

# Open Agenda



## Licensing Sub-Committee

Wednesday 13 May 2020  
10.00 am

Online/Virtual: please contact [andrew.weir@southwark.gov.uk](mailto: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 Sunny Lambe  
Councillor Lorraine Lauder MBE

### Reserves

Councillor Maria Linforth-Hall

---

### INFORMATION FOR MEMBERS OF THE PUBLIC

---

#### Access to information

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

#### Babysitting/Carers allowances

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

#### Access

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

#### Contact

Andrew Weir by mail: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

---

Members of the committee are summoned to attend this meeting

**Eleanor Kelly**  
Chief Executive  
Date: 4 May 2020



## Licensing Sub-Committee

Wednesday 13 May 2020  
10.00 am

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

## 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: EL PASO LATINO, 34 NEW KENT ROAD, LONDON SE1 6TJ

1 - 39

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

Item No.	Title	Page No.
----------	-------	----------

## **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: 4 May 2020

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 13 May 2020	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: El Paso Latino, 34 New Kent Road, London SE1 6TJ	
<b>Ward(s) or groups affected:</b>		Chaucer	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Luis Alberto Ossa Fernansez to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: El Paso Latino, 34 New Kent Road, London SE1 6TJ.
2. Notes:
  - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: El Paso Latino, 34 New Kent Road, London SE1 6TJ under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to outstanding representations submitted by local residents and is therefore referred to the sub-committee for determination.
  - Paragraph 8 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at 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. A map showing the location of the premises is attached as Appendix D.
  - Paragraphs 15 to 18 of this report deal with the representations submitted in respect of the application in Appendix C.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides the 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 issued in respect of the premises known as the El Paso Latino, 34 New Kent Road, London, SE1 6TJ was issued in September 2018 and allows the following licensable activities:
- The sale of alcohol to be consumed on the premises:
    - Monday to Sunday from 10:00 to 22:30
  - Opening hours:
    - Monday to Sunday from 07:00 to 23:00
9. A copy of the existing premises licence is attached as Appendix A.

### **The variation application**

10. On 27 January 2020 Luis Alberto Ossa Fernandez 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 El Paso Latino, 34 New Kent Road, London SE1 6TJ.
11. The application for variation is described as follows:
- '...We would like to extend our current alcohol licence to serve alcohol until 02:00hrs on Thursdays, Fridays and Saturdays. Further more we would like to amend out licence to allow our customers to purchase alcohol without the compulsory purchase of food.'

I have had El Paso for three months now. I have built up a good clientele who are of the middle age/older Latino demographic, who do not wish to go to

crowded places to socialise. I strongly believe these changes will help me to cater better to the clientele's wishes.'

12. As well as the extension to the hours, the variation also seeks the removal of Condition 340: "Intoxicating liquor shall not be sold or supplied on the premises other than to persons having table meals and is for consumption by such person as an ancillary to this food".
13. A copy of the application is attached to this report as Appendix B.

#### **Designated premises supervisor**

14. The designated premises supervisor (DPS) under the existing premises licence is Vanessa Moore holding a personal licence with the London Borough of Islington.

#### **Representations from responsible authorities**

15. The Metropolitan Police Service have made representation stating that the granting of additional hours will take the premises beyond those which are recommended by the Southwark statement of licensing policy. The police state that if additional hours were granted, that the removal of the condition defining alcohol as being ancillary to food should be retained.
16. The licensing authority (LA) have also made representation with similar concerns to that of the Metropolitan Police Service that the hours are beyond the recommended hours in the statement of licensing policy and that greater hours would require the 'restaurant condition' to remain.
17. Copies of the representations made by responsible authorities are available in Appendix C.

#### **Representations from other persons**

18. No representations were received from other persons.

#### **Conciliation**

19. Copies of representations were provided to the Applicant's agent. At the point of publication of this report, the Applicant had not responded to the concerns of the responsible authorities or local residents.

#### **Operating history**

20. Two temporary events notices (TENs) have been issued to the premises.

<b>Applicant</b>	<b>Dates</b>	<b>Activities</b>	<b>Counter Notice</b>
Vanessa Moore	31/04/2020 to 01/02/2020 until 02:00	<input type="checkbox"/> Alcohol (on sales) <input type="checkbox"/> Late Night Refreshment	No
Vanessa Moore	28/02/2020 to 29/02/2020 from 22:30 to 04:00	<input type="checkbox"/> Alcohol (on sales) <input type="checkbox"/> Late Night Refreshment	No

21. On 25 July 2018 El Paso Café Limited applied for a new premises licence in respect of this premises. Representations were received from responsible authorities, but subsequently conciliated. The licence was granted on 05 September 2018.
22. On 16 October 2019 Luis Alberto Ossa Fernandez applied to transfer the premises licence to El Paso Cafe Limited.
23. On 3 January 2020, the DPS was varied to Vanessa Moore.
24. There are no complaints regarding this premises.
25. There have been two inspections conducted at the premise. The summary of the inspections is set out below::

Date	Time	Outcome
31/05/2019	18:15	<p>No full licence.</p> <p>The following breaches:</p> <ul style="list-style-type: none"> <li>○ <b>288</b> That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises;</li> <li>○ <b>289</b> All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request;</li> </ul> <p>The CCTV was not fully operational, not could anyone at the premises operate the CCTV. Officers were advised that recordings are only retained for 10days, which is not long enough. A larger hard drive will be required and all members of staff trained on how to use the CCTV in the event of future inspections.</p> <ul style="list-style-type: none"> <li>○ <b>340</b> Intoxicating liquor shall not be sold or supplied on the premises other than to persons having table meals and is <b>for</b> consumption by such person as an ancillary to this food;</li> <li>○ <b>350</b> Alcohol will be served via table service only;</li> </ul> <p>Alcohol was being served to people not having a meal and who were not seated at tables. One customer was stood at the bar area consuming beer without food.</p> <ul style="list-style-type: none"> <li>○ <b>343</b> The <b>written</b> dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police;</li> </ul>

		<p>No written dispersal policy was available for inspection.</p> <ul style="list-style-type: none"> <li>○ <b>344</b> The premises will use a 'Challenge 25' system, with <b>appropriate</b> signage;</li> </ul> <p>There was no signage.</p> <ul style="list-style-type: none"> <li>○ <b>345</b> The premises will have a sign on exit asking customers to respect neighbours upon departure;</li> </ul> <p>There was no signage.</p> <ul style="list-style-type: none"> <li>○ <b>346</b> The <b>premises</b> will maintain a refusals book;</li> </ul> <p>There was no refusals book.</p> <p>Warning letter sent.</p> <p>Revisit at 18:45 on 26/07/2019, premises was closed.</p>
18/01/2020	21:50	Premises now under new management. Same conditions as above breached (namely, condition numbers: 288, 289, 340, 350, 343, 344, 345 and 346), including CCTV recording for only 10days; and x3 sales of alcohol at the bar (without table service) witnessed during inspection. Application to vary licence has since been made.

## Map

26. A map of the area is attached to this report as Appendix D. There are many licensed premises in the immediate vicinity, including:

### Sainsbury's, 40 New Kent Road, London SE1 6TL:

- The sale by retail of alcohol (off sales only):
  - Monday to Sunday from 00:00 to 00:00

### May Stores Ltd. (Select and Save), Unit A, 28 Arch Street, London SE1 6AS

- The sale by retail of alcohol (off sales only):
  - Monday to Sunday from 07:00 to 02:00

### Naranjo, 113c Elephant Road, London SE17 1LB:

- The sale by retail of alcohol (on sales only):
  - Monday to Sunday from 07:00 to 22:30

### Davish News, 30 New Kent Road, London SE1 6TJ:

- The sale by retail of alcohol (off sales only):
  - Monday to Sunday from 07:00 to 23:00

**Agata London Ltd. (Elephant Food and Wine), Unit 5, Metro Central Heights, 119 Newington Causeway, London SE1 6DQ:**

- The sale by retail of alcohol (off sales only):
  - Monday to Sunday from 00:00 to 00:00

**Elephant and Castle Public House, 121 Newington Causeway, London SE1 6BN:**

- The sale by retail of alcohol (on sales only):
  - Sunday to Wednesday from 11:00 to 00:00
  - Thursday from 11:00 to 01:00
  - Friday and Saturday from 11:00 to 02:00
- The provision of late night refreshment (both indoors and outdoors):
  - Sunday to Wednesday from 23:00 to 00:30
  - Thursday from 23:00 to 01:30
  - Friday and Saturday from 23:00 to 02:30
- The provision of regulated entertainment in the form of recorded music:
  - Sunday to Wednesday from 11:00 to 00:00
  - Thursday from 11:00 to 01:00
  - Friday and Saturday from 11:00 to 02:00.

**Southwark council statement of licensing policy**

27. 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.
28. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Cumulative impact zone (CIZ)**

29. According to the statement of licensing policy the premises are not located in any of the council's cumulative impact zones. The premises sits in the Elephant and Castle 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 the Elephant and Castle major town centre area:
- Restaurants and cafes:
    - Sunday to Monday to 00:00 (midnight)
    - Friday and Saturday to 01:00 (the following day)
  - Public houses, wine bars or other drinking establishments:
    - Sunday to Monday to 23:00
    - Friday and Saturday to 00:00 (midnight).

### **Resource implications**

30. 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**

31. 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**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

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

### **Principles for making the determination**

35. 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.
36. 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.
37. Relevant representations are those which
  - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an other party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
38. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
  - Add to, omit, and/or alter the conditions of the licence or,
  - Reject the whole or part of the application for variation.

### **Conditions**

39. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
40. The four licensing objectives are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
41. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
42. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to 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.

43. 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.
44. 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**

45. 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**

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

47. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
48. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
49. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
50. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
51. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
52. Under the Human Rights Act 1998 the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
53. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

## **Guidance**

54. Members are required to have regard to the Home Office 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**

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

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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**

<b>Name</b>	<b>Title</b>
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations from responsible authorities:
Appendix D	Map of the local area

### **AUDIT TRAIL**

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Andrew, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	13 March 2020	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	30 April 2020	

# Licensing Act 2003

## Premises Licence



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

Premises licence number

871465

### Part 1 - Premises details

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

El Paso Latino  
34 New Kent Road  
London  
SE1 6TJ

Ordnance survey map reference (if applicable),  
532086179036

<b>Post town</b> London	<b>Post code</b> SE1 6TJ
----------------------------	-----------------------------

**Telephone number** 02034414677

**Where the licence is time limited the dates**

**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 - 23:00
Tuesday	07:00 - 23:00
Wednesday	07:00 - 23:00
Thursday	07:00 - 23:00
Friday	07:00 - 23:00
Saturday	07:00 - 23:00
Sunday	07:00 - 23:00

**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	10:00 - 22:30
Tuesday	10:00 - 22:30
Wednesday	10:00 - 22:30
Thursday	10:00 - 22:30
Friday	10:00 - 22:30
Saturday	10:00 - 22:30
Sunday	10:00 - 22:30

**Part 2**

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

Luis Alberto Ossa Fernandez  
2 Kingsdown Road  
London, N19 4LA



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



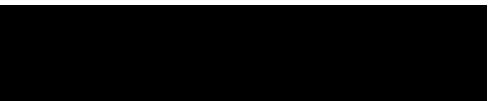
**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**



**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 Issue date 03/01/2020



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

## **Annex 1 - Mandatory conditions**

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

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

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

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

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

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

**487** The responsible person must ensure that free potable water is provided on request to customers where

it is reasonably available.

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

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

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

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

**489** The responsible person shall ensure that -

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

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

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,

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

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;
- (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Annex 2 - Conditions consistent with the operating Schedule**

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

**289** All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request;

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

**340** Intoxicating liquor shall not be sold or supplied on the premises other than to persons having table meals and is for consumption by such person as an ancillary to this food;

**341** That there shall be no more than five smokers outside at any time and this shall be monitored by staff;

**342** That the accommodation limit shall not exceed 16 patrons;

**343** The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police;

**344** The premises will use a 'Challenge 25' system, with appropriate signage;

**345** The premises will have a sign on exit asking customers to respect neighbours upon departure;

**346** The premises will maintain a refusals book;

**347** The DPS and Premises Licence Holder will participate in local Pub Watch and Neighbourhood associations, if invited;

**348** Premises staff will clean any rubbish or litter in front of the premises during the day on a regular basis;

**349** Customers will not be permitted to take any open bottles or cans outside of the premises (on sales only);

**350** Alcohol will be served via table service only

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

**Annex 4 - Plans - Attached**

Licence No. 871465

Plan No. N/A

Plan Date 25/07/2015

27/01/2020

Business - Application to vary a premises licence under the Licensing Act 2003  
Ref No. 1374537

**RECEIVED**  
**06 FEB 2020**

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

	Luis Alberto Ossa Fernandez
Premises licence number	871465

#### 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

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

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.

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

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)

£	0
---	---

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

Address Line 1	34 NEW KENT ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 6TJ
Ordnance survey map reference	532086179036
Description of the location	Under the bridge
Telephone number	[REDACTED]

Part 2 - Applicant details

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

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

Please tick	<input type="checkbox"/> Yes
-------------	------------------------------

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

(DD/MM/YYYY)	[REDACTED]
--------------	------------

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

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

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

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

	<p>We would like to extend our current alcohol license to serve alcohol until 2am on Thursdays, Fridays and Saturdays. Further more we would like to amend our license to allow our customers to purchase alcohol without the compulsory purchase of food.</p> <p>I have had El Paso Latino for three months now. I have built up a good clientele whom are of the middle age/older Latino demographic, who do not wish to go to crowded places to socialise. I strongly believe these changes will help me to cater better to the clientele's wishes.</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)

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

Supply of alcohol (if ticking fill in box J)

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

In all cases complete boxes K, L and M

Will the provision of late night refreshment take place indoors or outdoors or both? ( Please read guidance note 4 )

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

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

Please give further details here ( Please read guidance note 5 )

	Inside the Cafe
--	-----------------

Standard days & timings for Late night refreshment (Late night start time is from 23:00, see guidance notes 8)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		02:00
Fri	23:00	02:00
Sat	23:00	02:00
Sun		

State any seasonal variations for the provision of late night refreshment ( Please read guidance note 6 )

--	--

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

--	--

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example the 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 you intend the premises to be used for the activity.

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

	Both
--	------

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

Day	Start	Finish
-----	-------	--------

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

Mon	10:00	22:30
Tues	10:00	22:30
Wed	10:00	22:30
Thur	10:00	22:30
	10:00	02:00
Fri	10:00	22:30
	10:00	02:00
Sat	10:00	22:30
	10:00	02:00
Sun	10:00	22:30

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 )

	There is not any
--	------------------

#### 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		
Tues		

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 (please read guidance note 4)</u>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
<u>Please give further details here (please read guidance note 5)</u>				
Tue				
Wed			<u>State any seasonal variations for the provision of late night refreshment (please read guidance note 6)</u>	
Thur	23.00	03.00		
Fri	23.00	04.00	<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 (please read guidance note 7)</u>	
Sat	23.00	04.00		
Sun				



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick (please read guidance note 9)</b>		On the premises	
Day	Start	Finish			Off the premises	
Mon					Both	X
Tue						
Wed						
Thur	10.00	02.30			<b><u>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</u> (please read guidance note 7)</b>	
Fri	10.00	03.30				
Sat	10.00	03.30				
Sun						

**State any seasonal variations for the supply of alcohol** (please read guidance note 6)

K

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

L

<b>Hours premises are open to the public Standard days and timings (please read guidance note 8)</b>			<b><u>State any seasonal variations</u> (please read guidance note 6)</b>
Day	Start	Finish	
Mon	07.00	23.00	
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	03.00	<b><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)</b>
Fri	07.00	04.00	
Sat	07.00	04.00	
Sun	07.00	23.00	

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.

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.

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

Wed		
Thur	23:00	03:00
Fri	23:00	04:00
Sat	23:00	04:00
Sun		

State any seasonal variations ( Please read guidance note 6 )

--	--

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

--	--

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.

--	--

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

	license.jpg

Reason for not uploading the premises licence

--	--

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

	Personal Licence holder on the premises at all times, Designated Premises Supervisor nominated; sufficient number of staff on the premises to cover longer hours & busy times. regular training of staff.
--	--

b) the prevention of crime and disorder

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

	Sufficient number of door supervisors (if required); plastic cups & bottles used externally; regular glass collections; request photographic identification to control underage drinking; taxi booking service provided; CCTV in place.
--	---

## c) public safety

	Annual gas safety check; ring main electrical check (once every 5 years); PAT testing (portable electrical appliance testing); annual safety checks for lifting equipment; up to date health & safety policy & risk assessments; asbestos survey of premises; employers & public liability insurance in place; sufficient lighting internally & externally; regular fire checks & servicing of fire detection & extinguishing equipment; emergency procedures in place.
--	---

## d) the prevention of public nuisance

	Signage in place asking people to leave quietly, make regular sound checks inside & outside of the premises,
--	--

## e) the protection of children from harm

	No children allowed on the premises. Restrict areas where children allowed, no children to go into the bar area, restrict hours when children are allowed on the premises
--	---

## 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

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

	I agree
PaymentDescription	200003374401, ,
AuthCode	001533
LicenceReference	ks102 94212
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	Luis Alberto Ossa Fernandez
Date (DD/MM/YYYY)	11/11/2062
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 a company or limited liability partnership
--	---

[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.

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

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.

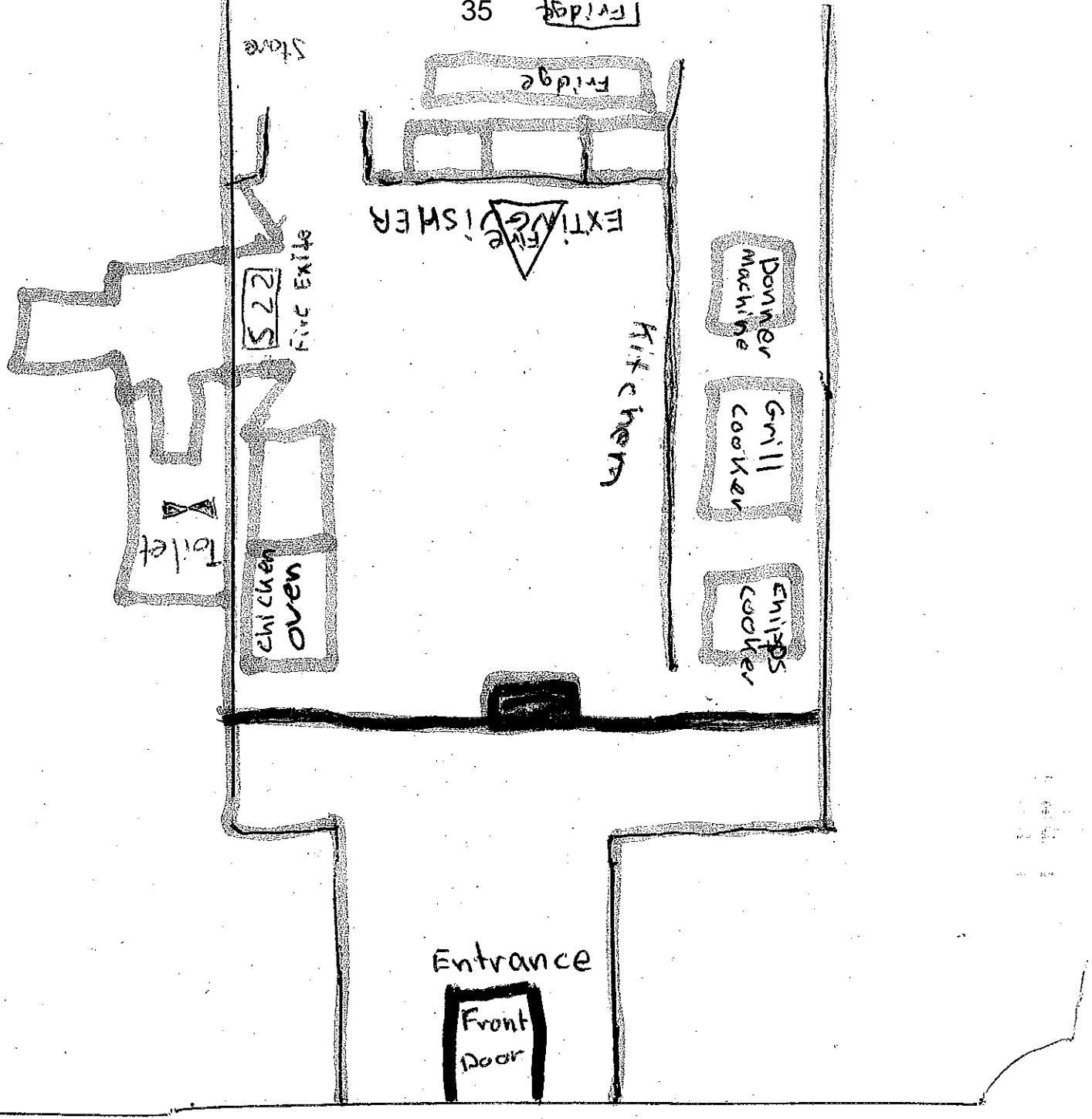
I agree to the above statement

	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.



Received : 05/02/07

**APPENDIX C**

**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/21/029/20

**Date:** 4th March 2020

Dear Sir/Madam

**Re:- El Paso Latino, 34 New Kent Road, London SE1 6TJ**

Police are in possession of an application from the above for a variation to the premises licence. The application is to extend the hours for Thursday until 3am, Friday and Saturday until 4am.

The premises are situated in the Elephant and Castle Major Town Centre as designated by the Southwark Statement of Licensing Policy. The hours granted are already in line with that Sunday to Thursday and it recommends midnight Friday and Saturday, Any further extension to the hours will take them outside the policy unless the venue includes the following condition to restrict the venue to that of a restaurant.

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

If the above condition is agreed, the recommended time within the Statement of Licensing policy is Thursday until Midnight, Friday and Saturday until 1am.

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. There are a number of large residential blocks situated in close proximity to the venue, which is also situated close to Elephant road, which has considerable issues with anti-social behaviour, crime and disorder.

The Following is submitted for your consideration.  
 Yours Sincerely

**PC Graham White 288MD**  
 Southwark Police Licensing Unit  
 Tel: 0207 232 6756

# MEMO: Licensing Unit

To	Licensing Unit	Date	5 March 2020
Copies			
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

Subject      Re: El Paso Latino, 34 New Kent Road, London, SE1 6TJ  
               – Application to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by Luis Alberto Ossa Fernandez under the Licensing Act 2003, which seeks the following licensable activities:

- To extend supply of alcohol (on the premises) on Thursday from 22:30 to 02:30 the following day, Friday and Saturday from 22:30 to 03:30 the following day
- To add supply of alcohol (off the premises) on Thursday from 10:00 to 02:30 the following day, Friday and Saturday from 10:00 to 03:30 the following day
- To add late night refreshment (indoors and outdoors) on Thursday from 23:00 to 03:00 the following day, Friday and Saturday from 23:00 to 04:00 the following day
- Overall opening times shall be on Sunday to Wednesday from 07:00 to 23:00, Thursday from 07:00 to 03:00 the following day and on Friday and Saturday from 07:00 to 04:00 the following day

The nature of the variation is described as follows: '*We would like to extend our current alcohol licence to serve until 2am on Thursdays, Fridays and Saturdays. Furthermore we would like to amend our licence to allow our customers to purchase alcohol without the compulsory purchase of food. I have had El Paso for three months now. I have built up a good clientele whom are of the middle age/older Latino demographic, who do not wish to go to crowded places to socialise. I strongly believe these changes will help me to cater better to the clientele wishes.*'

The premises was described in the original application for the existing premises licence as '*El Paso Café is a small business specialised in Mexican food, like burritos, quesadillas. We also serve hot and cold food; snacks, soft drinks and also tea, coffee. We have tables and chairs for our customers and also toilet facilities.*'

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

The premises is situated in Elephant and Castle Major Town Centre Area and under the Southwark Statement of Licensing policy 2019 - 2021 the appropriate closing times for restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours. The appropriate closing time for public houses, wine bars or other drinking establishments in this area on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours and this application seeks hours in excess of that which is recommended for a bar or a restaurant.

In the description the applicant has stated that they want to '*allow our customers to purchase alcohol without the compulsory purchase of food*'. There is a condition on the current licence which states the following: '**340 Intoxicating liquor shall not be sold or supplied on the premises other than to persons having table meals and is for consumption by such person as an ancillary to this food**'. If this condition is removed this would suggest that the premises now wants to operate more as a bar rather than a restaurant and the appropriate closing time for public houses, wine bars or other drinking establishments in this area on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours. I would therefore recommend that the hours applied for are amended in line with the licensing policy as follows:

- To extend supply of alcohol (on the premises) on Friday and Saturday from 22:30 to 00:00
- To add supply of alcohol (off the premises) on Thursday from 10:00 to 23:00 Friday and Saturday from 10:00 to 00:00 the following day
- To add late night refreshment (indoors and outdoors) on Friday and Saturday from 23:00 to 00:00
- Overall opening times shall be on Sunday to Thursday from 07:00 to 23:00, Friday and Saturday from 07:00 to 00:00

Alternatively, if the applicant decides that they will keep the restaurant condition 340 on the premises licence I would suggest that the hours applied for are amended in line with the recommended hours within the licensing policy for a restaurant as follows:

- To extend supply of alcohol (on the premises) on Thursday from 22:30 to 23:30, Friday and Saturday from 22:30 to 00:30 the following day
- To add supply of alcohol (off the premises) on Thursday from 10:00 to 00:00 the following day, Friday and Saturday from 10:00 to 01:00 the following day
- To add late night refreshment (indoors and outdoors) on Thursday from 23:00 to 00:00, Friday and Saturday from 23:00 to 01:00 the following day
- Overall opening times shall be on Sunday to Wednesday from 07:00 to 23:00, Thursday from 07:00 to 00:00 and on Friday and Saturday from 07:00 to 01:00 the following day

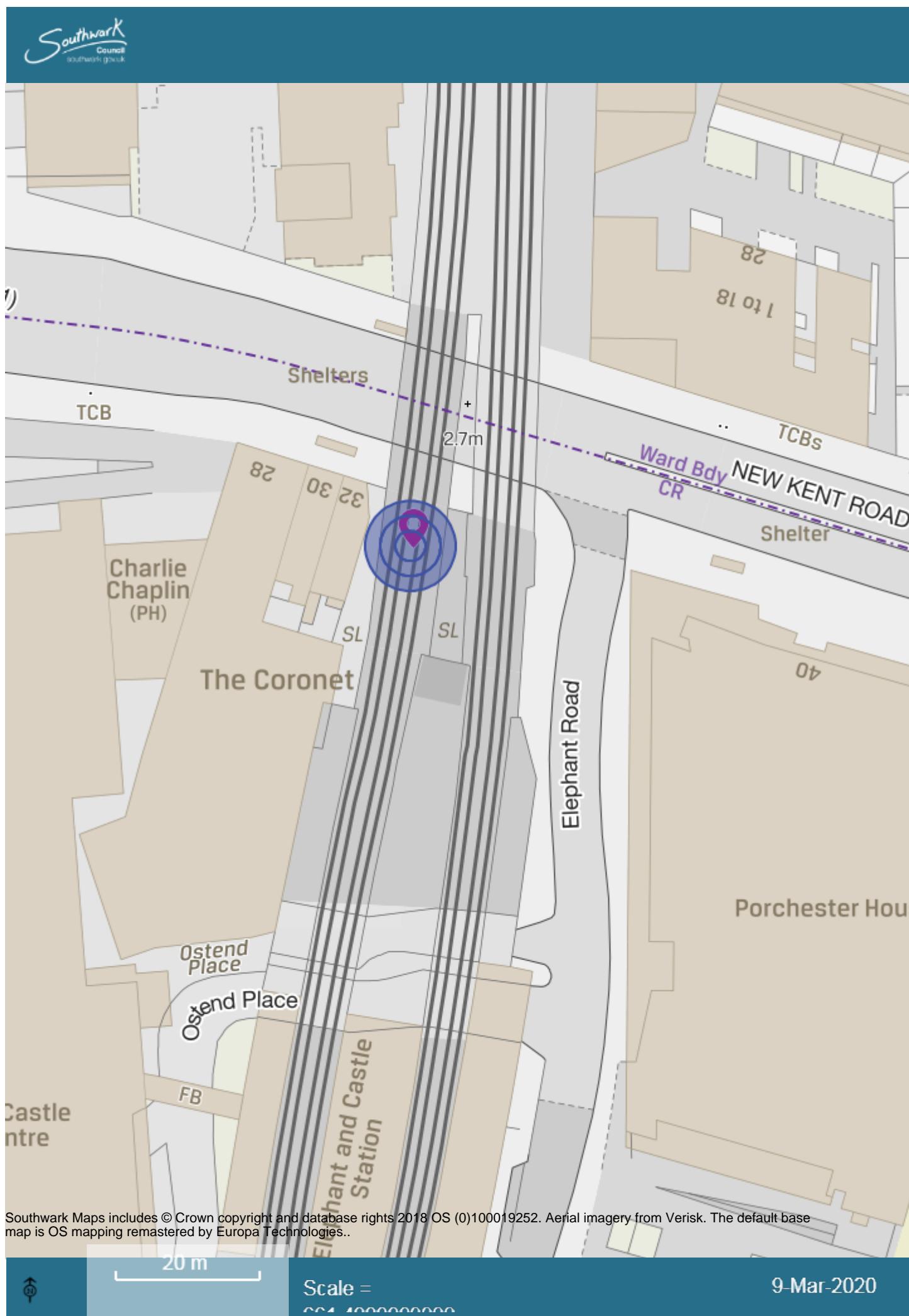
Further to this and due to the limited information on the application form and to promote the licensing objectives I ask the applicant also consider adding the following conditions to the operating schedule:

- 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



This page is intentionally blank.

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

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

Name	No of copies	Name	No of copies
<b>Members</b>		<b>Officers</b>	
Councillor Renata Hamvas (Chair)	1	Debra Allday, legal team	By email
Councillor Sunny Lambe	1	Gary Ward, legal team	By email
Councillor Lorraine Lauder MBE	1	Andrew Heron, licensing team	By email
<b>Reserve</b>		Jayne Tear, licensing team	By email
Councillor Maria Linforth-Hall	1	P.C Graham White, Metropolitan Police Service	By email
		Andrew Weir (spares)	By email
<b>Total printed copies: 4</b>			
<b>Dated:</b> 4 May 2020			