

Licensing Sub-Committee

Tuesday 3 September 2019

10.00 am

Room G06 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas
Councillor Adele Morris
Councillor Margy Newens

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 30 August 2019



Licensing Sub-Committee

Tuesday 3 September 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.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: THE BERMONDSEY YARD CAFE SE1, 40 BERMONDSEY STREET, LONDON SE1 3UD	1 - 33
6.	LICENSING ACT 2003: MAQUIS, 10 ARNSIDE STREET, LONDON SE17 2AP	34 - 73

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: 30 August 2019

Item No. 5.	Classification: Open	Date: 3 September 2019	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: The Bermondsey Yard Café SE1, 40 Bermondsey Street, London, SE1 3UD	
Ward(s) or groups affected:		London Bridge and West Bermondsey Ward	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the sub-committee decide whether or not to issue a counter notice in respect of temporary event notice (TENs) 869570, served by Mr Juvoyr Abul fahim, in regards to the event to be held at The Bermondsey Yard Café SE1, 40 Bermondsey Street, London, SE1 3UD on 14 September 2019 to 15 September 2019 between 11:00 – 00:00.

BACKGROUND INFORMATION

The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
 - a) The retail sale of alcohol
 - b) The supply of alcohol to club members or on behalf of a club
 - c) The provision of regulated entertainment
 - d) The provision of late night refreshments.
3. The Act established a process for the giving of “temporary event notices” (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.

8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.
9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

KEY ISSUES FOR CONSIDERATION

The temporary event notices

13. On 20 August 2019 a TEN was served by Mr Juvoyr Abul Fahim in respect of an event intended to be held at The Bermondsey Yard Café SE1, 40 Bermondsey Street, London, SE1 3UD on the 14 September 2019 to 15 September 2019 between 11:00 – 00:00. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:

To permit the sale of alcohol regulated entertainment & late night refreshment on the 14 September 2019 to 15 September 2019 between 11:00 – 00:00 the maximum number of people expected at any one time at the premises is 400. The supply of alcohol is in respect of consumption on/off the premises.

The objection notices

15. On 23 August 2019 the Environmental Protection Team served an objection in respect of the TEN on the grounds of the prevention of crime and disorder and prevention of public nuisance.
16. EPT state that the premises has generated noise complaints from neighbouring residents over the last few months from people noise and use of this external area by patrons. Furthermore, the TEN would effectively permit the premises to operate in breach of the existing planning permission.
17. A Copy of the EPT objection is attached to this report in Appendix B.

TENs History

18. Below is the history of TENs for the last year in respect of the premises.

Applicant	Date of event	Time of event and activities	Counter Notice Issued?
Juvoyr Abul Fahim	2/ 2/2019 – 03/02/2019	19:00 - 01:00 for the Sale of alcohol on the premises, Regulated entertainment, Late night refreshment	No
Juvoyr Abul Fahim	14/11/2018 – 16/11/2019	17:30 – 22:30 for the Sale of alcohol on the premises, Regulated entertainment, Late night refreshment	No
Juvoyr Abul Fahim	15/09/2018	11:00 – 23:00 for the Sale of alcohol on/off the premises, Regulated entertainment, Late night refreshment	No
Juvoyr Abul Fahim	30/06/2018 – 04/07/2018	11:00 – 23:00 for the Sale of alcohol on the premises, Regulated entertainment, Late night refreshment	No
Juvoyr Abul Fahim	21/06/2018 – 27/06/2018	11:00 – 01:00 each day for the Sale of alcohol on the premises, Regulated entertainment, Late night refreshment	No

Applicant	Date of event	Time of event and activities	Counter Notice Issued?
Juvoyr Abul Fahim	03/02/2018 – 04/02/2018	19:00 – 03:00 each day for the Sale of alcohol on the premises, Regulated entertainment, Late night refreshment	No

Premises history

19. The premise in respect of the premises licence consists is on the ground floor of 40 Bermondsey Street, London, SE1 3UD. The premises licence was granted on the 26 August 2015. The premises licence holder was The Rooftop Cafe Bermondsey Ltd and the DPS was Lily Brown.
20. An application for a change of DPS to Nicholas James Boland was made on the 07 April 2016.
21. An application for a change of DPS to Mr Jonathan Woollard was made on 13 July 2017
22. An application for a change of DPS to Mr Abul Fahim Juvoyr was made on 05 April 2018
23. A Minor variation application was applied for on the 04 September 2019 and was rejected
24. The licence was transferred on the 04 September 2019 into the company BB&K Limited

Premises Licence

25. Details of current premises licence:
 - **Licensable activities authorised by the licence**
 - **Recorded Music indoors/outdoors**
Monday to Sunday 07:00 - 01:00
 - **Late night refreshment indoors**
Monday to Sunday 23:00 - 01:00
 - **Sale by retail of alcohol to be consumed on/off premises**
Monday to Sunday 11:00 - 01:00
 - **Opening hours of the premises**
Monday to Sunday 07:00 - 01:30

26. The current premises licence is attached as Appendix C.

Licensing visit history

27. On 15 April 2016 the premises were visited at 20:32, a full licensing inspection was completed and as a result a section 19 was served by police. The staff of the premises were unable to operate the CCTV system and a warning letter was sent 20 April 2016
28. On 07 May 2016 the premises were visited at 00:15. The premises was closed ATOV.
29. On 16 September 2016 the Premises were visited at 20:00 hours. The premises e winding down, mobile beer pumps being taken away and patrons beginning to leave, some music still being played, SIA in attendance, patrons appear in good spirits, no sign of ASB, no apparent issues.
30. On the 18 January 2019 the premises were visited at 22:15. Observations of the external area found x26 patrons outside drinking under the heaters, no music audible but loud conversation was audible.
31. On the 02 February 2019 the premises were visited at 21:00. Premises were found to be surprisingly loud with voice chatter.
32. On 22 June 2019 the premises were visited at 02:20. The premises was closed ATOV.
33. On 23 June 2019 the premises were visited at 02:15. The premises was closed ATOV.
34. On 07 July 2019 the premises were visited at 00:55. The premises was closed ATOV.
35. Full list of visits made by the Night Time Economy team attached as Appendix D

Policy considerations

36. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

Consideration by the sub-committee

37. The sub-committee is asked to consider whether then issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

Community impact statement

38. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.

39. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

40. A fee of £21.00 has been paid by the applicant in respect of each TEN, this being the statutory fee payable.

Consultation

41. The Act provides for no consultations to take place other than the process outlined in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

42. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
43. The principles which sub-committee members must apply are set out below.

Principles for making the determination

44. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the premises user has complied with regulations and submitted the notice within a prescribed time.
45. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
 - Is made by the metropolitan police
 - Has not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
46. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
 - Reject the whole or part of the application for TEN.

Conditions

47. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued
48. Members are also referred to the Department for Culture, Media and Sport (DCMS) guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

49. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

Hearing procedures

50. 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 objection.
 - 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 submission.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular submission before the committee
 - To the licensing objectives prevention of crime and disorder.
 - 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 the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

51. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
52. 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.
53. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice 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 the police objection.
54. 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.
55. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection 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. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made 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. No appeal may be brought later than five working days before the day on which the event begins.

Guidance

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

REASONS FOR URGENCY

58. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

REASONS FOR LATENESS

59. This report was not available for circulation within five clear days before the meeting due to legislative time constraints.

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 (020 7525 5748)

APPENDICES

No.	Title
Appendix A	The temporary event notice
Appendix B	The Environmental Protection Team representation
Appendix C	Details of current premises licence
Appendix D	Full Night Time Economy visit list

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Charlie Jerrom, Licensing Enforcement Officer	
Version	Final	
Dated	29 August 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	29 August 2019	

20/08/2019

Business - Temporary events notices

Ref No. 1286180

Before completing this notice, please read the guidance notes. You should keep a copy of the completed application for your records. After completing the form, it will automatically be forwarded to police and environmental health. If there is any representation then we will inform you of the outcome within the 3 day consultation period. You can view this information on our website.

The premises user must ensure either:

- 1) that a copy of the temporary event notice is prominently displayed at the premises, or
 - 2) that the temporary event notice is kept at the premises in the premises users' custody or in the custody of a person who is present and working at the premises you have nominated and, where the temporary event notice is in the custody of a person so nominated, ensure that a notice specifying the notice is held by a nominated person and the position held at the premises by that person is prominently displayed at the premises.
- A constable or authorised officer may require the premises user, or nominated person, to produce the temporary event notice for examination.

The premises user commits an offence if he fails, without reasonable excuse, to comply with any of the above instructions.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name

Title	Mr
If other, Please state	
Surname	██████
First name(s)	██████████

2. Previous names (Please enter details of any previous names or maiden names)

Title	
If other, Please state	
Surname	
First name(s)	

3. Your date of birth

	██████████
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4. Your place of birth

	London
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5. National Insurance Number

	██████████
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6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box on the next page)

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

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

7. Other contact details

Daytime	██████████
Evening (optional)	
Mobile (optional)	██████████
Email	██████████████████████████████

8. Alternative address for correspondence

Address Line 1	
Address Line 2	
Town	
County	
Post code	

9. Alternative contact details (if applicable)

Daytime	
Evening (optional)	
Mobile (optional)	
Email	

Please do not apply to us if your premises is not in Southwark. See link find local council

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

	If your premises is not situated in Southwark then DO NOT proceed
--	---

Address Line 1	Bermondsey Bar & Kitchen
Address Line 2	40 Bermondsey Street
Town	London
County	
Post code	SE1 3UD

Ordnance Survey grid reference

	179898533172
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If there is no recognised postcode or the location is a park, please enter details i.e name of park

Details (MUST be in Southwark)	Bermondsey Bar & Kitchen 40 Bermondsey Street London SE1 3UD
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Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	██████
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

	Bermondsey Bar & Kitchen Drive Way & Car Park
--	--

Please describe the nature of the premises below. (Please read note 4) *

	Bar & Restaurant
--	------------------

Please describe the nature of the event below. (Please read note 5)

	Bermondsey Street Festival, pop up food stands, pop up bars, live entertainment such as DJ's, family acts on stage. Free event open to the public - area highlighted in pink attached.
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If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	20190820-144646.jpg
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Document 2	
Document 3	
Document 4	
Document 5	

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Do you currently hold a valid personal licence?

	Yes
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If “Yes” please provide the details of your personal licence below.

Issuing licensing authority	██████████
Licence number	██████
Date of issue	██████████

Any further relevant details	
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Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Please state the licensable activities that you intend to carry on at the premises (please tick next to the licensable activities you intend to carry on). (Please read note 6)

EarliestDate	29/08/2019
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Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Start date (DD/MM/YYYY)	14/09/2019
End date (DD/MM/YYYY)	15/09/2019

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock e.g. 23:00). (Please read note 10)

	11:00 - 00:00
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Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

	400
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If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)

	Both
--	------

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;

- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

	Yes
--	-----

If answering yes, please state the number of temporary event notices (including the number of late temporary events notices, if any) you have given for events in that same calendar year

	2
--	---

Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hrs or less before; or b) begins 24 hrs or less after the event period proposed in this notice?

a) ends 24 hrs or less before	No
b) begins 24 hrs or less after	No

Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 16 below sets out the definition of an “associate”.

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices (including the number of late temporary events notices, if any) your associate(s) have given for events in the same calendar year

--	--

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

--	--

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 16

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

I shall

	If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions
--	--

Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event)before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

I agree to the above statement

	I agree
PaymentDescription	Bermondsey Bar & Kitchen, 40 Bermondsey Street, SE1 3UD
PaymentAmountInMinorUnits	2100
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	████████████████████

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

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.

From: Prickett, Mark

Sent: Friday, August 23, 2019 3:29 PM

To: Regen, Licensing

Cc: 'Ian.Clements@met.police.uk'; 'Graham.S.White@met.pnn.police.uk'; Andrews, Ken

Subject: TEN objection - 40 Bermondsey Street

Dear Licensing,

Southwark's Environmental Protection Team have reviewed the TEN application at Bermondsey Bar & Kitchen, 40 Bermondsey Street, SE1 3UD between 11:00 – 00:00 on 14th September 2019.

The TEN seeks to use the "Drive Way & Car Park" until midnight for 400 people on the same day as Bermondsey Street Festival.

Alcohol is also stated to be consumed both on and off the premises.

EPT STANCE

Bermondsey Street Festival finishes at 19:00. This proposed event in the external area of the Bermondsey Bar & Kitchen seeks to continue to midnight.

The premises has also generated noise complaints from neighbouring residents over the last few months from people noise and use of this external area by patrons.

The external area is permitted to be used under planning application 17/AP/1351 (decision notice attached) which restricts the hours of use under condition 9 to:

External Seating Area

Monday-Friday: 9:00am-22:00; Saturdays: 10:00am - 22:00; Sundays and Bank Holidays: 10:00am-5:00pm

Condition 10 also states 'No amplified music shall be played in the outdoor areas'.

This TEN therefore seeks to use this external area contrary to and in breach of the planning permission in place. Furthermore, if this TEN is permitted to allow up to 400 people using this external area until midnight, with numerous neighbouring residents nearby, it is considered highly likely that public nuisance will be caused.

EPT therefore object to this TEN application with specific regard to the prevention of public nuisance licensing objective. The potential use of the premises in breach of the existing planning permission would also be relevant to the prevention of crime licensing objective.

The use of the external area can still be used up to 10pm on the 14th September 2019 as per the planning permission in place, which is still 3 hours after the Bermondsey Street Festival is finished.

Kind regards,

Mark Prickett

Principal Enforcement Officer

Environmental Protection Team

Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX

Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>

Construction web pages: <http://www.southwark.gov.uk/construction>

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

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

Licensing Act 2003 Premises Licence



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

Premises licence number

864404

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Bermondsey Bar & kitchen Limited 40 Bermondsey Street London SE1 3UD	
Ordnance survey map reference (if applicable), 179898533172	
Post town London	Post code SE1 3UD
Telephone number [REDACTED]	

Where the licence is time limited the dates
--

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

The opening hours of the premises
For any non standard timings see Annex 2
Monday 07:00 - 01:30
Tuesday 07:00 - 01:30
Wednesday 07:00 - 01:30
Thursday 07:00 - 01:30
Friday 07:00 - 01:30
Saturday 07:00 - 01:30
Sunday 07:00 - 01:30

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

Recorded Music - Indoors and Outdoors

Monday	07:00 - 01:00
Tuesday	07:00 - 01:00
Wednesday	07:00 - 01:00
Thursday	07:00 - 01:00
Friday	07:00 - 01:00
Saturday	07:00 - 01:00
Sunday	07:00 - 01:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 01:00

Sale by retail of alcohol to be consumed off premises

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 01:00

Late Night Refreshment - Indoors and outdoors

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

Part 2

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

[Redacted]

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

[Redacted]

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

[Redacted]

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

[Redacted]

Licence Issue date 04/09/2018



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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

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

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

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

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

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

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

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

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

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

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

- (i) the holder of the premises licence;
 - (ii) the designated premises supervisor (if any) in respect of such a licence; or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

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

Annex 2 - Conditions consistent with the operating Schedule

4AD That an SIA registered door supervisor will be engaged when the premises are in operation on Friday, Saturday, any Sunday that proceeds a bank holiday and New Years Eve. They will be employed at all times after 21:00 until the end of business and all patrons have vacated the premises they will be engaged to monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict.

288 The premises will install a CCTV system and maintain this system in good working order. The system will be of evidential quality and should be able to capture a clear facial image of all persons that enter the venue. It should cover all areas including outside area. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to Officers of the Police and the Council.

289 There shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the Police or other authorised officer.

340 The premises will not be hired or used by any outside promoters or third party hirers.

336 That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.

293 That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by Police or other authorised officer.

341 Acoustic door seals/brushes and self-closers shall be installed to all doors/fire doors leading out to external areas so as to minimise sound escape from the premises.

342 The premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment.

343 Amplified music, song or speech shall not be broadcast into external areas after 23:00 and 09:00 the following day (to allow for low level background/ambient music in external areas).

344 That regulated entertainment (including recorded music) is only permitted within the premises interior.

345 Patrons shall not be permitted to use the external areas to the front and rear of the premises after 23:00hrs on Sundays to Thursday, apart for access & egress and for smoking.

346 Patrons shall not be permitted to take drinks outside into either the front or rear external areas after 23:00 on Sundays to Thursdays.

347 Clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting to the effect that patrons do not take drinks outside after 23:00 on Sundays to Thursdays.

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

348 Premises management shall regularly monitor outside the premises to ensure that the volume and bass levels of any licensed entertainment, as well as any noise from patrons, is kept at a level that does not cause disturbance at the closest or most exposed noise-sensitive facade to ensure compliance with the licensing objective regarding the prevention of public nuisance.

349 That clear signage requesting patrons to keep noise to a minimum.

350 That deliveries to be kept between 8.00 am to 18.00.

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

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

Annex 4 - Plans - Attached

Licence No. 864404

████████

██

████████

████████████████

Appendix D

date	time	officer	name	address	text
18/01/2019	22:15 NTE Visit	Andrew Heron	Bermondsey Bar & Kitchen Limited	40 Bermondsey Street, London, SE1 3UD	Observations on external area.X26 people outside drinking under heaters. No music, but loud conversation audible.
02/02/2019	21:00 NTE Visit	Andrew Heron	Bermondsey Bar & Kitchen Limited	40 Bermondsey Street, London, SE1 3UD	Observations from outside. Premises surprisingly loud with voice chatter.
07/07/2019	00:55 NTE Visit	Charlie Jerrom	Bermondsey Bar & Kitchen Limited	40 Bermondsey Street, London, SE1 3UD	Visit to the premises with Clarissa O'Toole and Maria O'Mahoney, premises closed ATOV. Action: Append to APP
22/06/2019	02:20 NTE Visit	Charlie Jerrom	The Bermondsey Bar & Kitchen	Ground Floor, 40 Bermondsey Street, London, SE1 3UD	Visit to the premises with Ken Andrews (EPT), closed ATOV Action: Append to APP
23/06/2019	02:15 NTE Visit	Charlie Jerrom	The Bermondsey Bar & Kitchen	Ground Floor, 40 Bermondsey Street, London, SE1 3UD	Visit to the premises with Farhad Chowdhury, closed ATOV Action: Append to APP
15/04/2016	20:32 NTE Visit	Richard Kalu	The Bermondsey Yard Cafe SE1	40 Bermondsey Street, London	Full inspection at request of David Franklin completed with Farhad Chowdhury as a result of section 19 served by the police. Premises were compliant only issue found was that staff could not operate the CCTV system. Warning letter issued 20/04/2016. Police copied in on warning letter.
07/05/2016	00:15 NTE Visit	Richard Kalu	The Bermondsey Yard Cafe SE1	40 Bermondsey Street, London	Visit to premises with Sue Hunter. Premises closed ATOV.
16/09/2017	20:00 NTE Visit MAD & KMA	Mark Orton	The Bermondsey Yard Cafe	40 Bermondsey Street, London	Premises appears to be winding down, mobile beer pumps being taken away and patrons beginning to leave, some music still being played, SIA in attendance, patrons appear in good spirits, no sign of ASB, no apparent issues.
14/09/2018	19:22 NTE Visit	Wesley McArthur	Bermondsey Bar & kitchen Limited	40 Bermondsey Street, London, SE1 3UD	Notice check. No notice displayed. Photo's taken.

Item No. 6.	Classification: Open	Date: 3 September 2019	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Maquis, 10 Arnside Street London SE17 2AP	
Ward(s) or groups affected:		Faraday	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue counter notice in respect of temporary event notice (TEN) 869545 served by Mr Tsehaye Okbe for an event to be held at Maquis 10 Arnside Street, London SE17 2AP. The TEN is between 22:00 on Friday 6 September to 03:00 on Saturday 7 September 2019.

Note:

2. The TEN submitted is only for the premises Maquis.

BACKGROUND INFORMATION

The Licensing Act 2003

3. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
 - a) The retail sale of alcohol
 - b) The supply of alcohol to club members or on behalf of a club
 - c) The provision of regulated entertainment
 - d) The provision of late night refreshments.
4. The Act established a process for the giving of "temporary event notices" (TENs).
5. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
6. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
7. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.

8. No premises may be used for temporary events that are less than 24 hours apart.
9. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.
10. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
11. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
12. The police or environmental health may contact the premises user to discuss their objections and attempt to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
13. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

KEY ISSUES FOR CONSIDERATION

The temporary event notices

14. On the 19 August 2019 a Ten was served by Mr Tsehaye Okbe in respect of an event intended to be held at 10 Arnside Street London SE17 2AP. A copy of the Ten is attached to this report as **Appendix A**.

The TEN is summarised as follows:

- TEN 869545 to be held inside the premises of Maquis 10 Arnside Street London SE17 2AP.
- The TEN is to allow the sale of by retail of alcohol, from 10pm on the 6 September 2019 to 3am on the 7 September 2019.
- The TEN's application state that they seek to licence a friend's engagement dinner to a maximum capacity of 60 people.

The objection notice

15. On the 20th August 2019 the Metropolitan Police Licensing Unit served an objection notice in respect of the TENs submitted by the applicant on the grounds that a TEN by the applicant would undermine the crime and disorder and public nuisance licensing objectives.
16. The police objection notice states that the premises has a long history of non compliance with the conditions of it's current premises licence, it is also the subject of a number of complaints from local residents for noise and anti social behaviour.
17. The police further state that the premises have demonstrated that they cannot comply with the conditions of their premises licence, a number of closure notices have been served over recent months.
18. As a result of this non compliance further enforcement action is underway. Police object to this TEN on the grounds of crime and disorder.
19. On the 22nd August 2019 the councils Environmental Protection Team (EPT) served an objection notice in respect of the TEN submitted for Maquis 10 Arnside Street London SE17 2AP on the grounds of public noise nuisance being caused to local residents.
20. The EPT objection notice states that over the past few years there are numerous noise complaints made against the premises, including allegations that the premises is open beyond its permitted hours and that the current premises licence conditions are not being complied with.
21. EPT state that they express concerns and a lack of confidence with the current management's ability to comply with the existing premises licence and therefore have further strong concerns over granting this premises additional licensing permissions late into the night through this TEN application.
22. EPT object to this TEN as there is strong concerns public nuisance will be caused if this event were to go ahead which would therefore contravene the prevention of public nuisance licensing objective.
23. A copy of the EPT objection notice and the Metropolitan police service notice is attached to this report as **Appendix B**

TENs History

24. Below is a copy of the TENs history in relation to the premises in the last year.

Applicant	Date of event	Time of event and activities	Counter Notice Issued?
Tsehaye Okbe	10/11/2018 – 11/11/2018	22:00 – 03:00 Sale of alcohol on the premises/Late night refreshment	Yes
Mr Tseyahe Okbe	24/11/2018 – 25/11/2018	22:00 – 03:00 Sale of alcohol on the premises/Late night refreshment	Yes
Mr Tseyahe Okbe	23/02/2019	23:00 – 04:00 Sale of alcohol on the premises/Late night refreshment	Application Rejected
Mr Tseyahe Okbe	18/02/2019 – 02/03/2019	Times not provided Sale of alcohol on the premises/Late night refreshment	Application Rejected
Mr Tseyahe Okbe	17/08/2019 – 18/08/2019	22:00 – 03:00 Sale of alcohol on the premises/Late night refreshment	Yes

Premises history

25. The premises operate as a restaurant.
26. A premises licence was granted to Maquis restaurant and bar on 17th December 2013. The premises licence holder was Mr Mustafa Kamal Mohamed and the DPS was Arlene Auf Der Mauer.
27. An application for a change of DPS to Tibebe Tekle was made on the 23 April 2014.
28. An application for a change of DPS to Tsehaye Okbe was made on 17 November 2018

Premises Licence

29. Details of current premises licence:

- **Licensable activities authorised by the licence**
- **Late night refreshment indoors**
Friday - Saturday 23:00 - 23:30
- **Sale by retail of alcohol to be consumed on/off premises**
Sunday – Thursday 09:00 - 23:30
Friday – Saturday 09:00 - 00:00
- **Opening hours of the premises**
Sunday – Thursday 09:00 - 00:00
Friday – Saturday 09:00 - 00:30

30. The current premises licence is attached as **Appendix C**.

Licensing visit history

31. A full report of licensing visits made to the premises is attached to this report as **Appendix D**.

The local area

32. A map of the area is attached to this report as **Appendix E**. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the map has a 100-metre radius. The following licensed premises terminal hours are also shown on the map.

- **Ibbs Restaurant, 6 Arnside Street, London, SE17 2AP**
Late Night Refreshment Indoors
Friday to Saturday – 23:00 – 23:30
Sale of alcohol on the premises
Monday to Thursday – 12:00 – 22:30
Friday to Saturday – 12:00 – 23:30
Sunday – 12:00 – 22:00
- **Winner, 3 Westmoreland Road, London, SE17 2AX**
Late Night Refreshment – Outdoors
Monday to Saturday – 23:00 – 00:30
Sunday – 23:00 – 22:30

- **Albany Convenience Store, 5A Westmoreland Road, London, SE17 2AX**
Sale of alcohol off Premises
Monday to Friday – 06:00 – 23:30
Saturday – 07:30 – 23:30
Sunday – 08:00 - 21:00
- **Umashiv News, 23 Westmoreland Road, London, SE17 2AX**
Sale of alcohol off Premises
Monday to Saturday - 08:00 – 23:00
Sunday - 10:00 – 22:30
- **Costcutter, 25 Camberwell Road, London, SE5 0EZ**
Sale of alcohol off Premises
Monday to Sunday - 00:00 – 00:00
- **Bay Root, 8 Camberwell Road, London, SE5 0EN**
Sale of alcohol on/off Premises
Monday to Sunday - 12:00 – 23:00
- **Red Lion, 407 Walworth Road, London, SE17 2AW**
Live Music – Indoors
Friday to Sunday – 20:00 – 00:00
Recorded Music – Indoors
Monday to Thursday – 10:00 – 00:00
Friday to Saturday – 10:00 – 01:00
Sunday – 12:00 – 00:00
Facilities for Dancing – Indoors
Monday to Thursday – 10:00 – 00:00
Friday to Saturday – 10:00 – 01:00
Sunday – 12:00 – 00:00
Sale of alcohol on the premises
Monday to Thursday – 10:00 – 00:00
Friday to Saturday – 10:00 – 01:00
Sunday – 12:00 – 00:00
- **La Luna, 380 Walworth Road, London, SE17 2NG**
Sale of alcohol on/off the premises
Monday to Saturday – 11:00 – 00:00
Sunday – 12:00 – 23:30
Late Night Refreshment – Indoors
Monday to Saturday – 23:00 – 00:30
Sunday – 23:00 – 00:00

- **University of Suya, 403a Walworth Road, London, SE17 2AW**
Sale of alcohol on the premises
Monday to Friday – 12:00 – 22:00
Saturday – 12:00 – 23:00

- **Tesco Stores Limited, 364-368 Walworth Road, London, SE17 2NF**
Sale of alcohol off the premises
Monday to Sunday – 12:00 – 23:00

- **Walworth Kebab & Burger Bar, 360 Walworth Road, London, SE17 2NF**
Late Night Refreshment – Indoors
Sunday to Thursday – 23:00 – 02:00
Friday to Saturday – 23:00 – 04:00

Policy considerations

33. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

Consideration by the sub-committee

34. The sub-committee is asked to consider whether then issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

Community impact statement

35. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
36. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

37. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

Consultation

38. The Act provides for no consultations to take place other than the process outlined in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

39. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
40. The principles which sub-committee members must apply are set out below.

Principles for making the determination

41. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the premises user has complied with regulations and submitted the notice within a prescribed time.
42. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
 - Is made by the metropolitan police
 - Has not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
43. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
 - Reject the whole or part of the application for TEN.
44. The Revised Guidance issued under section 182 of the Licensing Act 2003 issued in April 2018 under Large scale time-limited events requiring premises licences, in section 5.25 states:
- 5.25 Licensing authorities should note that a premises licence may be sought for a short, discrete period. The 2003 Act provides that a temporary event notice is subject to various limitations (see Chapter 7 of this Guidance). The temporary provision of licensable activities that fall outside these limits will require the authority of a premises licence if the premises are currently unlicensed for the activities involved.

45. The explanatory notes that accompany the Licensing Act 2003 states in section 101 regarding a minimum of 24 hours between event periods in section 171 of the act:
- That there must be a minimum period of 24 hours between temporary events held on the same premises by a premises user, or held by that user and another person who is related to, associated with or in business with that user. This prevents a premises user holding numerous consecutive temporary events as a means of avoiding an application for a premises licence. If a temporary event takes place on premises that are included within or include other premises where another temporary event takes place, then the two events are deemed to take place on the same premises.

Conditions

46. The sub-committee may only attach conditions on the carrying on of permitted licensable activities on TENs where they premises is already in subject to a premises licence and the conditions are carried over from that premises licence. The sub-committee's function is to determine whether a counter notice should be issued

Reasons

47. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

Hearing procedures

48. 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 objection.
 - 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 submission.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular submission before the committee

- To the licensing objectives prevention of crime and disorder.
 - 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 the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
49. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) © requires the sub-committee to make its determination at the conclusion of the hearing.
 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 temporary event notice 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 the police objection.
 52. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
 53. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
 54. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made 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. No appeal may be brought later than five working days before the day on which the event begins.

Guidance

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

Strategic Director of Finance and Governance

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

REASONS FOR URGENCY

57. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

REASONS FOR LATENESS

58. Due to the time limited nature of TENs there was not sufficient time to prepare and clear the report in time for the main agenda dispatch.

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 (020 7525 5748)

APPENDICES

No.	Title
Appendix A	The temporary event notice
Appendix B	Metropolitan Police Service objection/ Environmental Protection Team objection
Appendix C	Maquis premises licence
Appendix D	Full report of licensing visits made to premises
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Justin Williams, Licensing Enforcement Officer	
Version	Final	
Dated	30 August 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		30 August 2019

19/08/2019

Business - Temporary events notices

Ref No. 1285662

Before completing this notice, please read the guidance notes. You should keep a copy of the completed application for your records. After completing the form, it will automatically be forwarded to police and environmental health. If there is any representation then we will inform you of the outcome within the 3 day consultation period. You can view this information on our website.

The premises user must ensure either:

- 1) that a copy of the temporary event notice is prominently displayed at the premises, or
 - 2) that the temporary event notice is kept at the premises in the premises users' custody or in the custody of a person who is present and working at the premises you have nominated and, where the temporary event notice is in the custody of a person so nominated, ensure that a notice specifying the notice is held by a nominated person and the position held at the premises by that person is prominently displayed at the premises.
- A constable or authorised officer may require the premises user, or nominated person, to produce the temporary event notice for examination.

The premises user commits an offence if he fails, without reasonable excuse, to comply with any of the above instructions.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name

Title	Mr
If other, Please state	██████████
Surname	██████
First name(s)	██████████

2. Previous names (Please enter details of any previous names or maiden names)

Title	Mr
If other, Please state	LONDON
Surname	██████
First name(s)	██████████

3. Your date of birth

██████████	██████████
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4. Your place of birth

██████████	██████████
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5. National Insurance Number

██████████	██████████
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6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box on the next page)

Address Line 1	10
Address Line 2	ARNSIDE STREET
Town	LONDON
County	
Post code	SE17 2AP

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

7. Other contact details

Daytime	10:PM
Evening (optional)	3:30AM
Mobile (optional)	██████████
Email	████████████████████

8. Alternative address for correspondence

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

9. Alternative contact details (if applicable)

Daytime	10:PM
Evening (optional)	3:30AM
Mobile (optional)	██████████
Email	████████████████████

Please do not apply to us if your premises is not in Southwark. See link find local council

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

Address Line 1	10
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Address Line 2	ARNSIDE STREET
Town	LONDON
County	LONDON
Post code	SE17 2AP

Ordnance Survey grid reference

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If there is no recognised postcode, please enter the address for the premises

Address Line 1	10
Address Line 2	ARNSIDE STREET
Town	LONDON
County	LONDON

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	865734
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

	ON THE PREMISES
--	-----------------

Please describe the nature of the premises below. (Please read note 4) *

	BAR AND RESTURANT
--	-------------------

Please describe the nature of the event below. (Please read note 5)

	FRIENDS ENGAGEMENT DINNER
--	---------------------------

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	
Document 2	
Document 3	

Document 4	
Document 5	

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Do you currently hold a valid personal licence?

	Yes
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If “Yes”, please provide the details of your personal licence below.

Issuing licensing authority	SOUTHWARK COUNCL
Licence number	██████
Date of issue	██████
Any further relevant details	

Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Please state the licensable activities that you intend to carry on at the premises (please tick next to the licensable activities you intend to carry on). (Please read note 6)

EarliestDate	28/08/2019
	The sale by retail of alcohol

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Start date (DD/MM/YYYY)	06/09/2019
End date (DD/MM/YYYY)	07/09/2019

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock e.g. 23:00). (Please read note 10)

	10:00MP- 3:00AM
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Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

	60
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If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)

	Both
--	------

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;

(h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice

is 168 hours or seven days.

Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

	No
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If answering yes, please state the number of temporary event notices (including the number of late temporary events notices, if any) you have given for events in that same calendar year

	3:30AM
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Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hrs or less before; or b) begins 24 hrs or less after the event period proposed in this notice?

a) ends 24 hrs or less before	No
b) begins 24 hrs or less after	Yes

Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the

end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 16 below sets out the definition of an "associate".

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.

From: Prickett, Mark
Sent: Thursday, August 22, 2019 1:06 PM
To: Regen, Licensing
Cc: Andrews, Ken; 'Ian.Clements@met.police.uk'
Subject: TEN objection - Maquis, 10 Arnside Street

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the TEN application at 10 Arnside Street, SE17 2AP for the sale by retail of alcohol for a "friends engagement dinner" between 22:00 on the 06/09/2019 to 03:00 on the 07/09/2019.

EPT have strong concerns over public noise nuisance being caused to local residents if this TEN application is granted to 3am in the morning.

Over the past few years there are numerous noise complaints made against the premises, including allegations that the premises is open beyond its permitted hours and that the current premises licence conditions are not being complied with, which in turn has led to noise disturbance and disrupted sleep.

EPT express concerns and a lack of confidence with the current management's ability to comply with the existing premises licence and therefore have further strong concerns over granting this premises additional licensing permissions late into the night through this TEN application.

EPT therefore object to this TEN application as there are strong concerns public nuisance will be caused if this event were to go ahead which would therefore contravene the prevention of public nuisance licensing objective.

Kind regards,

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

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

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



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



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

Date: 20th August 2019

Re:- Maquis Restaurant, 10 Arnside Street. London SE17 2AP

Dear Sir/Madam

Police are in receipt of an application from the above for a Late Temporary Event Notice (TEN) for the 06.09.2019 to the 07.09.2019 between 22:00hrs and 03:00hrs.

The Police object to the granting of the Notices because it would undermine the crime and disorder and prevention of public nuisance licensing objectives under of the Licensing Act 2003.

The grounds for the objection are as follows.

The premises has a long history of non compliance with the conditions of it's current premises licence, it is also the subject of a number of complaints from local residents for noise and anti social behaviour.

The premises have demonstrated that they cannot comply with the conditions of their premises licence, a number of closure notices have been served over recent months. As a result of this non compliance further enforcement action is underway.

Police object to this temporary event notice.

Yours Sincerely

PC Ian Clements 2362AS
 Licensing Officer
 Southwark Police Licensing Unit

Licensing Act 2003 Premises Licence



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

Premises licence number

865734

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Maquis Restaurant and Bar 10 Arnside Street London SE17 2AP	
Ordnance survey map reference (if applicable), 177908532499	
Post town London	Post code SE17 2AP
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Late Night Refreshment - Indoors and outdoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

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

Monday	09:00 - 00:00
Tuesday	09:00 - 00:00
Wednesday	09:00 - 00:00
Thursday	09:00 - 00:00
Friday	09:00 - 00:30
Saturday	09:00 - 00:30
Sunday	09:00 - 00:00

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

Late Night Refreshment - Indoors and outdoors

Friday 23:00 - 23:30
Saturday 23:00 - 23:30

Sale by retail of alcohol to be consumed on premises

Monday 09:00 - 23:30
Tuesday 09:00 - 23:30
Wednesday 09:00 - 23:30
Thursday 09:00 - 23:30
Friday 09:00 - 00:00
Saturday 09:00 - 00:00
Sunday 09:00 - 23:30

Part 2

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

[Redacted]

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

[Redacted]

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

[Redacted]

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

Licence No. [Redacted]
Authority. [Redacted]

Licence Issue date 09/11/2018



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

Annex 1 - Mandatory conditions

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

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

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

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

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

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

487 The responsible person 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,

Annex 2 - Conditions consistent with the operating Schedule

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

4AB All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. New Years-31st December, Christmas Eve-24th December, Somalian Independence-1st June and Ethiopian New Year-11th September for a extra hour.

113 This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: New Years-31st December, Christmas Eve-24th December, Somalian Independence-1st June and Ethiopian New Year-11th September for a extra hour.

115 This licence allows for the premises for the provision of late night refresherment for non standard timings stated below on the following days: New Years-31st December, Christmas Eve-24th December, Somalian Independence-1st June and Ethiopian New Year-11th September for a extra hour.

136 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and for consumption by such persons as an ancillary to his/her meal.

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

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.

290 That one SIA registered Door Supervisor shall be employed at all times after 20.00 till 22.00hours and two SIA registered Door Supervisors shall be employed at all times after 22.00 till the terminal hours on Friday and Saturday. Their responsibility will be to assist with controlled entry and exit of customers from the premises, to monitor and control noise made by customers prior to entry and while leaving the premises and those using the outside area for the purpose of smoking.

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

310 That customers shall use no outside area after 23.00 other than those who are allowed to temporarily leave the premises to smoke a cigarette with a maximum of five persons at any one time.

311 Suitable notices shall be displayed requesting people to leave the premises in a quite and orderly manner so as not to disturb local residents.

324 That a contact telephone number for the management of the premises shall be made available to local residents on request.

332 All children must be accompanied by an adult.

336 A personal licence holder shall be present on the premises at all times after 20:00 hours and the premises are in operation under the licence

340 No beverage of any kind to be consumed by customers using the outside area of the premises.

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

Annex 4 - Plans - Attached

Licence No. 865734

Plan No. WA/PL001

Plan Date 16 Sept 2013

18/08/2019	01:44 NTE Visit	Charlie Jerrom	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	Visit to the premises with Farhad Chowdhury, Keith Dempster and Maria O'Mahoney. A late temporary event notice was applied for and the police objected, a counter notice was served. When I approached the premises I could hear loud music and lights flashing inside. Around the bar area was a round 8 males, to the right was another 4 males, the premises were full of alcohol and I witnessed people drinking. I continued to walk to the rear of the building to find the DPS, when I located him, I explained that the TENS applied for was rejected. The DPS then asked if we could speak outside, he went next door to get the manager. Once outside I again explained to the DPS and Licence holder, that the tens had been rejected and a counter notice was served, the dps replied saying no letter was sent and that neither he nor the manager was aware it was objected too. The whole visit was captured on the bodyworn camera that both Maria and Keith had on. I advised that the premises closed and that everyone leave the premises as they were currently operating unlicensed. The rear of the building was also full with customers smoking shisha and drinking. Action: Append to APP/witness statement
06/07/2019	21:15 NTE Visit	Charlie Jerrom	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	Visit to the premises with Clarissa O'Toole and Maria O'Mahoney, approached the staff and introduced ourselves as council officers, a full licensing inspection was conducted and breaches were found 290,293. Whilst in the premises I noticed alcohol on display behind the bar, there was also a fridge with the lights turned on with alcohol inside, no sale was witnessed, however I did notice a gentle sat at a table, with an open bottle of Budweiser and drinking with no food on the table. I then went to the rear of the premises and there were a round 20 people smoking shisha and also consuming alcohol from bottles and glasses. Around 5 patrons were also outside the licensable area and in the car park, were they had a table and chairs. I informed the DPS that the licence does not cover this area. Action: Warning letter to be sent
13/04/2019	20:42 NTE Visit	Charlie Jerrom	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	Visit to the premises with Adam Burchett Environmental Officer and Maria O'Mahoney Licensing Police. We introduced ourselves to the applicant and DPS of the premises and advised we were here to drop of warning letters regarding a previous inspection of the premises. I also spoke with the applicant about an outstanding annual fee, he advised that payment had been made and proof of the payment will be emailed. Action: Send to Justin Williams, append onto APP
18/08/2018	00:28 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	18/ 8/2018 00:28 FRC closed shutters down cannot see any activity

18/08/2018	23:37 NTE Visit	Jayne Tear	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	<p>At 23:37 on 18/8/2018 JMT & FRC JMT & FRC PC MARIA O'MAHONEY AND P. TIMOTHY ANDREWS visited MAQUIS 10 Arnside Street, London, SE17 2AP on arrival the front shutters were a quarter of the way down and the lights were on in the premises. We all entered the premises and ID myself to a young black male who told me his name was [REDACTED]. He told me that they were going to close now. I asked him if he had been selling alcohol tonight and he said yes. I said that I was going to carry out an inspection regarding the alcohol licence as they are still open with patrons on site. There were 2 tables occupied by patrons sitting at the back of the premises farthest from the entrance door. There were 2 patrons sitting at each table eating and drinking (one table to the left and one table to the right). There were approx 15 people sitting outside at the back of the premises. The police and Farhad went outside at the back of the premises. I asked [REDACTED] If the DPS Mr [REDACTED] was still working at the premises and he said yes. I then asked were he was tonight and [REDACTED] said he was on holiday. I asked how long for and he said 2 weeks. The police went outside to observe the patrons sitting outside. I called FRC to stay with me in the premises as he had gone outside with the police. As it was difficult to see inside the premises I asked FRC to shine his torch from his mobile on my copy of the licence. At this point a male who had been sitting at a table outside at the back of the premises got up and started to challenge FRC accusing him of filming him with his phone. I said he is not filming you he is shining his torch so I can see. The man eventually backed off and went into another door in the premises. I continued with the inspection. I took [REDACTED] a way from where the patrons were, to avoid anymore contention, back into the premises (the 4 patrons were no longer sitting inside). We went to the back of the premises where the bar counter is and the CCTV TV MONITOR is situated up high above it. The monitor was recording in real time. I asked to view the footage and [REDACTED] said he did not now how to get and that I would have to ask The Boss. At this point P. CO'MAHONEY and P. CANDREWS came back into the premises. And stood with us. I asked [REDACTED] where [REDACTED] the licensee was and he said he is next door (meaning the cab office) and I said can you go and get [REDACTED] asked another male to go and get him. I asked [REDACTED] if he had a personal licence and he said yes. I asked to see it and he said he was waiting for it to come. Around this point the licensee [REDACTED] who I know arrived and I told him I had come to do an inspection. I asked him where [REDACTED] the DPS was and he said that he was no longer there and pointed at [REDACTED] and said he is going to be the DPS. I said that we had received no DPS VARY to make [REDACTED] the DPS and that if [REDACTED] is no longer there that they had to stop selling alcohol and could not use the licence without a DPS attached to it and that they would be committing an offence under the licensing act 2003. [REDACTED] then changed this and said [REDACTED] has not left yet, but they would submit a DPS vary once [REDACTED] had his Personal Licence. I then said to [REDACTED] where did you apply</p>
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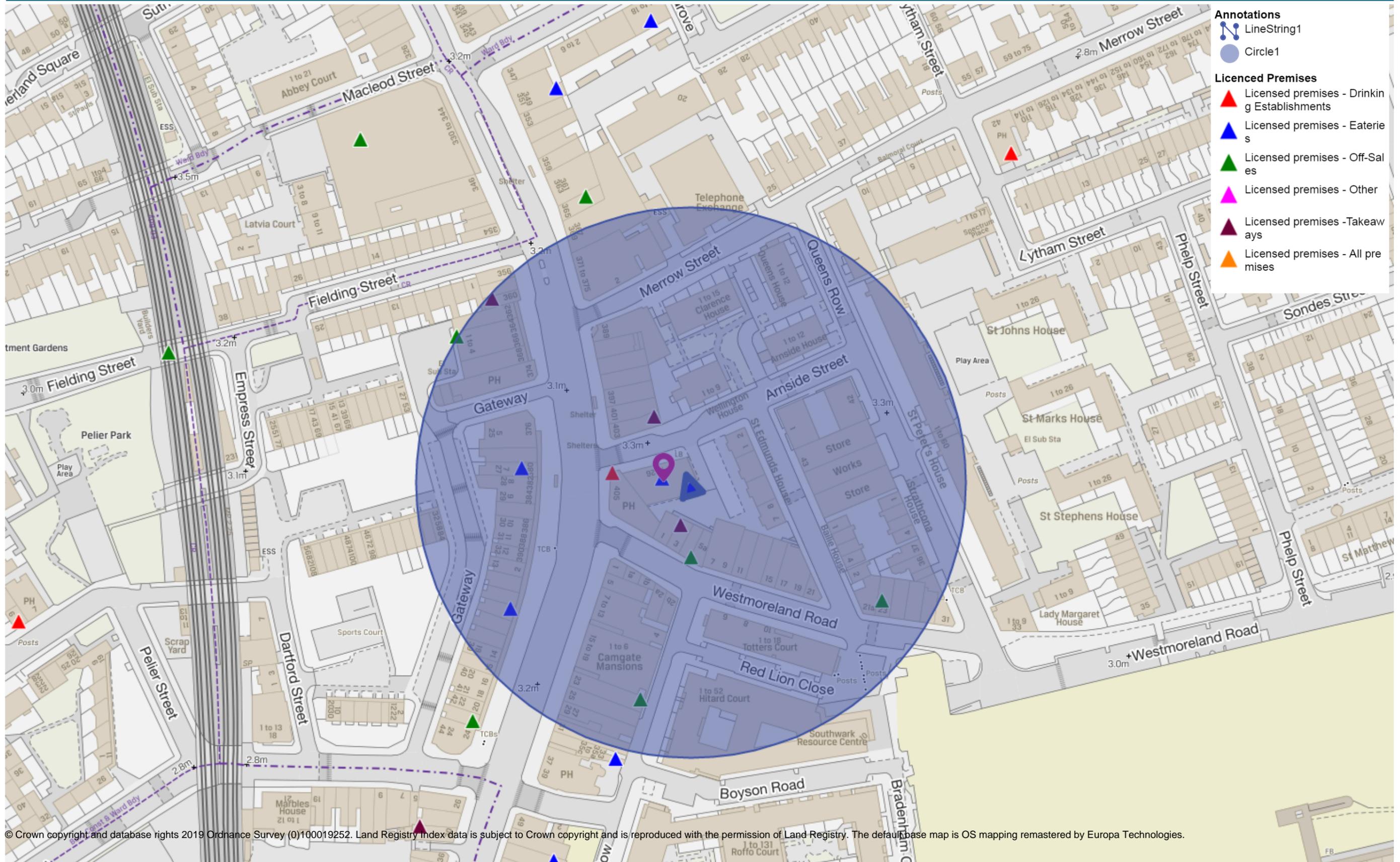
					<p>for the person licence and he said Southwark. I then asked were he lived and he said Southwark. I then asked for his full address and he hesitated but gave it as [REDACTED]. Whilst he was giving his address because he was hesitating [REDACTED] kept saying it for him. Once he had given me the address he said then that he did not have the P.L but that he had the qualification and had passed the test. I said that because you have the qualification it does not mean that you have a P.L. [REDACTED] then interrupted and said that his application had been submitted and that the consultant had told him that Costcutters and other premises all had their qualifications and that's all they needed. I said that I am not commenting on Costcutters at the moment and that they may have different conditions to his. (Condition 336 says that there should be a p.l.h on the premises at all times after 20:00 and the premises in operation under the licence). I told [REDACTED] that I would be checking that a personal licence application had been submitted to Southwark on Monday. FRC tried to say something and [REDACTED] was rude and agitated towards him. I asked [REDACTED] if the CCTV was recording and he said there was technical problems. All in all the breaches were as follows: • NO LIC. • NO SUMMARY • 4AA; 4AB, 4AC, 4A1 no sign challenge 25 has been implemented, no signage, no staff. recs. no refusal log. • 289 – NO CCTV FOOTAGE • 290 – NO SIA • 310 – patrons were using the outside area at the back of the premises • 336 – no personal licence holder at premises • 311 – no signage re leaving quietly • 340 – no beverages at all to be consumed outside by patrons. [REDACTED] was becoming quite agitated and I decided to leave. I told him that he can not sell any alcohol until he has p.l.h at the premises, and he kept insisting that [REDACTED] was a personal licence holder and that he had the qualification. I said to [REDACTED] If you had passed your driving test but had not applied for a licence then you would not be able to drive until you had obtained the licence. I said the same applies here. You can not authorise alcohol sales even though you have the qualification, you must wait until you have the p.l. As we were leaving the premises the police left a head of me followed by Farhad I was the last out and as I was leaving [REDACTED] started to get very agitated and start shouting and pointing towards Farhad saying you see him I am going to shoot him. He shouted this out about three or four times and I told him to stop it and rectify all of the issues discussed.</p>
18/08/2018	23:45 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	<p>18/ 8/2018 23:45 FRC On 18th August 2018 at 23:45hrs I visited the premises with the NTE police and Jayne Tear from licensing team and discovered the premises had shutters half way down and was full of customers drinking alcohol. At the rear of the premises there were approximately 15-20 people smoking shisha inside and outside the smoking shelter. Jayne asked to speak to the licensee and [REDACTED] bdi came in from the mini cab office next door. Jayne spoke to [REDACTED] and said that he did not have a DPS and therefore he cannot sell any alcohol at the premises. [REDACTED]</p>

					<p>started to argue with her saying he has a personal licence for [REDACTED] and his licence is at home, he passed the course and his solicitor told him that he can sell alcohol. He also accused me of taking his premises licence which I cannot recall. He started arguing with me and said he will see me in court as I visited him four times during the building works, PC Maria Mahoney tried to intervene and said that I visited with the Police he kept arguing with all of us. [REDACTED] confirmed that all the shisha pipes at the rear and all the customers were his. Jayne Tear also asked [REDACTED] if he was the owner of the business he confirmed that he is the owner of the business, during the Pace interview which I did with [REDACTED] few months ago he told me that he was not the owner in fact it was one of his sons. I was surprised by this revelation, Jayne knew the real owner and it was [REDACTED] he then said there was someone else who is the old DPS and he cannot come in to the premises after 10pm because of family problem setc. Jayne informed [REDACTED] that he cannot sell any Alcohol until he does a transfer and he must do this as soon as possible, as we were leaving [REDACTED] said to me I want to shoot him!, I want to shoot you!, I want to shoot you! In a threatening manner I was shocked to hear this. Both the Police Officer Maria Mahoney and Jayne Tear and I heard it. I continued to walk out of the premises and we discussed the matter near our cars. This should be on Police body cameras. I was a bit shaken up from the incident and I have been advised by the Police not to visit alone to these premises again for personal safety.</p>
11/08/2018	NTE Visit	Justin Williams	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	<p>I attended the above premises in the company of PC Mark Lynch at 23:40 hours when we arrived we went to the rear of the bar and found patrons sat at the back smoking shisha and drinking alcohol, we spoke to a male who I now know to be [REDACTED] who identified himself as the person who was in charge, PC Lynch asked where the DPS was and he had explained that he had gone away, PC Lynch asked [REDACTED] if he had made any alcohol sales at first [REDACTED] explained that the premises was holding a birthday party and the people in attendance had brought their own drinks he then later admitted that he had sold alcohol to the patrons in the premises. PC Lynch carried out a brief inspection where various breaches were found. [REDACTED] admitted to using the premises licence to carry out regulated activities, I observed that there was no premises licence on display and that alcohol was displayed behind the till area of the bar, photographs attached. I observed a male at the till area of the bar drinking from a large bottle of Smirnoff vodka, the Smirnoff vodka appeared to be from the same batch of vodka that was on display behind the till area. PC Lynch served a closure notice on the premises.</p>
28/07/2018	23:59 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17	28/ 7/2018 23:59 FRC closed no activity.

				2AP	
22/07/2018	2:07 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	22/ 7/2018 2:07 FRCclosed.
21/07/2018	00:36 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	21/ 7/2018 00:36 FRC closed.
05/05/2018	00:46 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	5/ 5/2018 00:46 FRC open two women sitting outside talking in front of mini cab office.
08/04/2018	00:05 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	7/ 4/2018 00:05 FRC visited with PC Lynch and PC Ducker premises was open, The Police seen a man urinate on the alleyway and went to talk to him. He was a customer of Food Paradise and was using the alleyway instead of the toilet inside. As we entered we found 14 people inside smoking shisha and cigarette sat the rear makeshift shed. The shed now has shutters which was locked no openable doors or windows so they were all smoking indoors. Met the manager [REDACTED] [REDACTED] asked why they were smoking inside he could not answer, I seen Mr [REDACTED] the owner standing outside he would not come inside the premises to talk to us. They have been warned repeatedly not to smoke inside and yet they continued to ignore the warnings. No Electrical works have been done yet, Mr [REDACTED] said he was waiting for the Electrician to come back to give a report. I seen a Folded Bed in the middle of the premises, I recalled [REDACTED] said that his nephew [REDACTED] sleeps in the premises. I asked if all the Fire Officers works were now carried out he said he did, I said that I will be referring this matter to the Fire Officer and we left.
23/02/2018	23:35 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	23/ 2/2018 23:35 FRC closed.

18/02/2018	00:59 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	closed all shut
17/02/2018	1:35 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	premises all shut closed.
10/02/2018	22:36 NTE Visit	Farhad Chowdhury	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	Visited the above restaurant with Ken Dale and NTE Police on Saturday night with the NTE Police and discovered that Maquis and the Mini Cab office had both locked their rear fire exit doors, and closed the shutters at the front of Maquis. Police gained access via the Minicab office, we found five men smoking at the rear of the mini cab offices and four men in the Maquis restaurant smoking shisha and they also had a small charcoal fire for heating. There was a lot of smoke in the air and in the event of a Fire they would not be able to get-out via the rear exit as it was key locked and nobody had the keys. Furthermore We found a substance in a bag which appeared to be "that" police have seized the substance. The owner [REDACTED] and his customers started to arguing with me and the Police they said they were not smoking when we seen them, he has no control who comes into his premises. Ken Dale from our Anti Social Behaviour Unit then spoke to [REDACTED] who then confirmed that his nephew sleeps at Maquis restaurant as he has no home. I am also concerned that next door in IBBS Restaurant they have 4 Large 47Kg Propane gas cylinders in the rear store room directly above the flats. Visit the premises with the POLICE as [REDACTED] and his customers get aggressive he also threatened to make a complaint against us and the Police for Racial Harassment, Ken Dale gave our details. This premises has become lawless and flagrantly breaching the law by allowing people to smoke inside, not only cigarettes and shisha but also drugs. [REDACTED] was present the whole time we were there and seen the customers inside yet denies the breaches.
03/02/2018	23:35 NTE Visit	Andrew Heron	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	NTE visit with Police. The taxi office was open, there are a number of drivers in the middle room (cab office), no smoking, no alcohol. Upon arrival, an IC1 female was led from the driver's area (not the passenger waiting area), stating "your taxi has arrived". She looked out of place, short, scraped-back hair in a bun, a little grubby looking, wearing an over-sized puffa jacket. She was led outside, I saw nothing else of her and thought nothing of it, until Jayne had mentioned that there was a potential link with sexual exploitation at the premises. In the rear room - x10 Somali

					men, one person drinking can beer. Went next door to restaurant, not open. No signs of food, some alcohol in fridge, but not same brand as being drunk next door. One man present, says that he has been working there, decorating/doing construction. Some smell of shisha in the air, but no signs of anyone smoking. Would question whether or not there is planning permission for the rear structure.
26/02/2017	00:15 NTE Visit MAD & JU	Mark Orton	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	Premises being closed and shutters locked atov. No issues.
04/02/2017	00:35 NTE Visit MAD & FRC	Mark Orton	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	Premises closed atov, shutters down and no lights visible. No person/s. Some activity next door at East African Community Centre.
29/01/2017	00:35 NTE Visit	Alexander Lisowski	Maquis Restaurant and Bar	10 Arnside Street, London, SE17 2AP	Visited venue at 00.35a m on Sunday, 29th January, 2017, with Matt Bourne (Trading Standards). On Saturday nights late night refreshment should stop at 23.30pm, alcohol at midnight, and close at 00.30am. Venue still open. Approx. 8 people still drinking alcohol at a table. 3 people came in and tried to buy food. PLH present. Letter to be sent requesting CCTV for further investigation.



Annotations

- LineString1
- Circle1

Licensed Premises

- Licensed premises - Drinking Establishments
- Licensed premises - Eateries
- Licensed premises - Off-Sales
- Licensed premises - Other
- Licensed premises - Takeaways
- Licensed premises - All premises

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29-Aug-2019

Licensed premises - Eateries (1)

Reference_number: 848762

Name: IBBS Restaurant

Address_line_1:

Address_line_2: 6 Arnside Street

Address_line_3: London

Postcode: SE17 2AP

Outlet_type: Eateries

Easting: 532488

Northing: 177911

Alcohol: on

Licensed premises - All premises (1)

Reference_number: 848762

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