

Licensing Sub-Committee

Thursday 7 May 2020
10.00 am

Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

Membership

Councillor Renata Hamvas (Chair)
Councillor Margy Newens
Councillor Ian Wingfield

Reserves

Councillor Dora Dixon-Fyle MBE

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

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Access

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Contact

Andrew Weir by email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly
Chief Executive
Date: 27 April 2020



Licensing Sub-Committee

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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: 65 SOUTHWARK PARK ROAD, LONDON SE16 3TY	1 - 36
6.	LICENSING ACT 2003: UNIT 5, 12 - 16 BLENHEIM GROVE, LONDON SE15 4QL	37 - 90
7.	LICENSING ACT 2003: UNITS 3 & 4, 12 - 16 BLENHEIM GROVE, LONDON SE15 4QL	91 - 152

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: 27 April 2020

Item No. 5.	Classification:	Date: 7 May 2020	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: 65 Southwark Park Road, London SE16 3TY	
Ward(s) or groups affected:		South Bermondsey	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Arumugam Ramasamy to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: 65 Southwark Park Road, London SE16 3TY.
2. Notes:
 - The application seeks to vary the premises licence held under the Licensing Act 2003 in respect of the premises known as: Rose Food and Wine, 65 Southwark Park Road, London SE16 3TY under section 34 of the Act. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and / or other persons and is therefore referred to the sub-committee for determination. The premises licence is attached as Appendix A.
 - Paragraphs 10 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B.
 - Paragraphs 14 to 17 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached as Appendix C.
 - A map showing the location of the premises is attached as Appendix E.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence in respect of the premises known as 65 Southwark Park Road, London, SE16 3TY allows the following licensable activities:
- The sale of alcohol to be consumed off the premises:
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30
 - Opening hours:
 - There are no opening hours specified in the premises licence
 - Arumugam Ramasamy is the designated premises supervisor (DPS) in respect of the premises.
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 28 December 2019 Arumugam Ramasamy applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as 65 Southwark Park Road, London SE16 3TY.
11. The application is summarised as follows:
- To extend the hours permitted for the off sale of alcohol until 23:45 daily (**NB**. The applicant made a typo in the application and stated that the application is

in regard to on sales, however the applicant has confirmed that this was an error and that the application is in respect of off sales).

- To allow the sale of alcohol from 08:00 on Sunday
- To allow the sale of beers with an alcohol by volume (ABV) of up to 9% at the premises

The application specifies the following opening hours

- Monday to Saturday: 06:00 to 00:00
- Sunday: 07:00 to 00:00

12. The application form provides the applicant's operating schedule. Parts J, K, L and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full, with reference to the four licensing objectives, as defined in the Licensing Act 2003. Should an amended premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of any additional conditions to be included in the licence.
13. A copy of the application is attached as Appendix B.

Representations from responsible authorities

14. The council's trading standards service, the council's licensing responsible authority and the Metropolitan Police Service have submitted representations regarding the application.
15. The trading standard's representation is concerned with the proposal in the application to allow for the sale of beer with an ABV of up to 9%. The trading Standards service contends that this proposal shows that the applicant has little appreciation for the principles upon which licensing legislation is based. The trading standards service notes that the previous licensee of the premises operated the premises non-compliantly which lead to a number of offences under the Licensing Act 2003 being witnessed at the premises. The trading standards service allege that Mr Ramasamy must have full knowledge of the prior non-compliant operation of the premises and that Mr Ramasamy must therefore understand that such non-compliance was the reason that there is a condition in the premises licence prohibiting the sale of beers (or ciders) with an ABV of above 6.5%. Trading standards object to the application.
16. The licensing responsible authority states that the application asks for the premises' closing times to be extended to 00:00 (midnight)* daily. The representation further states that the premises are situated in a residential area and that the closing time recommended in this council's statement of licensing policy for premises of this type located in residential areas is 00:00 daily**. The licensing Responsible Authority states that the application does not address why this later hour of operation will not cause additional noise nuisance and the Licensing Responsible Authority recommends that this part of the application be refused. The Licensing Responsible Authority contends that the applicant has not addressed the allegation that beers and ciders with an ABV of between 6.5% and 9% are frequently purchased by street drinkers.

NB – *The application seeks to extend the finish times permitted for the sale of alcohol, not the closing times of the premises as there are no current opening / closing times in respect of the premises licence issued in respect of the premises.
 **The closing times recommended in this council's statement of licensing policy for this type of premises located in residential areas are 23:00 daily, not 00:00 daily.

17. The Metropolitan Police Service notes that, according to this council's statement of licensing policy, the premises are located in a residential area. The Metropolitan Police Service states that the premises' hours of operation are already in line with those recommended for this for this type of premises located in residential areas. The Metropolitan Police Service contends that later hours of operation would add to the crime and disorder in the area. The Metropolitan Police Service contends that allowing the sale of beers with an ABV of up to 9% will attract alcohol dependant people and add to local crime and disorder. The Metropolitan Police Service objects to the application in its entirety.

Representations submitted by other persons

18. No representations have been submitted by other persons.

Conciliation

19. The applicant was sent copies of the representations and was advised that the applicant could contact the responsible authorities directly should the applicant wish to attempt to conciliate the responsible authorities.
20. At the time of the writing of this report all of the representations remain outstanding and so must be considered by the licensing sub-committee.
21. At the hearing to determine the application the licensing sub-committee will be apprised as to any conciliation, whether partial or full, of the Responsible Authorities.

Operating history

22. The premises licence in respect of the premises was originally issued on 22 August 2005.
23. Following various transfers of the licence, and nominations of differing designated premises supervisors in respect of the premises, the licence was transferred to Mr Ajmal Sakhizada on 23 December 2016 and Mr Sakhizada was nominated as the designated premises supervisor in respect of the premises.
24. On 15 May 2019 Mr Sakhizada submitted a minor variation application in respect of the premises. The purpose of the application was to add various conditions to the premises licence following Trading Standards enforcement action regarding the premises. One of the conditions added to the licence was condition 340 which states: "That no beers / ciders in single cans, bottles or multipacks with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises, unless prior written permission has been obtained from a Metropolitan Police Licensing Officer from Southwark. Such permission must be kept at the premises and made available immediately on request to the relevant authorities."
25. On 17 September 2019 the licence was transferred to Mr. Ramasamy and on 24 September 2019 Mr Ramasamy was nominated as the designated premises supervisor in respect of the premises.

26. On 28 December 2019 Mr. Ramasamy applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as 65 Southwark Park Road, London, SE16 3TY.
27. Details of visits to the premises by licensing officers are included in Appendix D.

Deregulation of entertainment

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

Map

31. A map of the area is attached to this report as appendix E. The premises are identified at the centre of the map. The following premises are in the area displayed on the map and are licensed as stated:

Karma Supermarket, 57 Southwark Park Road, London SE16 3TY licensed for:

- The sale of alcohol to be consumed off the premises
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30
- **Ho Ho t/a Laughing, 59 Southwark Park Road, London SE16 3TY** licensed for:
- Late night refreshment
 - Monday to Sunday 23:00 to 00:30
 - Monday to Sunday: 11:00 to 22:30

Southwark council statement of licensing policy

32. Council Assembly approved Southwark's Statement of Licensing Policy 2019 - 2021 on 27 March 2019. The policy came into effect on 28 March 2019. Sections of the

statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
33. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
34. According to the statement of licensing policy the premises are located in a residential area. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located in residential areas:
- Off-licences and alcohol sales in grocers and supermarkets: 23:00 daily

Resource implications

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

Consultation

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

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

Conditions

44. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

45. The four licensing objectives are
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
46. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
47. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
48. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
49. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

51. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives

- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing
- This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

52. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
53. 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.
54. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
55. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
56. 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.

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

Guidance

59. 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

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

BACKGROUND DOCUMENTS

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

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

APPENDICES

Name	Title
Appendix A	Copy of the premises licence
Appendix B	Copy of the application
Appendix C	Copies of the representations submitted
Appendix D	Details of licensing night time visits to the premises
Appendix E	Map

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	23 April 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		23 April 2020

Licensing Act 2003 Premises Licence



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

Premises licence number

870136

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Rose Food and Wine 65 Southwark Park Road	
Ordnance survey map reference (if applicable): 534037178868	
Post town London	Post code SE16 3TY
Telephone number	

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

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

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

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

Sale by retail of alcohol to be consumed off premises

Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

Part 2

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

Ramasamy Arumugam

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

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

Ramasamy Arumugam

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.:

Authority.:

Licence Issue date: 24/09/2019



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.

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

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

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

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

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

2. For the purpose of the condition set out in paragraph (1): (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

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

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

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

124 Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

- a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m.
- c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- d. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club ;
- iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces .

125 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

255 a. Fire extinguishers and equipment as approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instance use. They shall be in the charge of a suitable person specially nominated for the purpose.

b. Portable fire extinguishers shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an antifreeze agent shall be examined and recharged in compliance with manufacturer's instructions.

c. Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.

d. All testing of fire extinguishers and equipment shall be at the expense of the licensee.

288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of twenty-eight days

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

334 That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

341 That smoke detectors installed upon the premises shall be maintained in good working order at all times

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

4AB That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

4AC That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

4AI That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

340 That no beers / ciders in single cans, bottles or multipacks with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises, unless prior written permission has been obtained from a Metropolitan Police Licensing Officer from Southwark. Such permission must be kept at the premises and made available immediately on request to the relevant authorities.

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

Annex 4 - Plans - Attached

Licence No. 870136

Plan No. 139.05/01

Plan Date April 2005

28/12/2019

Business - Application to vary a premises licence under the Licensing Act 2003 Ref No. 1360855

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

	ARUMUGAM RAMASAMY
Premises licence number	870136

Notes for Guidance

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

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

- 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

15. This is the address which we shall use to correspond with you about this application.

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

£	9400
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Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	65 SOUTHWARK PARK ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE16 3TY
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Part 2 - Applicant details

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

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

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

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

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

	No
--	----

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

	<p>We would like to request an extension on selling alcohol hours from our current 23:00 to 23:45. We would also request authorisation to increase sale of alcohol(beer) percentage content from 6.5% to 9%. We have been steadily losing our customers to competitors due to restrictions on beer sale.</p> <p>On daily basis we get many customers asking for these beers. However due to our current restrictions we are unable to serve them and hence losing them to our competitors. This has been severely impacting our profit negatively.</p> <p>The new changes will not impact the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The sale of alcohol and tobacco will continue to adhere under our highest ethic principles of ensuring underage children are not sold these products.</p> <p>We sincerely request you to accept our application for the modifications. It could allow us to satisfy our customer needs and retain them.</p>
--	---

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

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

Notes

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

IN ALL CASES COMPLETE BOXES K, L AND M

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

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

--	--

Supply of alcohol (if ticking fill in box J)

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

In all cases complete boxes K, L and M

Will the supply of alcohol be for consumption (Please read guidance note 9)

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

Standard days and timings for Supply of alcohol (Please read guidance note 8)

Day	Start	Finish
Mon	08:00	23:45
Tues	08:00	23:45
Wed	08:00	23:45
Thur	08:00	23:45
Fri	08:00	23:45
Sat	08:00	23:45
Sun	08:00	23:45

State any seasonal variations for the supply of alcohol (Please read guidance 6)

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 7)

--	--

- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'.
If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'.
If you wish people to be able to do both, please tick 'both'.

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

	nil
--	-----

Guidance Notes

10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

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

Day	Start	Finish
Mon	06:00	00:00
Tues	06:00	00:00
Wed		
Thur	06:00	00:00
Fri	06:00	00:00
Sat	06:00	00:00
Sun	07:00	00:00

State any seasonal variations (Please read guidance note 6)

--	--

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

--	--

6. For example (but not exclusively), where the activity will occur on additional days during the summer months.

7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

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

	requesting the hours of alcohol sales from 23.00 to 23.45 and increase the sale of beer ; alcohol content percentage from 6.5% to 9%
--	--

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

	[REDACTED]

Reason for not uploading the premises licence

--	--

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

	All the staffs are trained very well about the responsibilities to sell alcohol, licencing law, specific policies on operation of business and maintain the public's safety by DPS
--	--

b) the prevention of crime and disorder

	<p>We have 24 hours Closed Circuit Television (CCTV) in our shop which we maintain for 28 days We also have alarm system which works for 24/7 We have panic button which is connected to the Metropolitan Police to report any unusual activities A zero tolerance policy to use the drugs and carrying weapons to the premises is applied</p> <p>As we are familiar to local customers, it is easy for us to identify any new customers and take extra care on serving them</p>
--	--

c) public safety

	<p>Health and safety template has been posted inside the premises First Aid box is available in the shop : Our staffs are taught how to use the first aid box in emergency Fire extinguisher is in the premises CCTV is working 24/7</p>
--	---

d) the prevention of public nuisance

	<p>We don't serve the alcohol for already drunken people who are considerably risk to the general public hence we prevent the public nuisance Use of Alcohol, drugs and Smoking in the premises is strictly prohibited</p>
--	---

e) the protection of children from harm

	<p>The sale of alcohol and tobacco will continue to adhere under our highest ethic principles of ensuring underage children are not sold these products. We operate A strict NO ID NO SALE policy in our shop We maintain a book (refusal book) to write the people's details who tries to buy age restricted products such as alcohol and tobacco Staffs are trained about checking IDs before supply alcohol and tobacco</p>
--	--

Guidance note 11

Please list here steps you will take to promote all four licensing objectives together.

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

Upload proposed plans	
Upload existing plans	

Checklist

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

I/We Hereby declare the Information we have provided is true and Accurate.

I agree to the above statement

	I agree
PaymentDescription	██████████
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	

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

Full name	ARUMUGAM RAMASAMY
Date (DD/MM/YYYY)	28/12/2019
Capacity	OWNER

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

Full name	
Date (DD/MM/YYYY)	
Capacity	

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

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

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

GUIDANCE NOTES

15. This is the address which we shall use to correspond with you about this application.

Please tick to indicate agreement

	I am not a company or limited liability partnership
--	---

Please upload proof of entitlement to work in the UK

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

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK. The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate.

I/We Hereby declare the Information we have provided is true and Accurate.

I agree to the above statement

	Yes
--	-----

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

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: Moore, Ray

Sent: Monday, January 13, 2020 2:36 PM

To: Regen, Licensing;

Cc: Tear, Jayne; 'Graham.S.White@met.pnn.police.uk'; 'Ian.Clements@met.pnn.police.uk'; Gander, Paul; Newman, Paul; Prickett, Mark; Legassick, Bill; Franklin, David; Deidda, Clizia; Chudasama, Sailesh

Subject: RE: Reps with respect to the application for a minor variation to premises license number 870136 wrt ref number 1360855 "Rose Food and Wine", 65 Southqward Park Road, SE16 3TY / Mr Aramugam Ramasamy

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Mr Aramugam RAMASAMY in respect of a minor variation to his license, (which he recently transferred from the previous licensee, Mr Ajmal SAKHZADA), for a variation to the premises license to remove the 6.5% restriction on lagers, beers and ciders.

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

In the application it states the following:-

"We would like to request an extension on selling alcohol hours from our current 23:00 to 23:45. We would also request authorisation to increase sale of alcohol(beer) percentage content from 6.5% to 9%. We have been steadily losing our customers to competitors due to restrictions on beer sale. On daily basis we get many customers asking for these beers. However due to our current restrictions we are unable to serve them and hence losing them to our competitors. This has been severely impacting our profit negatively. The new changes will not impact the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The sale of alcohol and tobacco will continue to adhere under our highest ethic principles of ensuring underage children are not sold these products. We sincerely request you to accept our application for the modifications. It could allow us to satisfy our customer needs and retain them."

The wording of this application would appear to show little appreciation for the principles upon which licensing legislation is based as it seems to imply that if there is a demand for super strength lagers and ciders he should be freely able to profit from that demand irrelevant of the consequences for the local community. Although there was a recent transfer of this license the application implies a full knowledge of the facts that led to this conditions becoming a part of the license and some previous involvement with the previous running of the business. The facts are as follows:-

Officers from Southwark Trading Standards and Southwark Licensing Team visited the shop on Friday 12th April 2019 along with a police officer from the Night Time Economy Team. A quantity of illegal alcohol was seized. It is an offence by way of section 144 of the Licensing Act 2003 to knowingly keep on licensed premises smuggled goods.. The Oranjeboom 8.5% super strength lager was on sale at £1.30 per 500ml can. The minimum price for an 8.5% super strength lager (i.e the duty rate + VAT) is £1.26. It is not tenable that this can could be manufactured; imported and wholesaled for 4p. Furthermore the Food Safety and Hygiene (England) Regulations 2013 require a trader to produce traceable invoice for a food product (which includes alcohol). The owner was not able to provide these documents. Additionally, the Consumer Protection from Unfair Trading Regulations 2008 create an offence for giving the impression that a product can be legally sold when in fact it cannot. The owner, Mr Ajmal SAKHIZADA, could not produce an invoice for the Oranjeboom 8.5%. A total of 40 x 500ml cans of Oranjeboom 8.5% were seized.

Additionally, there were offences by way of section 136 of the Licensing Act 2003 wrt license condition breaches as follows:-

Condition 289 states "That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of 28 days."

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

Neither of these conditions were complied with

No invoices were produced and Mr SAKHIZADA attended for a PACE interview at the council offices. He signed a simple caution for the offences.

In place of a review of the license it was agreed with Mr SHAKHIZADA to vary his license by way of conciliation and to include a 6.5% limit on the strength of beers, lagers and ciders.

The wording of this application is such that this trader does not appear to be a fit and proper person to run licensed premises and as such this variation should not proceed.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Social Regeneration| Regulatory Services

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

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

www.southwark.gov.uk/TradingStandards

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

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

MEMO: Licensing Unit

To	Licensing Unit	Date	21 January 2020
From	David Franklin	Telephone	020 7525 0396
Email	david.franklin@southwark.gov.uk		

Subject: Rose Food and Wine, 65 Southwark Park Road, London SE16 3TY

I write to make representation with regard to the application to vary a premises licence submitted by Arumugam Ramasamy under the Licensing Act 2003 the premises Rose Food and Wine, 65 Southwark Park Road, London SE16 3TY.

My representation is concerned with the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

The details of the variation are described by the applicant as:

“We would like to request an extension on selling alcohol hours from our current 23:00 to 23:45. We would also request authorisation to increase sale of alcohol (beer) percentage content from 6.5% to 9%. We have been steadily losing our customers to competitors due to restrictions on beer sale.

On daily basis we get many customers asking for these beers. However due to our current restrictions we are unable to serve them and hence losing them to our competitors. This has been severely impacting our profit negatively.

The new changes will not impact the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The sale of alcohol and tobacco will continue to adhere under our highest ethic principles of ensuring underage children are not sold these products.

We sincerely request you to accept our application for the modifications. It could allow us to satisfy our customer needs and retain them.”

The application asks for the closing time to be extended to 00:00 midnight.

The premises is situated within a residential area, the hours applied for are exceed the guidance hours in the Southwark Statement of Licensing Policy for this type of premises, which recommends the following closing times:

- Off-Licences and alcohol sales in grocers and supermarkets is 00:00 hours daily;

The application does not address why this later hour of operation will not cause additional noise nuisance from patrons using the premises between 23:00 and 00:00 hours and waking children.

I recommend therefore to promote the licensing objectives that this part of the variation is refused.

I also support the Trading Standards in promoting the licensing objectives to advise refusal of the request to vary condition 340 that states:

“That no beers / ciders in single cans, bottles or multipacks with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises, unless prior written permission has been obtained from a Metropolitan Police Licensing Officer from Southwark. Such permission must be kept at the premises and made available immediately on request to the relevant authorities.”

The variation asks for the permitted ABV to be raised from 6.5% to 9%. Beers and ciders with an ABV of between 6.5 and 9% are frequently purchased by street drinkers as a low cost way of

consuming intoxicating quantities of alcohol that can result in antisocial behaviour and public nuisance in surrounding area.

The application does not address these issues.

The condition as is does allow for specialist beers, usually sold at a premium price, to be sold with the agreement of the Police and the Council's Trading Standards.

The Southwark statement of licensing policy 2019–21 can be found on this web link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

David Franklin
In the capacity of the Licensing Responsible Authority



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/013/20

Date: 23rd January 2020

Dear Sir/Madam

Re:- Rose Food & Wine, 65 Southwark park Road, London SE16 3TY

Police are in possession of an application from the above for a variation to the premises licence. The application is to extend the hours and to change the condition restricting the sale of beers and ciders from 6.5% to 9%.

The premises are situated in a residential area as designated by the Southwark Statement of Licensing Policy. The hours granted are already in line with that, recommended, and any further extension to the hours will take them outside the policy. We object to any later hours outside the policy, as this would only add to the crime and disorder in the area and later drinking within the area.

Trading standards and police officers from the Night Time Economy team visited the premises in April 2019 and discovered a number of offences and breaches of the licence. As part of the process of dealing with the premises, it was agreed that a restriction to the sale of High strength Beers and ciders would be placed on the licence by variation rather than the licence be reviewed.

It is clear that the applicant places profit above the licensing objectives, conditions on the licence and does not fully understand the reason for restriction the sale above 6.5% ABV as he states it will not have an impact on the licensing objectives.

The metropolitan police object to the granting of the variation in full as additional hours and increasing the ABV to 9% will attract alcohol dependent people, and add to the local crime and disorder.

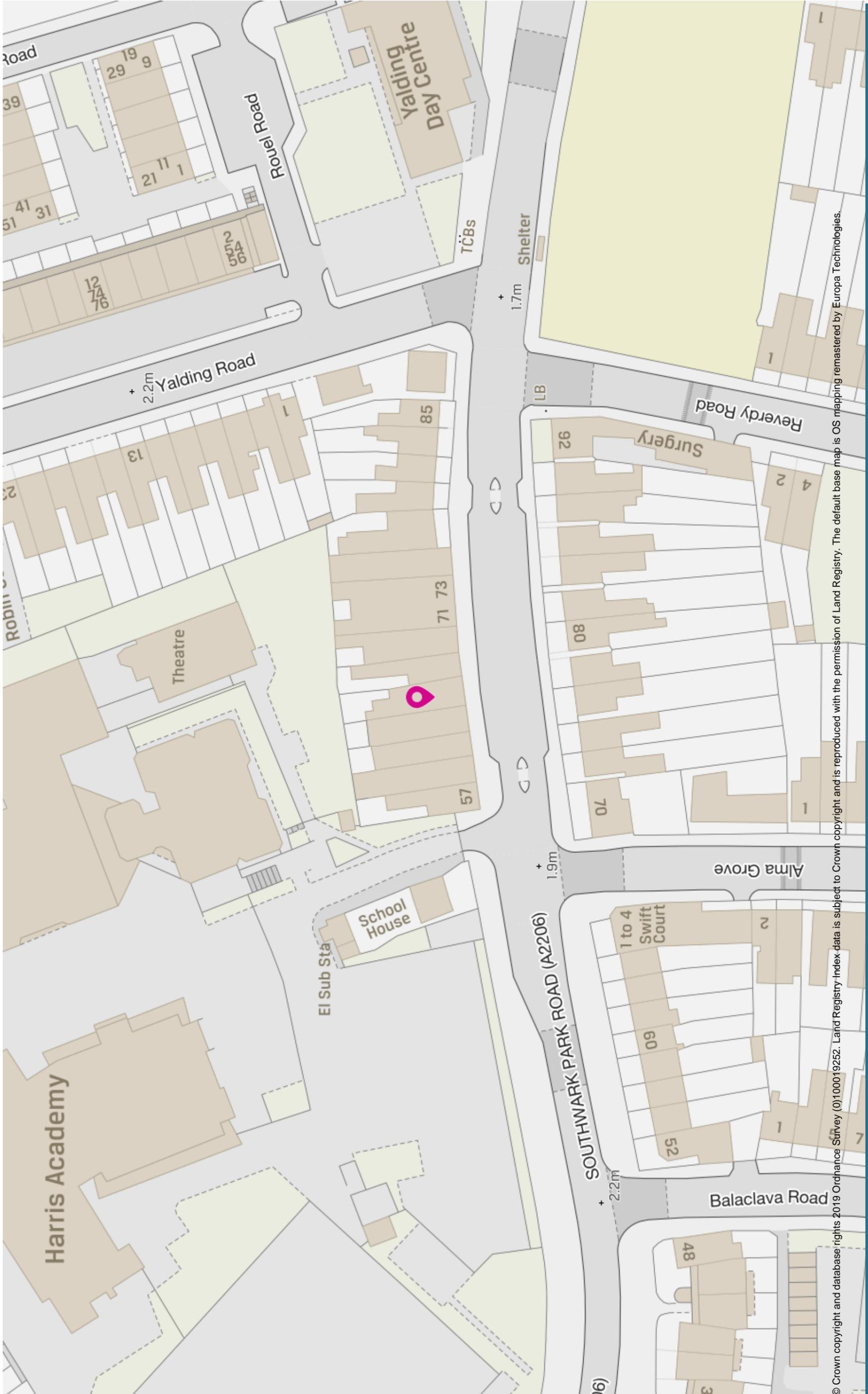
The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD
 Southwark Police Licensing Unit
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APPENDIX D

<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Notes</u>
14/07/2017	22:10	Richard Kalu	Visit to premises with Farhad Chowdhury. Premises closed ATOV.
21/09/2019	19:45	Charlie Jerrom	Visit to the premises with Roy Fielding, the shop has recently changed applicant. The new manager was not around and the DPS was on holiday. The man behind the counter did hold a personal licence, but was not confident about completing an inspection, as he was not aware of where any documents were being kept. I arranged a re-visit with the owner during the week. Action: Append to APP
25/01/2020	00:52	Charlie Jerrom	Visit to the premises with Ray Moore, the shutters were down and no variation poster was being displayed. I will be emailing the case officer to explain no poster was on display.



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Item No. 6.	Classification: Open	Date: 7 May 2020	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Unit 5, 12 – 16 Blenheim Grove, London SE15 4QL	
Ward(s) or groups affected:		Rye Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Larry's Restaurant Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Unit 5, 12 – 16 Blenheim Grove, London SE15 4QL.
2. Notes:
 - The application seeks to vary the premises licence held under the Licensing Act 2003 in respect of the premises known as: Unit 5, 12 – 16 Blenheim Grove, London SE15 4QL under section 34 of the Act. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and / or other persons and is therefore referred to the sub-committee for determination. The premises licence is attached as Appendix A.
 - Paragraphs 10 and 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B.
 - Paragraphs 13 to 19 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached as Appendices C and D.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence in respect of the premises known as Unit 5, 12 – 16 Blenheim Grove, London, SE15 4QL allows the following licensable activities:
- The sale of alcohol to be consumed on the premises:
 - Monday to Thursday: 07:00 to 23:30
 - Friday: 07:00 to 00:30
 - Saturday: 09:00 to 00:30
 - Sunday: 09:00 to 17:30
 - Recorded music:
 - Monday to Friday: 06:00 to 00:30
 - Saturday and Sunday: 08:00 to 00:30
 - Opening hours:
 - Monday to Thursday: 06:30 to 00:00
 - Friday and Saturday: 06:30 to 01:00
 - Sunday: 08:00 to 18:00
 - Matthew Bushnell is the designated premises supervisor (DPS) in respect of the premises.
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 7 February 2020 Larry's Restaurant Limited applied under section 34 of the Licensing Act 2003 to vary the premises licence issued in respect of the premises known as Unit 5, 12 – 16 Blenheim Grove, London SE15 4QL.

11. The application is summarised as follows:

- To amend the opening hours to:
 - Monday to Thursday: 06:00 to 00:30
 - Friday to Saturday: 06:00 to 01:30
 - Sunday: 06:00 to 00:30
- To amend the hours permitted for the sale of alcohol to:
 - Monday to Thursday: 07:00 to 00:00 (midnight)
 - Friday to Saturday: 07:00 to 01:00
 - Sunday: 07:00 to 00:00
- To amend the hours permitted for recorded music indoors to:
 - Monday to Thursday: 06:00 to 00:00
 - Friday to Saturday: 06:00 to 01:00
 - Sunday: 06:00 to 00:00
- To apply to allow the provision of late night refreshment as follows:
 - Monday to Thursday: 23:00 to 00:00
 - Friday to Saturday: 23:00 to 01:00
 - Sunday: 23:00 to 00:00
- To apply to allow for the sale of alcohol to be consumed off the premises (off sales).
- To amend the floor plan in respect of the premises.

NB – The applicant amended the application and now only seeks to amend the floor plan in respect of the premises and to allow for off sales of alcohol at the premises.

- The application form provides the applicant's operating schedule. Parts F, I, J, K, L and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full, with reference to the four licensing objectives, as defined in the Licensing Act 2003. Should an amended premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of any additional conditions to be included in the licence.

12. A copy of the application is attached as Appendix B.

Representations from responsible authorities

13. The Metropolitan Police Service and this council's licensing responsible authority have submitted representations regarding the application.

14. The Metropolitan Police Service initially objected to the extension of operating hours applied for, and inclusion of an external area in respect of the amended floor plan. In subsequent correspondence with the applicant the Metropolitan Police Service proposed that the application be modified to include measures, relating to off sales of alcohol being sold in sealed containers and also the licensee procuring permission from the council for the use of any external area prior to using the external area, which would become conditions of any licence issued regarding the application. The applicant agreed to the conditions proposed by the Metropolitan Police Service. The Metropolitan Police Service withdrew their representation.
15. The licensing responsible authority's representation notes that the premises are located in the Peckham cumulative impact policy area. The licensing responsible authority states that according to section 130 of this council's statement of licensing policy there is a rebuttable presumption meaning that applications for new premises licences and / or variations to existing premises licences that are likely to add to the existing negative cumulative impact of licensed premises in the Peckham cumulative impact policy area will normally be refused, or shall be subject to certain limitations.
16. In such circumstances it is for the applicant to demonstrate that the application will not, if granted, negatively impact on any of the licensing objectives. The licensing responsible authority contend that the applicant has not addressed the presumption to refuse this application and recommend refusal of the application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the Peckham cumulative impact policy area as a result of the proposed changes to the premises licence. The licensing responsible authority requests that the applicant provide a written dispersal policy and an 'accommodation limit' for the premises (an 'accommodation limit' being the maximum number of people permitted at the premises at any one time). The licensing responsible authority also proposes that the application be modified to include measures, relating to the sale of alcohol to be consumed off the premises, which would become conditions of any licence issued regarding the application. No objection in this representation was raised concerning the amendment to the layout of the premises.
17. Copies of the representations submitted by responsible authorities, and related correspondence, are attached to this report as Appendix C.

Representations submitted by other persons

18. Five other persons (all of whom are local residents) have submitted representations objecting to the application. In summary these representations contend that the local area is already saturated with premises licensed to sell alcohol, that the number of premises licensed to sell alcohol in the local area contribute significantly to crime & disorder, nuisance and anti social behaviour in the locale, that any extension of the premises' operating hours will further add to aforementioned problems in the area and that off sales of alcohol at the premises should not be permitted. The representations object to the application. No objections in these representations were raised concerning the amendment to the layout of the premises.
19. Copies of the representations submitted by other persons, and related correspondence, are attached to this report as Appendix D.

Conciliation

20. The applicant was sent copies of the representations and was advised that the applicant could contact the responsible authorities directly should the applicant wish

to attempt to conciliate the responsible authorities. The applicant was further advised that if the applicant wished to respond to the other persons' representations then the response should be provided to the licensing officer in charge of the application who would then forward the response to the other persons.

21. Following correspondence between the Metropolitan Police Service and the applicant, the Metropolitan Police Service withdrew their representation.
22. The applicant replied to the licensing responsible authority's representation, however at this time the licensing responsible authority's representation remains outstanding and must be considered by the licensing sub committee.
23. The other persons were advised of amendments made to the application; however at this time all of the other persons' representations remains outstanding and must be considered by the licensing sub committee.
24. At the hearing to determine the application the licensing sub-committee will be apprised as to any conciliation, whether partial or full, of the responsible authorities and / or any other persons.

Operating history

25. The premises licence in respect of the premises was originally issued on 11 January 2013.
26. The licence was transferred to Larry's Restaurant Limited on 13 January 2020. On 15 January 2020 Mr Matthew Bushnell was nominated as the designated premises supervisor in respect of the premises.
27. On 7 February 2020 Larry's Restaurant Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Unit 5, 12 – 16 Blenheim Grove, London SE15 4QL.

Deregulation of entertainment

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

Map

31. Due to IT problems a map of the area that the premises are located in could not be produced for this report. If a map can be produced prior to the hearing it will be made available prior to or at the hearing.
32. The following premises are also located on Blenheim Grove and are licensed as indicated:

Il Giardino Restaurant, 7 Blenheim Grove, London SE15 4QS licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday: 11:00 to 00:00
 - Sunday: 12:00 to 23:30
- The provision of late night refreshment:
 - Monday to Saturday: 11:00 to 00:00
 - Sunday: 12:00 to 23:30

Honest Burgers, Units 1&2, 12-16 Blenheim Grove, London SE15 4QL licensed for:

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

Levan, Units 3 & 4, 12-16 Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Friday: 07:00 to 23:30
 - Saturday: 09:00 to 23:30
 - Sunday: 09:00 to 16:30

Brick Brewery, Railway Arch 209, Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on and off the premises
 - Monday to Friday: 11:00 to 22:30

Bar Story, Arch 213, Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday: 10:00 to 00:00
 - Sunday: 10:00 to 23:30

- The provision of late night refreshment:
 - Monday to Saturday: 10:00 to 00:30
 - Sunday: 10:00 to 00:30

Serious Pig, Railway Arch 221, Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday: 10:00 to 19:00

London Barbeque School, 3 Dovedale Business Centre, Blenheim Grove, London SE5 4QN licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday: 11:00 to 22:00

The Sassoon Gallery, 4-5 Dovedale Business Centre, Blenheim Grove, London SE5 4QN licensed for:

- The sale of alcohol to be consumed on the premises, films, live music, recorded music, anything similar to live or recorded music and performance of plays:
 - Monday to Sunday: 12:00 to 00:00

Little Bird Gin Nights & Weekends, 22a, Dovedale Business Centre, Blenheim Grove, London SE15 4QN licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday: 10:00 to 19:00
- The sale of alcohol to be consumed off the premises:
 - Thursday to Sunday: 10:00 to 22:00.

Southwark Council saturation policy for Peckham

33. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in March 2019 when full council assembly approved the 2019 - 2021 statement of licensing policy.
34. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
35. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the

applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

36. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark Council statement of licensing policy

37. Council assembly approved Southwark's statement of licensing policy 2019 - 2021 on 27 March 2019. The policy came into effect on 28 March 2019. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

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

38. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

39. According to the statement of licensing policy the premises are located in Peckham major town centre area. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located in Peckham major town centre area:

- Restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00
- Public houses, wine bars, or other drinking establishments and bars in other types of premises:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00.

Resource implications

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

Consultation

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

45. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
46. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
47. Relevant representations are those which
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

48. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation.

Conditions

49. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
50. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
51. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
52. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
53. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
54. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

56. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.

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

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

57. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
58. 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.
59. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

60. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
61. 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.
62. Under the Human Rights Act 1998 the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
63. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

64. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the premises licence
Appendix B	Copy of the application
Appendix C	Copies of the representations submitted by responsible authorities and related correspondence
Appendix D	Copies of the representations submitted other persons and related correspondence

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	21 April 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	23 April 2020	

Licensing Act 2003 Premises Licence



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

Premises licence number

871571

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Larry's Restaurant Limited Unit 5 12-16 Blenheim Grove <small>Ordnance survey map reference (if applicable): 534204176297</small>	
Post town: London	Post code: SE15 4QL
Telephone number	

Licensable activities authorised by the licence Recorded Music - Indoors Sale by retail of alcohol to be consumed on premises
--

The opening hours of the premises. For any non standard timings see Annex 2
Monday 06:30 - 00:00 Tuesday 06:30 - 00:00 Wednesday 06:30 - 00:00 Thursday 06:30 - 00:00 Friday 06:30 - 01:00 Saturday 06:30 - 01:00 Sunday 08:00 - 18:00

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

The times the licence authorises the carrying out of licensable activities For any non standard timings see Annex 2 of the full premises licence
Recorded Music - Indoors Monday 06:00 - 00:30 Tuesday 06:00 - 00:30 Wednesday 06:00 - 00:30 Thursday 06:00 - 00:30 Friday 06:00 - 00:30 Saturday 08:00 - 00:30 Sunday 08:00 - 00:30

Sale by retail of alcohol to be consumed on premises

Monday	07:00 - 23:30
Tuesday	07:00 - 23:30
Wednesday	07:00 - 23:30
Thursday	07:00 - 23:30
Friday	07:00 - 00:30
Saturday	09:00 - 00:30
Sunday	09:00 - 17:30

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

Larry's Restaurant Limited
Unit 3
12-16 Blenheim Grove London
SE15 4QL

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

12113842

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

Matthew Bushnell

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.:

Authority.:

Licence Issue date: 15/01/2020



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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

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

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification

policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

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

489 The responsible person shall ensure that -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

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.

4AF That no customers leave the premises with any open containers of alcohol.

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.

298 That signs shall be exhibited at the front of the premises stating "drugs free zone".

307 That the number of persons inside the premises be limited to 45 and 15 on the premises curtilage on Blenheim Grove

311 That notice shall be prominently places requesting patrons to leave quietly.

332 All children under 18 to be accompanied by a responsible adult.

340 That signs shall be exhibited at the front of the premises stating a smoke free zone and also provide cigarette bins outside the premises.

341 That children shall only be permitted on the premises up to 7pm

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

Annex 4 - Plans - Attached

Licence No. 871571

Plan No. N/A

Plan Date October 2012

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Larry's Restaurant Limited

(Insert name(s) of applicant)

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

Premises licence number
871571

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Unit 5, 12 – 16 Blenheim Grove, London			
Post town	London	Postcode	SE15 4QL

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£9,100

Part 2 – Applicant details

Daytime contact telephone number	██████████		
E-mail address (optional)	████████████████████		
Current postal address if different from premises address	██████████ ██████████ ██████████		
Post town	██████████	Postcode	██████████

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

 Yes
No

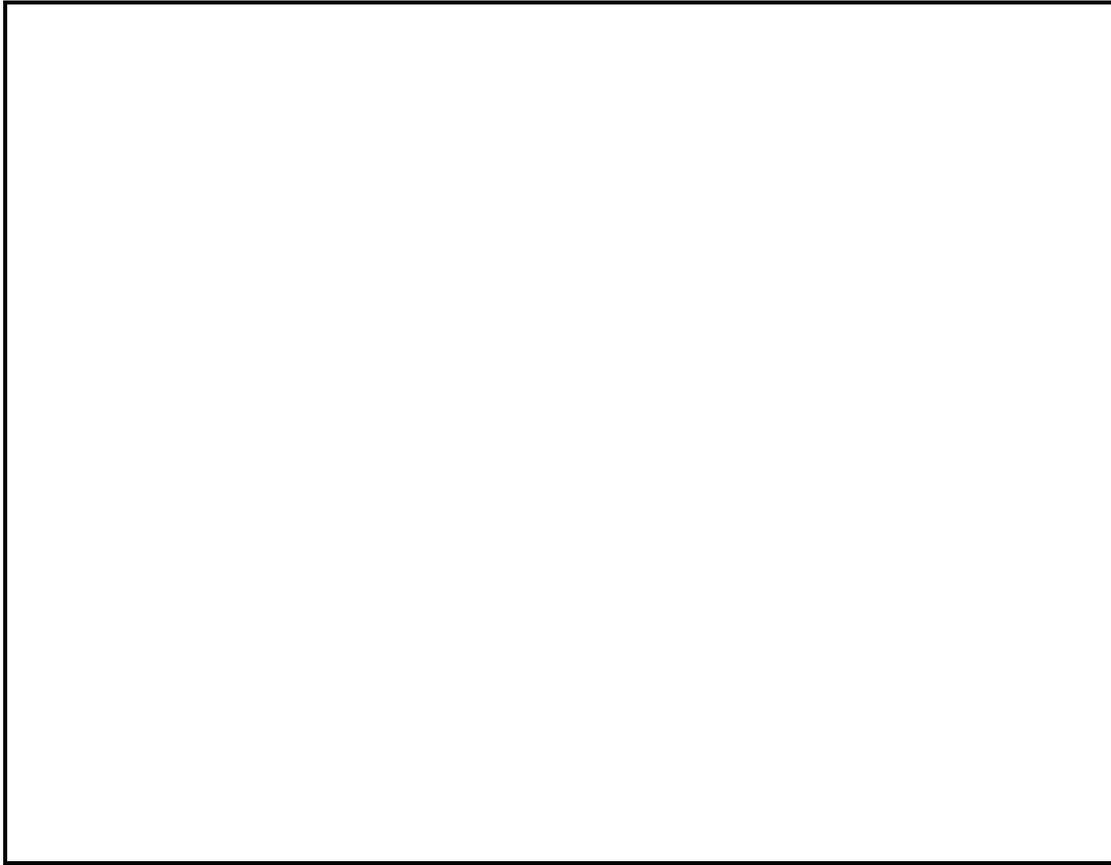
If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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

We'd like to vary the following items on the licence:

1. Amend the opening hours to
Monday – Thursday 6:00 – 00:30
Friday – Saturday 6:00 – 01:30
Sunday 6:00 – 00:30
2. Apply for an off-licence as well as on-licence
3. Amend sale of alcohol to:
Monday – Thursday 7:00 – 00:00
Friday – Saturday 7:00 – 01:00
Sunday 7:00 – 00:00
4. Apply for late night refreshment
Monday – Thursday 23:00 – 00:00
Friday – Saturday 23:00 – 01:00
Sunday 23:00 – 00:00
5. Amend recorded music indoors to:
Monday – Thursday 6:00 – 00:00
Friday – Saturday 6:00 – 01:00
Sunday 6:00 – 00:00
6. Amend the floor plan to the new layout attached.



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

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 5) Serving tea coffee and desserts to customers after 11pm.		
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) None		
Thur	23:00	00:00			
Fri	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) None		
Sat	23:00	01:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	07:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 6) None		
Tue	07:00	00:00			
Wed	07:00	00:00			
Thur	07:00	00:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) None		
Fri	07:00	01:00			
Sat	07:00	01:00			
Sun	07:00	00:00			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10). None</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6) None
Day	Start	Finish	
Mon	06:00	00:30	
Tue	06:00	00:30	
Wed	06:00	00:30	
Thur	06:00	00:30	
Fri	06:00	01:30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7) None
Sat	06:00	01:30	
Sun	06:00	00:30	

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

None: Just changes in line with the above.

Please tick as appropriate

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

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

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

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

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

We have robust health and safety policies and procedures in place, staff training on induction, we have fire safety equipment which is checked regularly.

b) The prevention of crime and disorder

We have an intruder alarm and keep limited cash on the premises.
 There are limited customers on site. Around 45 - 50 at full capacity.
 Staff training will be done to ensure they are comfortable dealing with challenging customers.
 A clear and legible notice inside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
 As a late night refreshment premises, custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

c) Public safety

We train out team in health and safety.
 We have fire alarms on the premises and fire fighting equipment.
 All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
 Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
 The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
 Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
 The company's telephone number is advertised to customers and neighbours in the event they need to contact us.
 Waste will be collected by Southwark council in line with their terms which ensure minimum disruption to our neighbours.

e) The protection of children from harm

The space will operate as a cafe/restaurant in the day. There will be some children likely to come with their parents. High chairs will be available for children who are too small to sit on the banquette or chairs.

We have a challenge 25 policy which will be displayed.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	07.02.20
Capacity	Director

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
[REDACTED]			
Post town		Post code	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

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

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

KEY

EXIT	=Illuminated fire exit sign
	=Zone covered by emergency lighting.
S	=Smoke alarms and Fire alarms sounder.
H	=Heat alarms.
	=Call point.
	=Areas where licensable activities take place

Total proposed covers Internal	30
Total proposed covers External	16

THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS AT PRESENT. THIS MAY BE VARIED FROM TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT

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



1 Proposed General Arrangement
Scale: 1:50



Notes

Revision	Date	Description
-	17/02/20	Licensing

Do not scale. All dimensions to be confirmed on site. Information contained in this drawing is the sole copyright of the designer and is not to be reproduced without permission.

Project	Larry's Peckham
Drawing title	Proposed Licensing
Scale	1:50 @ A3
Date	February 20
Status	LICENSING
Drwg. No.	387_LL_01
Rev	-



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

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

Tel: 020 7232 6756

Email:

SouthwarkLicensing@met.police.uk

Our reference: MD/21/031/20

date: 4th March 2020

Dear Sir/Madam

Re:- Larry's Restaurant, unit 5, 12-16 Blenheim Grove, London SE15 4QL

Police are in possession of an application from the above for a variation to the current premises licence. The application is to extend the alcohol hours in line with the closing time and add the sale of alcohol off the premises.

The premises are situated inside the Peckham Cumulative impact zone and the presumption on all applications change to that of refuse.

We object to the change of alcohol sales change as this fails to leave 30 minutes drinking up time. Any off sales should be purchased in sealed containers prior to the finish.

The application fails to mention a change of layout yet the plans submitted clearly indicate tables outside the premises on the pavement. The pavement area and the alleyway to the side are not suitable for an outside area and any use of this we object to as would obstruct the pavement. The picture below indicates that the premises is already using the outside area and how much it restricts pavement to pedestrians.

The Following is submitted for your consideration,

Yours Sincerely

Pc Graham White 2288AS

Licensing Officer
Southwark Police Licensing Unit
Tel: 0207 232 6756
Graham.S.White@met.police.uk



On 20 Apr 2020, at 12:11, <Graham.S.White@met.police.uk>
<Graham.S.White@met.police.uk> wrote:

I understand you have applied for a tables and chairs licence from the council and that this is under consideration.

I am happy to withdraw my objection if the following is agreed.

No extra hours are being applied for and the attached plans are used without the alley being included in licensed area. Also the following are included as conditions on the licence

1. Any off sales should be purchased in sealed containers prior to the finish.
2. The outside area shall only be used if the required permission is obtained from the local authority to use the public highway and this shall be made available on request by officers of the police and council immediately on request.

You will need to confirm the above by email.

Regards

Graham

Graham White | Constable
MPS Central South BOCU
Neighbourhoods Policing- Partnership & Prevention
Licensing Officer – Southwark
Mobile

From:

Sent: 20 April 2020 14:06

To: White Graham S - AS-CU <Graham.S.White@met.police.uk>

Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>; <Jayne.Tear@southwark.gov.uk>
<Jayne.Tear@SOUTHWARK.GOV.UK>

Subject: Re: Larry's Restaurant Limited MD/21/031/20 unit 5, 12-16 Blenheim Grove, London SE15 4QL

Hi Graham,

Many thanks for taking time to consider our reply.

We're happy to have those conditions added and there were already words to that effect going in. We're in the process of getting the outdoor licence and should have that soon.

Thanks,

Director

From: Graham.S.White@met.police.uk [mailto:Graham.S.White@met.police.uk]

Sent: Monday, April 20, 2020 2:14 PM

To: McArthur, Wesley

Cc: Tear, Jayne

Subject: FW: Larry's Restaurant Limited MD/21/031/20 unit 5, 12-16 Blenheim Grove, London SE15 4QL

Wes,

See below agreement we withdraw the objection

Thanks

Graham

Graham White | Constable
MPS Central South BOCU
Neighbourhoods Policing- Partnership & Prevention
Licensing Officer – Southwark
Mobile 07880 053191
MPS Internal 726756
MPS Telephone 0207 232 6756

MEMO: Licensing Unit

To	Licensing Unit	Date	6 March 2020	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Larry's Restaurant Limited, Unit 5, 12-16 Blenheim Grove, London, SE15
4QL - Application to vary the premises licence

I write with regards to the above application to vary the premises licence submitted by Larry's Restaurant Limited under the Licensing Act 2003, which seeks the following licensable activities:

- To reduce hours for recorded music (indoors) on Sunday to Thursday (by half hour) to 00:00 and to extend hours on Friday and Saturday (by half hour) to 01:00
- To increase the hours for supply of alcohol (on the premises) on Monday to Thursday (by half hour) to 00:00, on Friday and Saturday (by half hour) to 01:00 and on Sunday (by 6 and a half hours) to 00:00
- To add supply of alcohol (off the premises) on Sunday to Thursday from 07:00 to 00:00, Friday and Saturday from 07:00 to 01:00
- To add Late night refreshment (indoors and outdoors) on Sunday to Thursday from 23:00 to 00:00 and on Friday and Saturday from 23:00 to 01:00
- Overall opening times shall be on Sunday to Thursday from 06:00 to 00:30 and on Friday and Saturday from 06:00 to 01:30
- The application also wants to change the existing plans which will now include an outside area to the premises.

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2019 – 2021.

The premises is situated in Peckham Major Town Centre and under the Southwark Statement of Licensing policy 2019 - 2021 the appropriate closing times for public houses wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours. The appropriate closing time for restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

This premises also falls within the Peckham CIP Area.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham area as defined in paragraph 148 of the policy and as a bar this premises falls into the class of premises in 149 of the policy.

Therefore under 130 of the policy there is a rebuttable presumption that applications for new premises licences/ variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

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

Within the operating schedule it is stated: '*The space will operate as a café restaurant in the day*', therefore I am assuming that the premises will operate as a bar in the evening. I ask the applicant to clarify this point or to confirm that the premises will operate as a restaurant at all times.

The cumulative impact Policy does not apply to restaurants and to avoid any ambiguity as to the premises will operate as a restaurant I ask the applicant to consider adding the following condition to the operating schedule:

- Intoxicating liquor shall not be sold or supplied '*on*' the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal

Further to this applicant has not offered any further control measures within the application to promote the licensing objectives and due to the limited information provided I ask the applicant to provide the following:

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

And to consider adding further conditions as follows:

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

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

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

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

From:**Sent:** Monday, March 09, 2020 8:21 AM**To:** Tear, Jayne**Cc:** Regen, Licensing; McArthur, Wesley**Subject:** Re: REPRESENTATION RE LARRY'S RESTAURANT**Importance:** High

Dear Jayne,

Many thanks for taking the time to consider our application at Larrys.

In response to your items, I'm hoping the following responses deal with your objections and if so would you be happy to remove your representation if we apply the following conditions and remove other items from the variation.

A couple of things to clarify:

- a. The premises will operate as a cafe/restaurant at all times.
- b. as a result of feedback from local residents we've taken the decision to not change our opening hours or sale of alcohol hours at this time. We'd like to get Larrys open and trading with the current trading hours so that the local population can get used to us in this location and understand that we do not pose any further disturbance to them.

As we need to change the floor plan etc., I believe we need to proceed with the rest of the application. So I hope the following responds to your other objections

1. We agree to make no changes to the opening hours or sale of alcohol hours.
2. You've asked us to add the following condition. "Intoxicating liquor shall not be sold or supplied 'on' the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal".

Raymond Binya the Principal Environmental Protection Officer of Southwark has agreed that we can use the following statement in place of the one above. I hope you are in agreement.

"The sale of food shall be promoted with the sale of alcohol"

3. An accomodation limit for the premises (to be conditioned)

Our licence condition 307 already states the following which I hope is sufficient:

"307 That the number of persons inside the premises be limited to 45 and 15 on the premises curtilage on Blenheim Grove"

3. To provide a written dispersal policy for the premises. (to be conditioned)

I'm very happy to have a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. As a restaurant, our customers leave as they finish their meal. As a result of different seating times through the night, people finish their meal at different times and so there is never a mass exodus of the building. At the end of the night it is typical for tables to leave the premises one at a time within 5 minute intervals as they have come to the natural end of their night and are going home. It is not the case that we would ever find a full restaurant at closing time and the need to ask guests to leave en masse. Please can you provide an example of a policy you'd deem suitable for a restaurant premises such as ours where there is not a mass exodus of customers.

4. To consider adding further conditions as follows:

4.1 Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises

We already have a condition no. 4AF "That no customers leave the premises with any open containers." I'm happy to amend to your suggested wording.

4.2 That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises

Again very happy to add signage to that effect.

Finally, I should say that I do not think we "further contribute to the negative local cumulative impact on any one or more of the licensing objectives". We address all the licensing objectives in the following ways and sell alcohol in the most sensible way possible. We are a restaurant, an existing condition (number 353) already states that the sale of food shall be promoted with the sale of alcohol. Naturally we do this as our core business is a food led business. It is sold in small quantities at much higher than average prices.

We operate a highly responsible business, from considering the sourcing of our products, the pay of our staff and donations to charities to the supply of alcohol and impact on our neighbourhood. We take great care in every part of our business to have the least impact we can while providing a great service to the local community. We are a great addition to the neighbourhood, providing a high quality dining experience for those in the area. We take care to prevent crime and disorder. We have a challenge 25 policy in place. We have CCTV, a limit to customers on site, and never have a mass exodus from the premises. We train all our staff on H&S on induction, have a fire alarm, fire fighting equipment, fire safety procedures and training. We have strict food safety standards, emergency lighting and maintain a clean, tidy and safe space to work in for our employees and visit for our customers.

As is natural with our business as a restaurant, both customers and staff leave the premises at different times and in small groups and are never loud. We ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents. Customers are asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly. The company's telephone number is advertised to customers and neighbours in the event they need to contact us. Waste will be collected by Southwark council in line with their terms which ensure minimum disruption to our neighbours.

Regarding safety to children. The space operates as a cafe/restaurant. There will be some children likely to come with their parents in the day. High chairs are available for children who are too small to sit on the banquette or chairs. We have a challenge 25 policy which is displayed.

With the above in mind, are you happy to withdraw your objections and are there any other conditions that you deem necessary to grant the licence as requested pending the amendments above.

Many thanks,

Director

From: McArthur, Wesley
Sent: Monday, March 16, 2020 8:06 AM
To: Tear, Jayne
Cc: Regen, Licensing;
Subject: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Hi Jayne,

Please return any comments you have regarding the email below ASAP.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

On 17 Mar 2020, at 20:53, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Dear ,

The above application now seeks to add off sales to the premises licence and allow for a change of layout at the premises.

No amendment is being made to the operating times regarding on sales.

In her representation Jayne suggested the following conditions:

1. Intoxicating liquor shall not be sold or supplied 'on' the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.
2. An accommodation limit for the premises (to be conditioned). <<This is already covered by condition 307 and a further condition isn't required, copy of existing licence attached>>
3. To provide a written dispersal policy for the premises. (to be conditioned).
4. Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.
5. That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol.

Please confirm whether you accept conditions 3 – 5 above (subject to Jayne providing her preferred condition wording regarding point 3, once you have provided her with a dispersal policy).

Regards,

Wesley McArthur

Principal Enforcement Officer

From:**Sent:** Wednesday, March 18, 2020 8:30 AM**To:** McArthur, Wesley**Cc:** Tear, Jayne**Subject:** Re: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Hi Wesley and Jayne,

I hope you are well. It would be great to chat with you both today particularly about the first item. If it would help I would be happy to meet you on site to show you the space.

In response:

1. Intoxicating liquor shall not be sold or supplied 'on' the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal. - **Please can we amend the wording to "The sale of food shall be promoted with the sale of alcohol"**
2. An accommodation limit for the premises (to be conditioned). <<This is already covered by condition 307 and a further condition isn't required, copy of existing licence attached>> **Great thanks for the confirmation**
3. To provide a written dispersal policy for the premises. (to be conditioned). **Agreed**
4. Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises. **Agreed**
5. That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol. **Agreed**

Please call me when you have a moment. As a hospitality business I'm sure you can imagine we're in a tricky position at the moment so if I don't answer the first time I'd be grateful if you could call back or leave a number I can get you on.

Many thanks,

Director

From: McArthur, Wesley**Sent:** Wednesday, March 18, 2020 8:48 AM**To:****Subject:** RE: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Hi ,

There is no need for a site meeting.

If you have not provided Jayne with a dispersal policy please do so ASAP. As discussed just now, example dispersal policies are attached.

Regards,

Wesley McArthur

From: [REDACTED]
Sent: Wednesday, March 18, 2020 8:49 AM
To: McArthur, Wesley
Cc: Tear, Jayne
Subject: Re: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Hi Jayne,

To follow on from my last email.

Bearing in mind that we are not changing the hours for on sales and we do not currently have restrictions regarding on sales being ancillary to a table meal can I suggest that the following representation be removed.

Intoxicating liquor shall not be sold or supplied 'on' the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.

If you would like to keep a statement that does substantially the same thing I'm happy for you to add the following wording: "The sale of food shall be promoted with the sale of alcohol".

Thanks,

Director

From:
Sent: Friday, April 10, 2020 1:39 PM
To: McArthur, Wesley; Tear, Jayne
Subject: Re: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)
LARRYS RESTAURANT LIMITED APPLICATION

Hi Both,

Please find attached the Larrys Dispersal Policy.

You will note that they are substantially the same as the sites are next door to each other and we use the same policies across all our sites. As before, sorry for the delay.

Thanks,

Director

On 15 Apr 2020, at 17:51, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Hi ,

There was no dispersal policy attached to the email I received.

Jayne – once Matt has submitted a dispersal policy please provide any further comments you may have ASAP.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From:

Sent: Thursday, April 16, 2020 12:29 PM

To: McArthur, Wesley

Cc: Tear, Jayne; Franklin, David

Subject: Re: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Apologies now attached...

Thanks,

Director

From: McArthur, Wesley

Sent: Monday, April 20, 2020 10:22 AM

To: Tear, Jayne

Cc: Franklin, David

Subject: RE: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Hi Jayne,

Please return any comments you may have.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

Party 1**From:****Sent:** Friday, February 28, 2020 10:30 AM**To:** Regen, Licensing**Subject:** Unit 5, 12-16 Blenheim Grove, SE15 4QL

Dear Licencing,

I am writing to object to a licence application for Larry's of Unit 5, 12-16 Blenheim Grove, SE15 4QL. I strongly object to the later licence allowing alcohol to be served until 1pm. Blenheim Grove is already overrun with people leaving Bussey Building, Peckham Audio and Bar Story. The impact of late night drinking is very unpleasant for people living locally. Please do not grant a licence any later than 11pm anywhere on Blenheim Grove. This application is for a restaurant, which surely does not need to serve until 1am.

The impact on local people of so many late night bars is very unpleasant. There are drug taking and selling in the street, people fighting, urinating and leaving cans and bottles strewn in the street. Please dont permit later licences so close to residential houses, it is already really hard to live near and many people with children are moving or thinking of moving as it's so unpleasant to live near.

Best Regards,

Party 2

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

From:

Sent: Friday, February 28, 2020 8:39 PM

To: Regen, Licensing

Subject: License application - Larry's Restaurant Limited

Hello,

I would like to raise an objection against the application for a later alcohol license for Larry's Restaurant Limited, Unit 5, 12-16 Blenheim Grove, London SE15 4QL.

Based on the issues residents have had to contend with over the past few years with regards to alcohol licensing, I believe allowing one establishment to have a 1am license will set a precedent for other establishments to reapply to follow suit, should the later license be granted. Blenheim Grove is predominately a residential street and any alcohol licenses should reflect this.

I believe a license of 11pm would be sufficient for a small restaurant establishment and would not be detrimental to their business.

Kind regards,

Party 3

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

From:

Sent: Monday, March 02, 2020 12:32 PM

To: Regen, Licensing

Cc: Ali, Jasmine

Subject: Larry's on Blenheim Grove

Hello

I would like to register a strong objection to the application for a licence until 1am at Larry's on Blenheim Grove.

I hope you are aware of the huge problems we've had on this street in the past due to antisocial behaviour, noise, rubbish etc. As a community we are really fed up with this and are working together to get a far better balance between drinking and the people that live here, including many with young children, like me. Unfortunately the balance has always been overwhelmingly in favour of drinking establishments and little regard given to the genuine problems we have and our inability to live well in our own neighbourhood. As you are no doubt aware the area is recognised as "saturated".

Recently the council agreed to reject the extension of Bar Story's licence in the same road. I hope you can support the needs of the local community in keeping the hours of this place to a far earlier schedule (10pm in the week and max 11pm at weekends) plus ensure that there is sufficient support (police etc) to deal with any problems that arise.

I am cc'ing our local councillor who I hope can help with managing this application.

Please could you acknowledge receipt of this email and also let me know if there are any other opportunities to formally object to this application?

Many thanks,

Party 4**From:****Sent:** Thursday, March 05, 2020 4:20 PM**To:** Regen, Licensing**Subject:** Larry's Restaurant Limited Provision Objection

Dear Sir/Madam,

I'm writing to you regarding Larry's Restaurant Limited Unit 5, 12-15 Blenheim Grove, London, SE15 4QL.

I understand that they have applied for a variation of the premises' license to extend its opening hours

I am emailing specifically about the provision to play regulated entertainment till midnight from Monday to Thursday.

My wife and I live across the road in _____ and object to the provision of playing entertainment during weekdays till midnight. We believe that this would heavily disturb the neighbourhood. This is especially given the fact that the venue is not insulated; there is a single pane of glass that separates the road and the music and that the main door opens straight into the venue without a buffering zone.

We are working professionals and wake at 6am to go to work in the NHS and having music playing till midnight is not acceptable. We don't mind if this provision is more reasonable, i.e. 9pm but we feel that midnight far too disturbing.

Kindly requested to register our objection to the provision of music. We are happy to meet with Larry's Restaurant Team to discuss a resolution.

Best Wishes,

Party 5**From:****Sent:** Wednesday, March 04, 2020 7:23 PM**To:** Regen, Licensing**Subject:** Larry's 871867

I am writing to object to application 871867 on the following grounds:-

1. The hours are excessive. Given the well known problems that there have been with crime and disorder, littering (broken glass etc.), violence on the streets, public nuisance, drunkenness, drug dealing, excessive noise late into the night and relentless disruption to the quality of lives of residents who live on this block, the last thing the area needs is an additional licensed premises.

If the council insists on giving approval I suggest that the following hours might be more reasonable 9.00am - 10.30pm weekdays, 10.00am - 11.00pm Friday and Sat and 10.30am - 9.30pm Sundays.

2. The ever increase in numbers of drinkers on the block between Rye Lane, Blenheim Grove and Choumert Road is not acceptable.

To give a few examples - in the last year the following number of additional drinkers at anyone time has been added to the existing excessive numbers. I object to the application Larry's 871867 on the basis that there is already saturation of drinking establishments in this area.

2019 Additional number of drinkers on this block.

The Basement club at 133 Rye Lane (an extra 220 drinkers at any one time),
 The CLF Lounge (an extra 75 drinkers at any one time),
 Zapai @ 138 Rye Lane's (given approval to add 35 more first floor drinkers to the 85 for the ground floor),
 Forza Wine - numbers?
 Bar Om Choumert Road - Numbers?
 Six Yard Box on Choumert Rd with an addition of 59 drinkers... etc etc.

Existing

There is already a serious problem with the number of drinkers on this block... here are a few of the existing ones...already way too many....

Bar Story/Peckham Springs/ Brick Brewery and the Rye Tattoo parlour. These are in addition to other Bars and clubs in the Bussey Building and on Rye Lane such as Four Quarters, John and the Unicorn, Rye Wax, The Social, CLF Art Cafe and the Roof Top Bar on the Bussey Building and so on....

3. I object to the approval Larry's and to any further late night drinking establishments or increases in customer numbers or hours at existing bars in this area. In fact I believe that the numbers and hours of existing establishments should be reduced.

4. Given the problems that there have been in the past due to drinking on the street (which often continues long after the bars have closed) due to provision of Off Sale of alcohol I also strongly object to the off sales aspect to this application.

From: McArthur, Wesley
Sent: Wednesday, March 18, 2020 4:48 PM
Subject: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)
Importance: High

Dear Local Residents,

You have submitted a representation objecting to the above application.

The applicant no longer wishes to extend the hours of operation in respect of the premises. The premises' hours of operation are to remain as is.

The application now solely seeks to change the layout of the premises and also allow off sales at the premises. The applicant has agreed to the following conditions proposed by the council's Licensing Responsible Authority officer:

- That any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol.

The applicant has also agreed that a dispersal policy regarding patrons shall be devised and maintained in respect of the premises.

Taking into account the above please either:

1. Confirm that you wish your representation to be considered as submitted;
2. Provide any further comments that you have; or
3. Confirm that you wish to withdraw your objection.

For transparency I have blind copied the applicant into this email. The applicant may contact you via the Licensing Unit pending any further comments.

Please acknowledge receipt of this email.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From: PARTY 3

Sent: Friday, March 20, 2020 8:00 AM

To: McArthur, Wesley

Cc:

Subject: Re: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Hello Wesley,

Thank you for your email. I went to meet the Larry's team and have a lot of faith in them, their business and what they're trying to do. Plus I respect that they've listened to us on the extension and retracted it.

However, given the off-licence is a blanket one that anyone else can use after them - I remain concerned.

Unfortunately given the situation we've had in the last few years and the continual growth of Bar Story/Peckham Springs it's very difficult to support anything more. I feel bad for Larry's team but until the overall situation is better managed by licensing and the council we have to protect our community.

I believe the council and licensing need to agree a path forward WITH our community given the nature of the street and the area. It's only then, with genuine and proper planning and consultation, that the community can have faith in licensing and the council on matters such as these.

Once life has settled a bit more I would ask again that licensing and our councillors come to talk to us about all these issues and work together. Would you be happy to do that?

From: PARTY 1

Sent: Friday, March 20, 2020 8:26 AM

To: McArthur, Wesley

Cc:

Subject: Re: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Dear Wesley,

Thanks for contacting us to consult on allowing off licence sales. I agree with everything **PARTY 3** has written in her email. Blenheim Grove and central Peckham is becoming increasingly unpleasant to live in due to the huge increase of bars and drunk people.

There has been no additional police or cleaning to better manage the rubbish and antisocial behaviour as a result of the huge increase in the number of bars. I would also like to meet with councillors and the licensing team to make sure that you fully understand how much increasing the number of bars is impacting on the quality of life for those of us with children living on the street.

Bar story in particular due to its capacity of 800, having large events, loud music, cheap drinks to encourage rowdy behaviour and no sound proofing has been particularly difficult to live next to. Having such a huge capacity on a residential street means there is no capacity to increase the number of bars or anything that will encourage drinking on our street such as bars that are allowed off licence sales. I'm concerned that would encourage more street drinking which is already a huge

problem on Blenheim Grove. I object to allowing off licence sales at Larry's or any other bar on the street.

Best Regards,

From: McArthur, Wesley
Sent: Friday, March 20, 2020 11:21 AM
To:
Subject: FW: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Hi ,

FYI, please see the further comments below from Party 3.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

From: McArthur, Wesley
Sent: Friday, March 20, 2020 11:23 AM
To:
Subject: FW: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Hi ,

FYI, please see the further comments below from Party 1.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

From: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>

Sent: 30 March 2020 14:41

Subject: RE: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Dear Local residents,

Please find attached a formal hearing notification and guidance to the hearing procedure. You can reply to the hearing notification via email.

The hearing has been scheduled to take place on 7 May 2020.

The time limit by which to hold a hearing in respect of the application has been extended under section 11 of The Licensing Act 2003 (Hearings) Regulations 2005 in that it is in the public interest to do so due to the Coronavirus outbreak.

The council are investigating whether video conferencing may be possible to facilitate the hearing should the current 'lockdown' measures still be in place at the time of the hearing. You will receive further updates regarding this matter as required, however at this time expect that the hearing will take place at our offices as directed in the hearing notification.

If you wish to provide any further written submissions regarding the application please do so as soon as possible. If you have already provided further comments you do not need to do so again (unless you wish to do so), as any further comments you have already provided will be taken into account in the determination of the application

Please acknowledge receipt of this email.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

From: PARTY 1

Sent: Monday, March 30, 2020 6:30 PM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence: Larry's Restaurant, Unit 5, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871867)

Dear Wesley,

I do not think it would be good to allow off licence sales on the street. We have lots of issues with street drinking and the mess and anti social behaviour it already causes in the area. I object to off licence sales.

Blenheim Grove already has too many bars. I object to extend the licence at Larry's.

Best Regards,

Item No. 7	Classification:	Date: 7 May 2020	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Units 3 & 4, 12 – 16 Blenheim Grove, London SE15 4QL	
Ward(s) or groups affected:		Rye Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Elder Restaurants Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Units 3 & 4, 12 – 16 Blenheim Grove, London SE15 4QL.
2. Notes:
 - The application seeks to vary the premises licence held under the Licensing Act 2003 in respect of the premises known as: Units 3 & 4, 12 – 16 Blenheim Grove, London SE15 4QL under section 34 of the Act. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and / or other persons and is therefore referred to the sub-committee for determination. The premises licence is attached as Appendix A.
 - Paragraphs 10 and 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B.
 - Paragraphs 13 to 20 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached as Appendices C and D.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence in respect of the premises known as Units 3 & 4, 12 – 16 Blenheim Grove, London, SE15 4QL allows the following licensable activities:
- The sale of alcohol to be consumed on the premises:
 - Monday to Friday: 07:00 to 23:30
 - Saturday: 09:00 to 23:30
 - Sunday: 09:00 to 16:30
 - Opening hours:
 - Monday to Friday: 07:00 to 00:00 (midnight)
 - Saturday to 08:00 to 00:00
 - Sunday: 09:00 to 17:00
 - Matthew Bushnell is the designated premises supervisor (DPS) in respect of the premises.
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 7 February 2020 Elder Restaurants Limited applied under section 34 of the Licensing Act 2003 to vary the premises licence issued in respect of the premises known as Units 3 & 4, 12 – 16 Blenheim Grove, London SE15 4QL.

11. The application is summarised as follows:

- To amend the opening hours to:
 - Monday to Sunday: 07:00 to 00:00
- To amend the hours permitted for the sale of alcohol to:
 - Monday to Sunday: 07:00 to 23:30
- To allow for the provision of late night refreshment as follows:
 - Monday to Sunday: 23:00 to 00:00
- To amend the hours permitted for the provision of recorded music indoors to:
 - Monday to Sunday: 07:00 to 00:00
- To apply to allow for the sale of alcohol to be consumed off the premises (off sales).
- To amend the floor plan in respect of the premises.

NB – The applicant amended the application and now only seeks to amend the floor plan in respect of the premises and to allow for off sales of alcohol at the premises.

- The application form provides the applicant's operating schedule. Parts F, I, J, K, L and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full, with reference to the four licensing objectives, as defined in the Licensing Act 2003. Should an amended premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of any additional conditions to be included in the licence.

12. A copy of the application is attached as Appendix B.

Representations from responsible authorities

13. This council's environmental protection team, the Metropolitan Police Service and this council's licensing responsible authority have submitted representations regarding the application.
14. The environmental protection team's representation was concerned with the prevention of public nuisance. The environmental protection team proposed that the application be modified to include measures, relating to the prevention of public nuisance, which would become conditions of any licence issued regarding the application. The applicant and the environmental protection team reached an agreement as to suitable licence conditions to help prevent public nuisance and the environmental protection team withdrew their representation. No objection in this representation was raised concerning the amendment to the layout of the premises.
15. The Metropolitan Police Service initially objected to the extension of operating hours applied for, and the inclusion of an external area in respect of the amended floor plan. Subsequent to the applicant amending the application, and confirming to the Metropolitan Police Service that the applicant holds a tables and chairs licence

issued by this council regarding the use of the external area, the Metropolitan Police Service withdrew their representation.

16. The licensing responsible authority's representation notes that the premises are located in the Peckham cumulative impact policy area. The licensing responsible authority states that according to section 130 of this council's statement of licensing policy there is a rebuttable presumption meaning that applications for new premises licences and / or variations to existing premises licences that are likely to add to the existing negative cumulative impact of licensed premises in the Peckham cumulative impact policy area will normally be refused, or shall be subject to certain limitations.
17. In such circumstances it is for the applicant to demonstrate that the application will not, if granted, negatively impact on any of the licensing objectives. The licensing responsible authority contend that the applicant has not addressed the presumption to refuse this application and recommend refusal of the application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the Peckham cumulative impact policy area as a result of the proposed changes to the premises licence. The licensing responsible authority requests that the applicant provide a written dispersal policy and an 'accommodation limit' for the premises (an 'accommodation limit' being the maximum number of people permitted at the premises at any one time). The licensing responsible authority also proposes that the application be modified to include measures, relating to the sale of alcohol to be consumed off the premises, which would become conditions of any licence issued regarding the application. No objection in this representation was raised concerning the amendment to the layout of the premises.
18. Copies of the representations submitted by responsible authorities, and related correspondence, are attached to this report as Appendix C.

Representations submitted by other persons

19. One other person (who is a local resident) has submitted a representation objecting to the application. In summary, the representation contends that the local area is already saturated with premises licensed to sell alcohol, that the number of premises licensed to sell alcohol in the local area contribute significantly to crime & disorder, nuisance and anti social behaviour in the locale, that any extension of the premises' operating hours will further add to aforementioned problems in the area and that off sales of alcohol at the premises should not be permitted. The representation objects to the application. No objections in this representation was raised concerning the amendment to the layout of the premises.
20. Copies of the representation submitted by the other person, and related correspondence, are attached to this report as Appendix D.

Conciliation

21. The applicant was sent copies of the representations and was advised that the applicant could contact the responsible authorities directly should the applicant wish to attempt to conciliate the responsible authorities. The applicant was further advised that if the applicant wished to respond to the other person's representation then the response should be provided to the licensing officer in charge of the application who would then forward the response to the other person.

22. Following correspondence between the environmental protection team and the applicant and Metropolitan Police Service and the applicant, both the environmental protection team and the Metropolitan Police Service withdrew their representations.
23. The applicant replied to the licensing responsible authority's representation, however at this time the licensing responsible authority's representation remains outstanding and must be considered by the licensing sub committee.
24. The other person was advised of amendments made to the application; however at this time the other person's representation remains outstanding and must be considered by the licensing sub committee.
25. At the hearing to determine the application the licensing sub-committee will be apprised as to any conciliation, whether partial or full, of the responsible authorities and / or the other person.

Operating history

26. The premises licence in respect of the premises was originally issued on 17 September 2014.
27. The licence was transferred to Elder Restaurants Limited on 9 August 2018. On 9 August 2018 Mr Matthew Bushnell was nominated as the designated premises supervisor in respect of the premises.
28. On 7 February 2020 Elder Restaurants Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Units 3 & 4, 12 – 16 Blenheim Grove, London SE15 4QL.

Deregulation of entertainment

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

Map

32. Due to IT problems a map of the area that the premises are located in could not be produced for this report. If a map can be produced prior to the hearing it will be made available prior to or at the hearing.
33. The following premises are also located on Blenheim Grove and are licensed as indicated:

Il Giardino Restaurant, 7 Blenheim Grove, London SE15 4QS licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday: 11:00 to 00:00
 - Sunday: 12:00 to 23:30
- The provision of late night refreshment:
 - Monday to Saturday: 11:00 to 00:00
 - Sunday: 12:00 to 23:30

Honest Burgers, Units 1&2, 12-16 Blenheim Grove, London SE15 4QL licensed for:

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

- **Larry's Restaurant Limited, Unit 5, 12-16 Blenheim Grove, SE15 4QL** licensed for:

- The sale of alcohol to be consumed on the premises
 - Monday to Thursday: 07:00 to 23:30
 - Friday: 07:00 to 00:30
 - Saturday: 09:00 to 00:30
 - Sunday: 09:00 to 17:30
- Recorded music:
 - Monday to Friday: 06:00 to 00:30
 - Saturday and Sunday: 08:00 to 00:30

Brick Brewery, Railway Arch 209, Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on and off the premises
 - Monday to Friday: 11:00 to 22:30

Bar Story, Arch 213, Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday: 10:00 to 00:00
 - Sunday: 10:00 to 23:30
- The provision of late night refreshment:
 - Monday to Saturday: 10:00 to 00:30
 - Sunday: 10:00 to 00:30

Serious Pig, Railway Arch 221, Blenheim Grove, London SE15 4QL licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday: 10:00 to 19:00

London Barbeque School, 3 Dovedale Business Centre, Blenheim Grove, London SE5 4QN licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday: 11:00 to 22:00

The Sassoon Gallery, 4-5 Dovedale Business Centre, Blenheim Grove, London SE5 4QN licensed for:

- The sale of alcohol to be consumed on the premises, films, live music, recorded music, anything similar to live or recorded music and performance of plays:
 - Monday to Sunday: 12:00 to 00:00

Little Bird Gin Nights & Weekends, 22a, Dovedale Business Centre, Blenheim Grove, London SE15 4QN licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday: 10:00 to 19:00
- The sale of alcohol to be consumed off the premises:
 - Thursday to Sunday: 10:00 to 22:00.

Southwark Council saturation policy for Peckham

34. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in March 2019 when full council assembly approved the 2019 - 2021 statement of licensing policy.
35. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person

and late night disorder and rowdiness associated with late night licensed premises in the area.

36. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
37. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark Council statement of licensing policy

38. Council Assembly approved Southwark's statement of licensing policy 2019 - 2021 on 27 March 2019. The policy came into effect on 28 March 2019. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
39. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

40. According to the statement of licensing policy the premises are located in Peckham major town centre area. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located in Peckham major town centre area:

- Restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00
- Public houses, wine bars, or other drinking establishments and bars in other types of premises:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00.

Resource implications

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

Consultation

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

44. The sub-committee is asked to determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.

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

Principles for making the determination

46. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.

47. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

48. Relevant representations are those which

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
49. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation.

Conditions

50. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
51. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
52. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
53. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
54. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
55. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

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

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

58. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
59. 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.

60. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
61. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
62. 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.
63. Under the Human Rights Act 1998 the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
64. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

65. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the premises licence
Appendix B	Copy of the application
Appendix C	Copies of the representations submitted by responsible authorities, and related correspondence
Appendix D	Copies of the representation submitted an other persons, and related correspondence

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	22 April 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		23 April 2020

Licensing Act 2003 Premises Licence



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

Premises licence number

864398

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Levan Units 3 & 4 12-16 Blenheim Grove <small>Ordnance survey map reference (if applicable): 176297534204</small>	
Post town London	Post code SE15 4QL
Telephone number	

Licensable activities authorised by the licence Sale by retail of alcohol to be consumed on premises
--

The opening hours of the premises. For any non standard timings see Annex 2
Monday 07:00 - 00:00 Tuesday 07:00 - 00:00 Wednesday 07:00 - 00:00 Thursday 07:00 - 00:00 Friday 07:00 - 00:00 Saturday 08:00 - 00:00 Sunday 09:00 - 17:00

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

The times the licence authorises the carrying out of licensable activities For any non standard timings see Annex 2 of the full premises licence
Sale by retail of alcohol to be consumed on premises
Monday 07:00 - 23:30 Tuesday 07:00 - 23:30 Wednesday 07:00 - 23:30 Thursday 07:00 - 23:30 Friday 07:00 - 23:30 Saturday 09:00 - 23:30 Sunday 09:00 - 16:30

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

Elder Restaurant Limited
18 Market Row
London
SW9 8LD

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

1077747

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

Matthew Bushnell

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.:

Authority:

Licence Issue date: 09/08/2018



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.

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.

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,

Annex 2 - Conditions consistent with the operating Schedule

288 That a CCTV system be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police and be continually recording at all times in the dining area of the premises when the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.

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

340 Opening and closing times shall be listed on the front door of the premises.

341 Pre and post opening checklists shall be provided for staff.

342 That the number of persons inside the premises be limited to 75 persons and 10 persons on the premises curtilage on Blenheim Grove.

4AF That no customers leave the premises with any open containers of alcohol.

343 Bottles and glass shall be cleared away at regular intervals.

344 A designated area shall be provided at the premises with for glass washing with appropriate bins available.

298 That signs shall be exhibited at the front of the premises stating "drugs free zone".

302 A drugs free policy in conjunction and to the satisfaction of the local police shall be implemented at the premises.

345 That signs shall be exhibited at the front of the premises stating a smoke free zone and also provide cigarette bins outside the premises.

346 Bag hooks shall be provided under all tables/bars for customers to hang their bags.

347 Staff shall be trained to look out for any suspicious activity and the suitable action to take.

348 Crime prevention notices shall be displayed in public areas.

432 Duty Managers and Designated Premises Supervisor details and mobile numbers shall be given to the local police station.

174 Tap water and bar snacks shall be offered to all customers as they sit down.

152 A manager shall be on the premises at all times to control the number of customers in the premises.

349 All staff shall be informed of the capacity limit of the premises.

350 At peak times a waiting list shall be held and customers will be called on the telephone number they provide to inform them that there is now space available in the premises.

351 Customers showing signs of excessive alcohol consumption shall not be permitted on the premises.

4AI Staff shall be trained to deal with drunken behaviour:

a) the bar manager shall be notified of any customer that has been refused a sale

b) the manager shall the refused customer to leave the premises

c) if the customer refuses to leave the premises a warning will be issued and then the police shall be called

d) an incident and refusal book shall be kept behind the bar and any incident shall be noted and signed by the manager.

e) Any member of staff found to be serving alcohol to a person who is drunk shall received a written warning. A second offence shall result in dismissal.

352 There shall be no promotions on alcoholic beverages at the premises.

353 The sale of food shall be promoted with the sale of alcohol.

354 The premises shall have a landline with all local services listed, including the local police station.

355 Information on local public transport and local cab companies shall be provided at the premises.

356 The premises shall provide a range of non alcoholic drinks

357 A refuse storage area shall be provided with a system for refuse disposal at the premises.

358 A complete overhaul of all electric circuits shall be carried out before the business opens.

359 There shall be a portable appliance testing (PAT) schedule at the premises.

360 The fire exit route shall be clearly marked and shall be kept clear and unblocked.

361 The premises shall be kept in a fit and orderly state and well maintained to ensure public safety.

362 Suitable flooring shall be provided at the premises.

363 The premises shall have an accident report policy in place, including an incident report book. Staff shall be trained in regards to accident's, injuries, trips and slips and first aid training shall be provided.

364 All areas of the premises shall be adequately lit.

365 Staff shall be trained in the safe operation of all equipment at the premises and a detailed staff training manual shall be kept, detailing all training carried out.

366 Any concerns raised by local resident's shall be listened to and acted on appropriately.

367 Music noise levels shall be restricted to background level only.

431 Doors and windows of the premises shall be closed whilst music is being played.

311 A notice shall be displayed by the front entrance, asking customers to leave the premises quietly.

368 The licensee shall ensure that customers leaving the premises disperse in timely fashion and do not loiter outside the front door of the premises.

369 Regular patrols of the curtilage of the premises shall be carried out and monitoring of blind spots and outdoors smoke areas.

370 Outdoor lighting shall be restricted to the level of preventing public harm.

371 General food and beverage deliveries shall be between the hours of 8am and 10pm, and a member of staff shall be available to receive delivery.

372 The bread/pastry delivery shall be 6.30am on Monday to Saturdays and at 8am on Sundays.

373 A waste disposal contract shall be sought with Veolia to rent a 1100lt general waste bin and a 240lt glass recycling bin to be positioned outside the premises. The waste collection shall take place twice a week. The collection of waste shall be between the hours of 8am and 10pm.

374 Staff shall be trained in supervision of the working environment and a reporting system shall be put in place with regards to suspect packages.

375 Extractor fans shall be directed away from resident's premises.

4AG The premises shall operate an agecheck '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 agecheck 'Challenge 25' policy.

4AC Agecheck 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 agecheck 'Challenge 25' policy applies and proof of age may be required.

376 A register of refused sales of alcohol 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 reviewed by the DPS every month and actions signed off. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

377 All children under 18 shall be accompanied by a responsible adult over the age of 18 years old.

378 That children shall only be permitted on the premises up to 8pm

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

Annex 4 - Plans - Attached

Licence No. 864398

Plan No. 086-07-100

Plan Date 10/07/2014

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Elder Restaurant Limited T/A Levan

(Insert name(s) of applicant)

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

<p>Premises licence number</p> <p>864398</p>

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Unit 3 - 4 12 – 16 Blenheim Grove, London			
Post town	London	Postcode	SE15 4QL

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£18,200

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]

Part 3 - Variation

Please tick as appropriate

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

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

DD	MM	YYYY

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

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

We'd like to vary the following items on the licence:

1. Amend the opening hours to:
Monday – Sunday 7:00 – 00:00
2. Apply for an off-licence as well as on-licence
3. Amend sale of alcohol to:
Monday – Sunday 7:00 – 23:30
4. Apply for late night refreshment
Monday – Sunday 23:00 – 00:00
5. Amend recorded music indoors to:
Monday – Sunday 07:00 – 00:00
6. To amend the floor plan in line with the attached plans

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	07:00	00:00	Please <u>give further details here</u> (please read guidance note 5) We will be playing recorded background music for our diners.		
Tue	07:00	00:00			
Wed	07:00	00:00	State <u>any seasonal variations for the playing of recorded music</u> (please read guidance note 6) None		
Thur	07:00	00:00			
Fri	07:00	00:00	Non standard timings. Where you intend to use the premises for the <u>playing of recorded music at different times to those listed in the</u> <u>column on the left, please list</u> (please read guidance note 7) None		
Sat	07:00	00:00			
Sun	07:00	00:00			

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 5) Serving tea coffee and desserts to customers after 11pm.	Both	<input checked="" type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) None		
Thur	23:00	00:00			
Fri	23:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) None		
Sat	23:00	00:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	07:00	23:30	State any seasonal variations for the supply of alcohol (please read guidance note 6) None		
Tue	07:00	23:30			
Wed	07:00	23:30			
Thur	07:00	23:30	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) None		
Fri	07:00	23:30			
Sat	07:00	23:30			
Sun	07:00	23:30			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6) None
Day	Start	Finish	
Mon	07:00	00:00	
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	00:00	
Fri	07:00	00:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7) None
Sat	07:00	00:00	
Sun	07:00	00:00	

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

None: Just changes in line with the above.

Please tick as appropriate

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

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

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

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

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

We have robust health and safety policies and procedures in place, staff training on induction, we have fire safety equipment which is checked regularly.

b) The prevention of crime and disorder

We have an intruder alarm and keep limited cash on the premises.
 There are limited customers on site. Around 45 - 50 at full capacity.
 Staff training will be done to ensure they are comfortable dealing with challenging customers.
 A clear and legible notice inside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
 As a late night refreshment premises, custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

c) Public safety

We train out team in health and safety.
 We have fire alarms on the premises and fire fighting equipment.
 All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
 Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
 The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
 Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
 The company's telephone number is advertised to customers and neighbours in the event they need to contact us.
 Waste will be collected by Southwark council in line with their terms which ensure minimum disruption to our neighbours.

e) The protection of children from harm

The space will operate as a cafe/restaurant in the day. There will be some children likely to come with their parents. High chairs will be available for children who are too small to sit on the banquette or chairs.

We have a challenge 25 policy which will be displayed.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	Matt Bushnell 
Date	07.02.20
Capacity	Director

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
[REDACTED]			
Post town		Post code	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

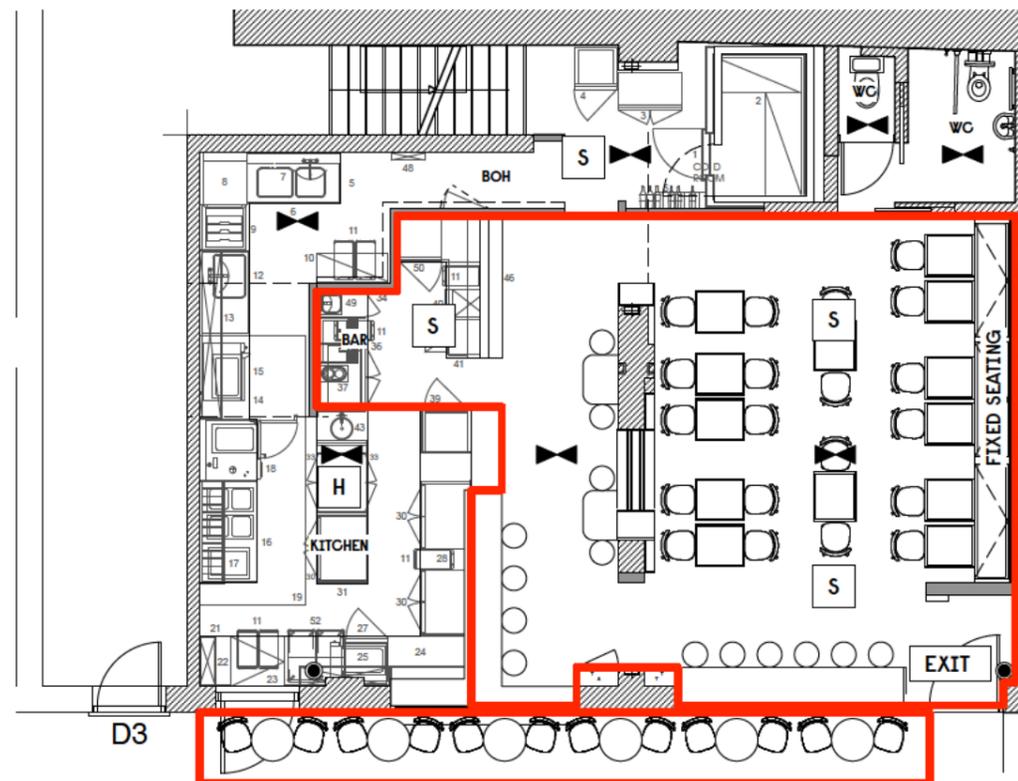
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section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

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

KEY

EXIT	=Illuminated fire exit sign
	=Zone covered by emergency lighting.
S	=Smoke alarms and Fire alarms sounder.
H	=Heat alarms.
	=Call point.
	=Areas where licensable activities take place

Total proposed covers Internal	40
Total proposed covers External	12



1 Proposed Plan
Scale: 1:100

THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS AT PRESENT. THIS MAY BE VARIED FROM TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT

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



Notes

Revision	Date	Description
-	17/02/20	Issued for Licensing

Do not scale. All dimensions to be confirmed on site. Information contained in this drawing is the sole copyright of the designer and is not to be reproduced without permission.

Project	Levan
Drawing title	Licensing Plan
Scale	1:100 @ A3
Date	February 20
Status	LICENSING

On 2 Mar 2020, at 11:43, Binya, Raymond <Raymond.Binya@southwark.gov.uk> wrote:

Dear Licensing Team,

Application for major variation of premises licence be granted under the Licensing Act 2003
Application reference number: 871872

Premises Address: Levan
 Unit 3, 12-16 Blenheim Grove
 London, SE15 4QL

Application seeks to vary the following items on the licence:

1. Amend the opening hours to
Monday – Sunday 7:00 – 00:00
2. Apply for an off-licence as well as on-licence
3. Amend sale of alcohol to:
Monday – Thursday 7:00 – 23:30
4. Apply for late night refreshment
Monday – Sunday 23:00 – 00:00
5. Amend recorded music indoors to:
Monday – Sunday 7:00 – 00:00
6. Amend the floor plan to the new layout

I wish to make a representation on behalf of Southwark Environmental Protection Team (EPT) in our capacity as Environmental Health Responsible Authority, about the likely effect of granting of the premises licence on the promotion of the 'prevention of public nuisance' licensing objective.

EPT have reviewed the application and consider the proposed extension of hours for recorded music will likely cause noise statutory or/and public nuisance; in July 2019, Planning Team granted a proposal "*to erect part of first floor rear extension and erection of two additional floors on the top of the existing two-storey building to create 6 new flats (comprising 2x1 bed and 4x 2bed flats) with balconies and provision for bins and cycle storage for both new residential units and commercial uses on the ground and first floor*".

Therefore, as there will be residential flats above the premises, EPT consider the extension on hours will likely have an impact on the future residents.

However, if the sub-committee is minded to grant this application, I would recommend the following conditions to be incorporated within the Operating Schedule:

- Alcohol must not be sold, supplied, or consumed on the premises otherwise than by patrons who are taking substantial table meals and provided that the consumption of alcohol by such patrons is ancillary to such a meal.

- All speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
- Recorded music shall not be broadcast to external areas of the premises.

If the applicant agrees to these conditions to be included on the licence, I would be happy to withdraw our representation

Kind Regards,

Raymond Binya

Principal Environmental Protection Officer

Postal address: Southwark Council | Environmental Protection Team | Environmental and Leisure | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 02075254809 | Fax: 020 7525 5705 | e mail: raymond.binya@southwark.gov.uk

visit:

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/>

On 3 Mar 2020, at 09:01,

wrote:

Hi Raymond,

Thanks again for taking time to consider this application.

We are not looking to substantially change the alcohol licence in this location and are looking for the following variations against our current licence (which I have attached):

1. The extension of operating hours on a Sunday night to allow us to open on a Sunday night.
Current: 09:00 - 17:00 (alcohol until 16:30)
Proposed: 07:00 - 00:00 (alcohol until 23:30)

2. Supply of alcohol for off sales

3. Apply for late night refreshment for the half an hour we are open past 23:00.

4. Amend the floor plan to reflect what we have as opposed to the old layout.

We currently have the following provision in the licence which as a restaurant we always seek from a commercial as well as licensed point of view.

"The sale of food shall be promoted with the sale of alcohol"

As it is not a current condition and we have the above already statement already in place if feel the addition of the statement below is burdensome and would ask that it be removed from your representation.

"Alcohol must not be sold, supplied, or consumed on the premises otherwise than by patrons who are taking substantial table meals and provided that the consumption of alcohol by such patrons is ancillary to such a meal"

As we only play background music, if I were to remove the application for recorded music indoors would you also be willing to remove the other two representations given the conditions already in the application?

Many thanks,

<LEVAN LICENCE - FULL.pdf

From:

Sent: Thursday, March 05, 2020 9:58 AM

To: Binya, Raymond

Cc: Regen, Licensing

Subject: Re: Application for major variation of premises licence for Levan, Unit 3, 12-16 Blenheim Grove EPT's ref 919275

Hi Raymond,

Many thanks for your time on the phone just now.

As agreed we're happy to accept the second and third conditions and you've agreed to remove the first condition as there is already a condition stating the following:

"The sale of food shall be promoted with the sale of alcohol"

Many thanks,

From: Binya, Raymond

Sent: Thursday, March 05, 2020 10:22 AM

To: 'Matthew Bushnell'

Cc: McArthur, Wesley

Subject: RE: Application for major variation of premises licence for Levan, Unit 3, 12-16 Blenheim Grove EPT's ref 919275

Hi ,

Thank you for your email.

Wesley, I can confirm that I have agreed with Matt that I will remove the following condition as recommended on my representation:

- Alcohol must not be sold, supplied, or consumed on the premises otherwise than by patrons who are taking substantial table meals and provided that the consumption of alcohol by such patrons is ancillary to such a meal.

as there is already a similar condition on the current licence and this would be a duplicate.

Matt has also accepted the other two recommended conditions:

- All speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
- Recorded music shall not be broadcast to external areas of the premises.

Therefore, following the above update, I am withdrawing representation to this application.

Kind Regards,

Raymond Binya

Principal Environmental Protection Officer

Postal address: Southwark Council | Environmental Protection Team | Environmental and Leisure | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 02075254809 | Fax: 020 7525 5705 | e mail: raymond.binya@southwark.gov.uk

visit:

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/>



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

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

Tel: 020 7232 6756

Email:

SouthwarkLicensing@met.police.uk

Our reference: MD/21/032/20

date: 4th March 2020

Dear Sir/Madam

Re:- Levan, Unit 3-4, 12-16 Blenheim Grove, London SE15 4QL

Police are in possession of an application from the above for a variation to the current premises licence. The application is to add the sale of alcohol off the premises.

The premises are situated inside the Peckham Cumulative impact zone (CIZ) and the presumption on all applications change to that of refuse.

We object to the application as it has failed to address the Cumulative Impact with the addition of any further conditions or reasons for adding off sales to the licence. Allowing customers to take alcohol away would increase the likelihood of antisocial behaviour, Crime and disorder.

If the intention is to allow for drinking outside the premises, the pavement area is narrow and unsuitable for use as a licensed area.

The Following is submitted for your consideration,

Yours Sincerely

Pc Graham White 2288AS

Licensing Officer

Southwark Police Licensing Unit

Tel: 0207 232 6756

Graham.S.White@met.police.uk



From: McArthur, Wesley

Sent: Wednesday, March 18, 2020 7:11 PM

To: 'Graham.S.White@met.police.uk'

Subject: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Hi Graham,

FYI, the applicant has amended the above application as well. No extension of hours is being sought – as with the application for Larry's the applicant is now solely seeking to facilitate the change of layout at the premises and add off sales to the licence.

As with the application for Larry's, the applicant has provisionally agreed to include the following conditions in the application:

- That any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol.
- That a dispersal policy regarding patrons shall be devised and maintained in respect of the premises.

If you have any further comments please send them to me.

The change of plan is for the internal layout and to include an external seating area.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From: Graham.S.White@met.police.uk [<mailto:Graham.S.White@met.police.uk>]

Sent: Monday, April 20, 2020 12:55 PM

To: McArthur, Wesley

Subject: RE: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Wes,

As per your previous email that no extension to hours and the following have been agreed .

- That any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol.
- That a dispersal policy regarding patrons shall be devised and maintained in respect of the premises.

With the plans including the outside area and that they already have a tables and chairs licence I withdraw my objection

Regards

Graham

Graham White | Constable

MPS Central South BOCU

Neighbourhoods Policing- Partnership & Prevention

Licensing Officer – Southwark

Mobile 07880 053191

MPS Internal 726756

MPS Telephone 0207 232 6756

MEMO: Licensing Unit

To	Licensing Unit	Date	6 March 2020	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Levan, Unit 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL - Application to vary the premises licence

I write with regards to the above application to vary the premises licence submitted by Elder Restaurant Limited T/A Levan under the Licensing Act 2003, which seeks the following licensable activities:

- To add recorded music (indoors) on Monday to Sunday from 07:00 to 00:00
- To add Late night refreshment (indoors and outdoors) on Monday to Sunday from 23:00 to 00:00
- To add supply of alcohol (off the premises) on Monday to Sunday from 07:00 to 23:30
- To increase the hours for supply of alcohol (on the premises) to start at 07:00 (rather than 09:00) on Saturday and Sunday and to increase on Sunday from 16:30 to 23:30
- Overall opening times shall be on Monday to Sunday from 07:00 to 00:00
- The application also wants to change the existing plans which will now include an outside area to the premises and another unit added to the address.

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2019 – 2021.

The premises is situated in Peckham Major Town Centre and under the Southwark Statement of Licensing policy 2019 - 2021 the appropriate closing times for public houses wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.

This premises also falls within the Peckham CIP Area.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham area as defined in paragraph 148 of the policy and as a bar this premises falls into the class of premises in 149 of the policy.

Therefore under 130 of the policy there is a rebuttable presumption that applications for new premises licences/ variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

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

Further to this applicant has not offered any further control measures within the application to promote the licensing objectives and due to the limited information provided I ask the applicant to provide the following:

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

And to consider adding further conditions as follows:

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

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

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

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

From:**Sent:** Monday, March 09, 2020 8:17 AM**To:** Tear, Jayne**Cc:** Regen, Licensing; McArthur, Wesley**Subject:** Re: REPRESENTATION RE LEVAN

Dear Jayne,

Many thanks for taking the time to consider our application at Levan.

In response to your items, I'm hoping the following responses deal with your objections and if so would you be happy to remove your representation if we apply the following conditions and remove other items from the variation.

A couple of things to clarify:

- a. The premises will operate as a restaurant at all times.
- b. as a result of feedback from local residents we've taken the decision to not change our opening hours or sale of alcohol hours at this time. We'd like to get Larrys open and trading with the current trading hours so that the local population can get used to us in this location and understand that we do not pose any further disturbance to them.

As we need to change the floor plan etc., I believe we need to proceed with the rest of the application. So I hope the following responds to your other objections

1. We agree to make no changes to the opening hours or sale of alcohol hours.
2. You've asked us to add the following condition. "Intoxicating liquor shall not be sold or supplied 'on' the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal".

We already have a condition which states: "The sale of food shall be promoted with the sale of alcohol"

I believe (as does Raymond Binya the Principal Environmental Protection Officer of Southwark) that the current condition is strong enough to serve the same purpose. I hope you are willing to remove that condition.

3. An accomodation limit for the premises (to be conditioned)
Our licence condition 342 already states the following which I hope is sufficient:

"That the number of persons inside the premises be limited to 75 persons and 10 persons on the premises cartilage on Blenheim Grove.

3. To provide a written dispersal policy for the premises. (to be conditioned)

I'm very happy to have a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. As a restaurant, our customers leave as they finish their meal. As a result of different seating times through the night, people finish their meal at different times and so there is never a mass exodus of the building. At the end of the night it is typical for tables to leave the premises one at a time within 5 minute intervals as they have come to the natural end of their night and are going home. It is not the case that we would ever find a full restaurant at closing time and the need to ask guests to leave en masse. Please can you provide an example of a policy you'd deem suitable for a restaurant premises such as ours where there is not a mass exodus of customers.

4. To consider adding further conditions as follows:

4.1 Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises

We already have a condition no. 4AF "That no customers leave the premises with any open containers." I'm happy to amend to your suggested wording.

4.2 That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises

Again very happy to add signage to that effect.

Finally, I should say that I do not think we "further contribute to the negative local cumulative impact on any one or more of the licensing objectives". We address all the licensing objectives in the following ways and sell alcohol in the most sensible way possible. We are a restaurant, an existing condition (number 353) already states that the sale of food shall be promoted with the sale of alcohol. Naturally we do this as our core business is a food led business. It is sold in small quantities at much higher than average prices.

We operate a highly responsible business, from considering the sourcing of our products, the pay of our staff and donations to charities to the supply of alcohol and impact on our neighbourhood. We take great care in every part of our business to have the least impact we can while providing a great service to the local community. We are a great addition to the neighbourhood, providing a high quality dining experience for those in the area. We take care to prevent crime and disorder. We have a challenge 25 policy in place. We have CCTV, a limit to customers on site, and never have a mass exodus from the premises. We train all our staff on H&S on induction, have a fire alarm, fire fighting equipment, fire safety procedures and training. We have strict food safety standards, emergency lighting and maintain a clean, tidy and safe space to work in for our employees and visit for our customers.

As is natural with our business as a restaurant, both customers and staff leave the premises at different times and in small groups and are never loud. We ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents. Customers are asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly. The company's telephone number is advertised to customers and neighbours in the event they need to contact us. Waste will be collected by Southwark council in line with their terms which ensure minimum disruption to our neighbours.

Regarding safety to children. The space operates as a cafe/restaurant. There will be some children likely to come with their parents in the day. High chairs are available for children who are too small to sit on the banquette or chairs. We have a challenge 25 policy which is displayed.

With the above in mind, are you happy to withdraw your objections and are there any other conditions that you deem necessary to grant the licence as requested pending the amendments above.

Many thanks,

Director

From: McArthur, Wesley
Sent: Monday, March 16, 2020 8:05 AM
To: Tear, Jayne
Cc:
Subject: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Hi Jayne,

Please return any comments you have regarding the email below ASAP.

Regards,

Wesley McArthur

Principal Enforcement Officer
 London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

From: McArthur, Wesley
Sent: Tuesday, March 17, 2020 8:28 PM
To:
Cc: Tear, Jayne
Subject: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Dear ,

It appears that you sent the reply below in respect of both Levan (application no. 871872) and Larry's (application no. 871867). Jayne's representations for each application were slightly different so I'm not sure why you did this. This reply is regarding Levan only.

In Jayne's representation (copy attached) regarding the above application she *did not* ask for the following condition:

"Intoxicating liquor shall not be sold or supplied 'on' the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal".

To avoid any confusion please note that Jayne asked for the following in her representation:

- An accommodation limit for the premises (to be conditioned). <<This is already covered by condition 342 and a further condition isn't required, copy of existing licence attached>>
- To provide a written dispersal policy for the premises. (to be conditioned).
- Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.

It appears that you have agreed to the above (notwithstanding that Jayne has to provide her preferred wording regarding the dispersal policy condition) – please confirm that this is the case.

Jayne – please respond to request regarding a dispersal policy in his email to you below.

I will send a separate email regarding Larry's.

Regards,

Wesley McArthur

Principal Enforcement Officer

London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From:

Sent: Wednesday, March 18, 2020 8:36 AM

To: McArthur, Wesley

Cc: Tear, Jayne

Subject: Re: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Hi Both,

My apologies on the confusion with the first item.

I am agreed on the rest of the items and so happy to proceed following Jayne's wording regarding the dispersal policy.

Please note that we'd love to be able to arrange off sales of alcohol at the moment as we currently have very few customers in the restaurant and would like to be able to get a revenue stream to help pay our staff.

Please can you confirm ASAP if we can arrange off-sales of alcohol as it appears that you are willing to grant us the licence.

Thanks,

Director

From: McArthur, Wesley

Sent: Wednesday, March 18, 2020 8:48 AM

To:

Subject: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Hi ,

As discussed just now, example dispersal policies are attached.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From:

Sent: Friday, April 10, 2020 1:09 PM

To: McArthur, Wesley

Cc: Tear, Jayne

Subject: Re: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Hi Jayne and Wesley,

I hope you are well.

Sorry for the delay in getting back to you both. As you can imagine it's been a very challenging time for us the last few weeks as we've had to close 3 restaurants and look after our teams as best we can.

I'm now looking to address the issues raised over the period we were opening a new restaurant and subsequently having to close them all. Given the circumstances, I hope you are able to take my comments into consideration regardless of their lateness.

Firstly, please find attached our Written Dispersals policy.

With the below attached, is there anything else that you are objection to that I have not already addressed. If not, I'd be grateful if you could remove your representation.

Thanks,

Director

From: McArthur, Wesley

Sent: Tuesday, April 14, 2020 2:40 PM

To:

Cc: Tear, Jayne; Franklin, David

Subject: RE: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Hi Jayne,

Please see the email from Mr Bushnell as below and return any comments you have ASAP.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From: McArthur, Wesley

Sent: Wednesday, April 15, 2020 5:44 PM

To: Tear, Jayne

Cc: Franklin, David

Subject: RE: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Importance: High

Hi Jayne,

Further to the applicant's email as below do you have any further comments. The report is due this week, so if you return any comments you have to me ASAP they can be included in the report (or let me know if you are in a position to withdraw your rep').

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From: McArthur, Wesley

Sent: Monday, April 20, 2020 8:59 AM

To: Tear, Jayne

Cc: Franklin, David

Subject: RE: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Hi Jayne,

Please see my email below.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

From:**Sent:** Wednesday, April 22, 2020 12:07 PM**To:** Tear, Jayne; McArthur, Wesley; Franklin, David**Subject:** Re: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)**LEVAN RESTAURANT LIMITED APPLICATION**

Hi Jayne,

I hope you are well.

Please can you respond to the below.

I'd be grateful if you could remove your representation.

I have now either agreed inclusions of conditions or provided you with additional information (the dispersal policy).

Thanks,

Director

Party 1**From:****Sent:** Wednesday, March 04, 2020 7:24 PM**To:** Regen, Licensing**Subject:** Larry's 871872

I am writing to object to application 871872 on the following grounds:-

1. The hours are excessive. Given the well known problems that there have been with crime and disorder, littering (broken glass etc.), violence on the streets, public nuisance, drunkenness, drug dealing, excessive noise late into the night and relentless disruption to the quality of lives of residents who live on this block, the last thing the area needs is an additional licensed premises.

If the council insists on giving approval I suggest that the following hours might be more reasonable 9.00am - 10.30pm weekdays, 10.00am - 11.00pm Friday and Sat and 10.30am - 9.30pm Sundays.

2. The ever increase in numbers of drinkers on the block between Rye Lane, Blenheim Grove and Choumert Road is not acceptable. To give a few examples - in the last year the following number of additional drinkers at anyone time has been added to the existing excessive numbers. I object to the application Larry's 871867 on the basis that there is already saturation of drinking establishments in this area.

2019 Additional number of drinkers on this block.

The Basement club at 133 Rye Lane (an extra 220 drinkers at any one time),
 The CLF Lounge (an extra 75 drinkers at any one time),
 Zapoi @ 138 Rye Lane's (given approval to add 35 more first floor drinkers to the 85 for the ground floor),
 Forza Wine - numbers?
 Bar Om Choumert Road - Numbers?
 Six Yard Box on Choumert Rd with an addition of 59 drinkers... etc etc.

Existing

There is already a serious problem with the number of drinkers on this block... here are a few of the existing ones... already way too many....

Bar Story/Peckham Springs/ Brick Brewery and the Rye Tattoo parlour. These are in addition to other Bars and clubs in the Bussey Building and on Rye Lane such as Four Quarters, John and the Unicorn, Rye Wax, The Social, CLF Art Cafe and the Roof Top Bar on the Bussey Building and so on....

3. I object to the approval Larry's and to any further late night drinking establishments or increases in customer numbers or hours at existing bars in this area. In fact I believe that the numbers and hours of existing establishments should be reduced.

4. Given the problems that there have been in the past due to drinking on the street (which often continues long after the bars have closed) due to provision of Off Sale of alcohol I also strongly object to the off sales aspect to this application.

Yours [REDACTED]

From:

Sent: 09 March 2020 09:04

To:

[REDACTED]

Subject: Re: Larry's

Dear all,

Following consultation with yourselves and the local council we've taken the decision to make no changes to the opening times at Larry's. After 18 months of being the new neighbour on the block, we are very proud and thankful to have been welcomed in by the local Peckham community, and especially happy to call many of you in the email regulars at Levan. We therefore are acutely aware of your concerns and sincerely wish to work with you in creating a pleasant and enjoyable place to live and work on Blenheim Grove.

I've informed the relevant authorities at Southwark council and our variation is being amended to reflect this.

Our initial invitation for an open conversation and the chance to put faces to names on a email @ Larry's this Wednesday at 6:30pm still stands. We would very much like to be able to share with you all our plans. We hope this will make you as excited as we are in opening Larry's, but also give you some confidence in our approach, our ethos and us as local business owners first and foremost, but also people trying to operate a quality restaurant, with an amazing team of people in a rich and diverse part of London.

Again, please let us know if you plan to be there. We will be at Larry's from 6.30pm til 8.30pm. We look forward to seeing you.

All the best,

Director

On 12 Mar 2020, at 16:34, [REDACTED] wrote:

Thank you for including us lot from Choumert. V grateful and think is make sense to be 'joined up' in these matters as we have some similar issues to deal with.

Gratefully and thank you for the update.

[REDACTED] from [REDACTED]

M: [REDACTED]

Insta: [REDACTED]

On 16 Mar 2020, at 08:29, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Dear [REDACTED],

The applicant is no longer seeking to extend operating hours in respect of the above premises.

The application is now solely to facilitate a change of plans and to allow for off sales of alcohol at the premises. Please note that whenever the layout of a premises is changed by a licensee the licensee must submit an application to vary their premises licence to reflect the new layout of the premises.

The above being the case the remaining part of your representation that is relevant pertains to the provision of off sales at the premises.

Regarding the proposed provision of off sales at the premises the applicant has agreed with the Licensing Responsible Authority to include the following conditions in the premises licence (should the application be granted):

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

If you have any further comments please provide them, alternatively if you wish to withdraw your representation please inform me.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From:

Sent: Monday, March 16, 2020 9:31 AM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

That's good Wesley and seems very sensible given the circs. Many to you and team for dealing with this in such a balanced way. Very much appreciated.

Kind regards

M:
Insta:

On 16 Mar 2020, at 09:42, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Thanks for your quick reply [REDACTED] – however, please confirm whether you still object to the off sales part of the application or whether you withdraw your representation.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From: [REDACTED]
Sent: Monday, March 16, 2020 9:03 PM
To: McArthur, Wesley
Subject: Re: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

I understand the owners have explained that they will only be sell premium wines therefore would not be adding to those drinking on the street. Is this a guaranteed case? Would they be limited by conditions that they could only sell unopened wines?

Kind regards in these difficult times

[REDACTED]

M: [REDACTED]
Insta: [REDACTED]

On 17 Mar 2020, at 07:53, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Dear ,

When a premises licence allowing the sale of alcohol is issued it allows for the sale of any legal alcoholic drinks. The Licensing Act 2003 (LA 2003) makes no distinction between 'premium' and 'non-premium' products.

How a 'premium' product is defined and priced would be up to the licensee. As such there can be no guarantee that only 'premium' wines will be sold at the above premises, because no definition of premium wines exists in the LA 2003.

Further, notwithstanding any actions the licensee has stated that they will undertake, you will have to make your own judgment as to whether customers attending a restaurant are likely to drink in the street.

The conditions relating to off sales that the licensee has agreed to are as follows:

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

The first condition specifies that alcohol sold as off sales must be in a sealed container. It does not specify that the container must be unopened. So for example, a bottle of wine that has been opened, but then re-corked would be acceptable to take away and a bottle of wine that has had a screw cap removed, but screwed back on before a customer leaves would be acceptable to take away. An uncorked bottle of wine, or a bottle of wine with the screw cap removed, would not be acceptable to take away.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

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

From:

Sent: Tuesday, March 17, 2020 9:03 AM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Thank Wesley. I think in that case I will leave my objection in place. Given that Larry's originally wanted to develop more of a bar/late night culture I fear that the original plan to just sell premium wines could expand into more of an off-licence type offer in the future. Especially as there are no conditions available to restrict this happening.

Thank you again for your clarity.

Yours

M:

Insta:

On 18 Mar 2020, at 09:48, [REDACTED] wrote:

Hi All,

I hope this finds you well.

You're all aware we made an application for changes to our premises licence. We've been happy to have been able to meet with some of you to understand your objections to the proposed changes to the opening hours and we've withdrawn those changes. We are however hoping to be able to offer a limited number of wines for off sales for people to take home with them.

These will be wines of high quality from small producers as we want to appeal to those wanting something different to supermarket wines.

I understand there has been some objections to this part of our licence and I would be grateful to understand what these are.

As I am sure is the case for others of you, we're facing some incredibly challenging times ahead from a business perspective. This is a time like no other when its imperative we take every opportunity we can to remain a viable business for the 50 people we employ across our sites. Our wine shop in Brixton is managing to stay open and trade successfully and we'd love to be able to offer wines for off-sales in Peckham to help gain some income for our businesses in order to stay open and keep our teams employed. With the withdrawal of your objections we may be able to start offering this on Friday.

I'd appreciate it if you could engage with us directly via email or pop down to Larrys and Levan. Hopefully we can address your concerns to the level that means you'll be willing to withdraw your objections and enable us to offer off-sales from Levan and Larrys.

I hope everyone is managing ok in this difficult time.

Many thanks,

Director

On 18 Mar 2020, at 10:49, [REDACTED] wrote:

Hi all,

I've been made aware that one concern may relate to potential impact of off-sales on street side drinking outside the church. Thanks for raising the concern. I understand the issue, as there were again drinkers outside the church over the weekend although certainly none related to any of the restaurant or bar premises on this road.

We plan to only sell wine and have to sell this in sealed containers as part of our licence conditions. We also have a dispersals policy and signage as conditions attached on our licence.

The wines we are selling are premium and priced as such and so not of interest to any street drinkers. I cant see any of our potential off-sales customers proving an issue. Particularly in the areas you are worried about.

Those wishing to drink on the street can purchase drinks from many other locations near by at a much more affordable price so I do not see our off-sales contributing to the street drinking. Furthermore, I'm aware of many in the local area who would relish the opportunity to buy decent wine for drinking at home.

We're now open so anyone wishing to see the space, we'd welcome you to visit us,

Thanks,

Director

From: [REDACTED]
Sent: Wednesday, March 18, 2020 5:26 PM
To: Matthew Bushnell
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: Larry's & Levan Off-Sales Licence

Dear [REDACTED],

Thank you for your thoughtfulness and taking on board local concerns. I very much appreciate the changes to your application to drop later hours at Larry's.

Further to your decision I have been contacted by the licensing team. For ref I had already filed my objection prior to you engaging with the local community. The licensing dept. were asking me if my objection to off-sales still stood. I asked them if conditions would be applied to restrict the applicant to only selling "premium" wines, as you had stated that this was your intention. The licensing dept. replied as such:-

"When a premises licence allowing the sale of alcohol is issued it allows for the sale of **any** legal alcoholic drinks. The Licensing Act 2003 (LA 2003) makes no distinction between 'premium' and 'non-premium' products. How a 'premium' product is defined and priced would be up to the licensee. As such there can be no guarantee that only 'premium' wines will be sold at the above premises, because no definition of premium wines exists in the LA 2003."

As there appears to be no conditions that could be applied to prevent an applicant changing tack later on (to sell a full range of take-out alcohols) I decided to leave my objection in place. Often with, for example a change of management or market shifts, a bar/restaurant may need to change its offer. Thus I am not keen to remove my objection as way of protecting the area from future problems. I wanted explain my position to your directly (and to the wider community) to keep things transparent.

NB do we know if licenses are transferable to any future operator (who might wish to sell a full off-license range)?

Kind regards

[REDACTED]

On 19 Mar 2020, at 09:32, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Hi [REDACTED],

To avoid confusion please reply in respect of Larry's and Levan's separately. They are separate applications and different people have objected to each application. Please use an appropriate header (such as the one above) so that it is clear which application you are

referring to. Please also remove Richard Kalu from the list of addressees – he has no involvement with this application.

██████████ is the only resident who has objected regarding Larry's. As ██████████ has already replied to you directly I have left her copied into this email.

Should you engage in any further correspondence with ██████████ please continue to keep me copied in.

As a way forward you could consider a condition that states that you will only sell specific types of alcohol regarding off sales; for example:

“That only wine shall be sold as off sales. All other types of alcoholic drink shall be sold as on sales only.”

The above is only an example and I'm not suggesting that you should propose such a condition – any conditions that you propose should be suitable in respect of your business plan. If you and ██████████ cannot reach a resolution the licensing sub committee will determine the application at a licensing hearing. I will send you both formal hearing notifications in separate emails.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

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

On 10 Apr 2020, at 14:17, ██████████ wrote:

Hi ██████████,

I hope you are well and healthy,

Apologies for the delay in replying, it's been a somewhat challenging period to be a restaurant owner. I've now found some time and hoping to be able to respond to your concerns in a way that would leave you feeling happy to remove your objection.

I understand your reasoning for wanting to keep your objection in as we could sell the property to someone later on who then sells discounted alcohol to people that are likely to drink in the street. To reduce that risk we'd be happy to put in a condition (which would remain on the licence whoever held it) for a minimum sale value of £10 for a bottle of wine. Happy to restrict it to wine sales too!

I believe you agree those drinking on the street outside the church are buying non-premium, discounted alcohol from off-licences and supermarkets. By having a minimum pricing at this level it would discourage those people from buying from us. While it may not solve the issue (they can walk 100 meters round the corner to Iceland), we would not be contributing to the issue.

If that is not acceptable, perhaps you could suggest an alternative wording.

We'd really value coming to an agreement here, we see a great opportunity to provide commuters in the area with quality wine to take home with them. While we don't want it to impact our on-sales we see it as an opportunity in a challenging market to add some revenue to the business.

I hope you managed to see what we hope to offer in the short 3 days we were open before we closed due to Corona, and that it went some way in alleviating any of your ongoing concerns.

All the best,

Director

From: [REDACTED]
Sent: Monday, April 13, 2020 1:39 PM
To: McArthur, Wesley; [REDACTED]
Subject: Application to vary a premises licence: Levan Restaurant, Unit 3, 12-16 Blenheim Grove, London, SE15 4QL

Hi [REDACTED],

For the avoidance of any doubt I should mention that the email below is in reference to Levan (where you made the representation) as I did not make that clear on my email at the end of last week. Sent again to avoid any confusion...

I hope you are also managing ok through this challenging period.

Thanks,

[REDACTED]

On 14 Apr 2020, at 09:46, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Hi [REDACTED],

If you have any further comments please send them to me.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

From: [REDACTED]
Sent: Tuesday, April 14, 2020 4:12 PM
To: McArthur, Wesley
Subject: Re: Application to vary a premises licence: Levan Restaurant, Unit 3, 12-16 Blenheim Grove, London, SE15 4QL

Dear Wesley.

Thank you for your email, I think, given your earlier emails clarifying that there is no condition that could be applied to limit the type of off licence sales and that the off sales licence itself would be transferable to future tenants (who might in turn choose to sell a wide range of alcohol), I feel it's best for the community that I leave my objection in place.

I am sure there are others who live closer to the site who would also support objections given your clarification on conditions and the history of problem drinking on the street.

I am not sure if it is procedural for applicants to contact objectors directly, but this feels a little uncomfortable so I would prefer if any future queries were sent to you.

Yours sincerely and hoping you and your friends and family are keeping well,

On 14 Apr 2020, at 16:26, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Hi [REDACTED],

Your reply is noted and will be sent to the applicant.

It is the usual procedure that applicant's and objectors liaise solely through the licensing officer rather than with each other directly, although I do note that you and the applicant have previously directly contacted each other to discuss the application. I will advise the applicant to provide any further comments through me only and not directly to you. I advise that regarding this application you also cease any direct contact with the applicant.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

On 14 Apr 2020, at 19:12, [REDACTED] wrote:

Thank you Wesley.

ps I have looked in my out box ref emails, I have been cc-ed on emails but can't find any emails that I have sent direct to Matthew. Thank you for asking future correspondence to go via you, I wasn't sure what was correct procedure but that will feel more appropriate.

From: [REDACTED]
Sent: Tuesday, April 14, 2020 7:22 PM
To: McArthur, Wesley
Subject: Re: Application to vary a premises licence: Levan Restaurant, Unit 3, 12-16 Blenheim Grove, London, SE15 4QL

Sorry Wesley - a quick NB, you are right - I just spotted that I did email [REDACTED] on 18th March to thank him for dropping the late hours at Larry's when he was emailing the community group. So much has happened in life since then it got lost in the mist of the bigger picture!

From: McArthur, Wesley
Sent: Tuesday, April 21, 2020 5:01 PM
To: [REDACTED]
Subject: FW: Application to vary a premises licence: Levan Restaurant, Unit 3, 12-16 Blenheim Grove, London, SE15 4QL

Hi [REDACTED]

Please see Ms [REDACTED]'s further comments as below.

As well as stating that she wishes to uphold her representation please note [REDACTED]'s request that you make any reply to her comments solely to me, and do not contact her directly.

It is the usual course of affairs that correspondence between applicants and objectors is facilitated through the licensing case officer however, as you will note, I did observe that both of you and [REDACTED] had directly contacted each other prior to [REDACTED] email as below

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

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