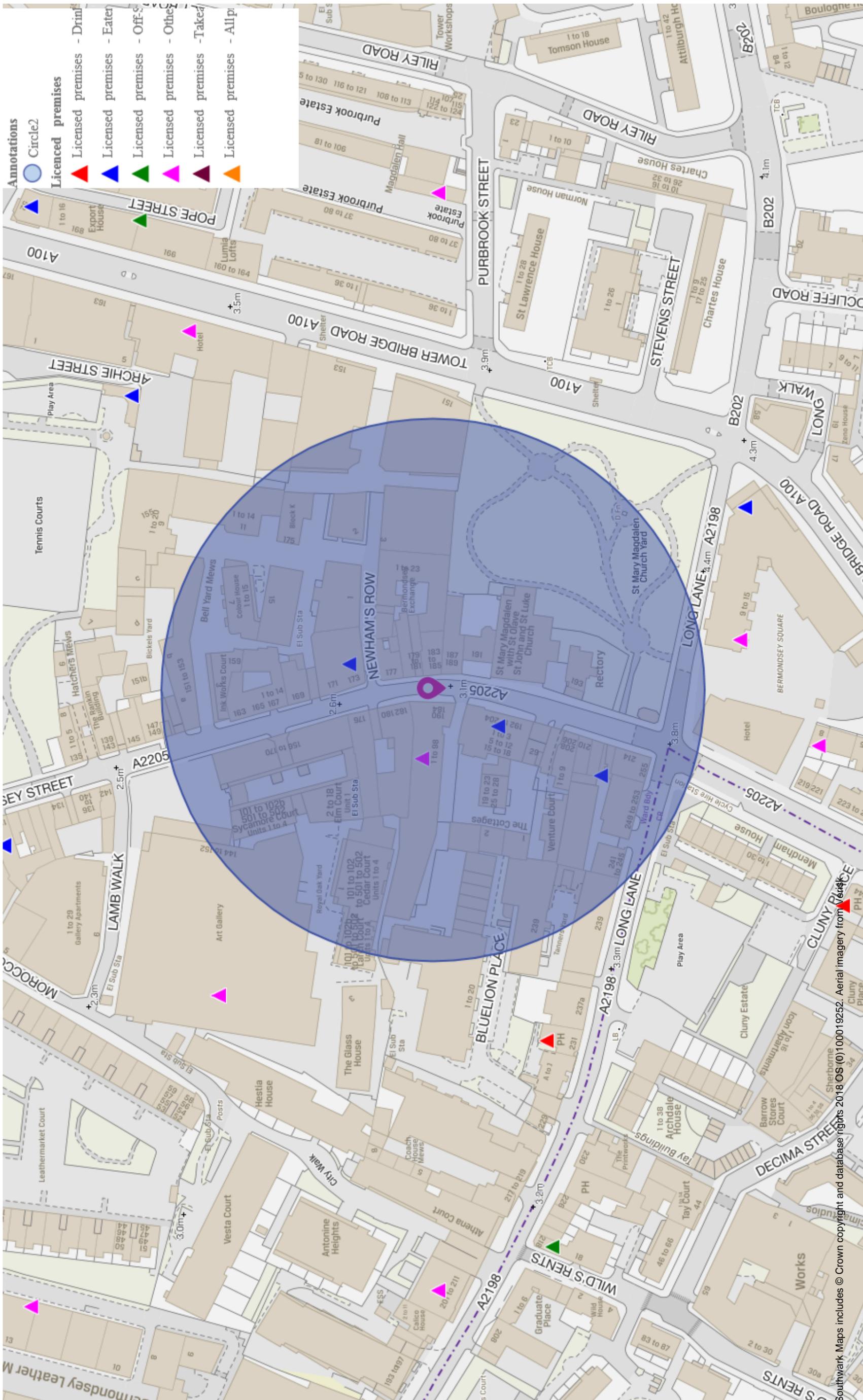
I look forward to hearing from you.

With kind regards
Thomas

Thomas O'Maoileoin
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

Café Murano, 184 - 192 Bermondsey Street, SE1 3UW



Southwark Maps includes © Crown copyright and database rights 2018 OS (0)100019252. Aerial imagery from Google



16-Jul-2019

LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2019-20

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

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Dora Dixon-Fyle MBE	1	Debra Allday, legal team	1
Councillor Sunny Lambe	1	Dorcas Mills, licensing team	1
Councillor Margy Newens	1	Jayne Tear, licensing team	1
		Clizia Deidda, public health	1
Councillor Adele Morris (Reserve)	By email	P.C. Graham White, Metropolitan Police Service	By email
		Andrew Weir (spares)	5
		Total printed copies: 12	
		Dated: 23 July 2019	