

## Licensing Sub-Committee

Thursday 17 December 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 Adele Morris  
Councillor Ian Wingfield

### Reserves

Councillor Sunil Chopra

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 9 December 2020



## **Licensing Sub-Committee**

Thursday 17 December 2020  
10.00 am

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### **Order of Business**

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
	<b>PART A - OPEN BUSINESS</b>	
<b>1.</b>	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
<b>2.</b>	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
<b>3.</b>	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
<b>4.</b>	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
<b>5.</b>	<b>LICENSING ACT 2003, GRAFTERBOY LOUNGE, 332C CAMBERWELL NEW ROAD, LONDON SE5 0RW</b>	<b>1 - 61</b>
<b>6.</b>	<b>LICENSING ACT 2003: AGUILA RESTAURANT, FIRST FLOOR, ARCH 147, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP</b>	<b>62 - 122</b>

**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: 9 December 2020

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 17 December 2020	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003, Grafterboy Lounge, 332c Camberwell New Road, London SE5 0RW	
<b>Ward(s) or groups affected:</b>		Camberwell Green Ward	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Mr Cain Green and Mr Latyr Faye for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Grafterboy Lounge, 332c Camberwell New Road, London SE5 0RW.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 13 of this report provides a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 14 to 22 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted by the Responsible Authorities are attached to this report in Appendix B. A map showing the location of the premises is attached to this report as Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

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

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

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 7 October 2020 Mr Cain Green and Mr Latyr Faye applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Grafterboy Lounge, 332c Camberwell New Road, London SE5 0RW.
9. The premises is described in the application as:
  - “A4 Premises. Main floor will allow Shisha smokers. 50% air coming into property.  
Downstairs will have a vent in place, the lounge area for eating & dining. (Desserts and fast food)  
Alcohol will be prepared downstairs.  
Alcohol stock will be kept in storage room...”

10. The hours within the application are summarised as follows:

- The sale by retail of alcohol (both on and off sales)
  - Sunday to Thursday from 16:00 to 01:00
  - Friday from 14:00 to 02:00
  - Saturday from 16:00 to 02:00
- The provision of late night refreshment (indoors)
  - Sunday to Thursday from 23:00 to 01:00
  - Friday and Saturday from 23:00 to 02:00
- Opening hours
  - Sunday to Thursday from 16:00 to 01:00
  - Friday from 14:00 to 02:00
  - Saturday from 16:00 to 02:00.

11. The hours have since been amended through mediation with the licensing authority and are amended to:

- The sale by retail of alcohol (on sales only)
  - Sunday to Thursday from 16:00 to 22:30
  - Friday from 14:00 to 23:30
  - Saturday from 16:00 to 23:30
- The sale by retail of alcohol (off sales only)
  - Sunday to Thursday from 16:00 to 23:00
  - Friday from 14:00 to 00:00
  - Saturday from 16:00 to 00:00
- The provision of late night refreshment (indoors)
  - Friday and Saturday from 23:00 to 00:00
- Opening hours
  - Sunday to Thursday from 16:00 to 23:00
  - Friday from 14:00 to 00:00
  - Saturday from 16:00 to 00:00.

12. The designated premises supervisor (DPS) is to be Cain Green, one of the licence applicants. However, personal licence details are to be forthcoming.

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

### **Representations from responsible authorities**

14. Representations have been submitted by four responsible authorities, namely, the Metropolitan Police Service (licensing division), the council's environmental protection team, health and safety team and the licensing team in their role as responsible authority.
15. The police have withdrawn their representation further to the applicants agreeing to add the following conditions:
  - 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.
  - That 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.
  - That a member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
  - That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to officers of the police and the council.
  - That customers shall use no outside area after 22.00h other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time.
  - That all licensable activities shall cease 30 minutes prior to the terminal hour.

- That all alcohol off sales shall be sold in sealed containers for consumption away from the premises.
  - That the accommodation limit for the premises is 25 People (excluding staff).
  - That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
  - That details of the premises opening and closing will be clearly displayed upon the premises for the information of customers.
  - That a written dispersal policy shall be kept at the premises with the licence and be made available for inspection by authorised officers on request.
  - That all staff shall be trained in the use of the dispersal policy.
16. The licensing authority has also withdrawn their representation with the agreement of amendments to the operation schedule and the addition of conditions.
17. The licensing authority and the applicants agreed to the following amendments to the operating schedule as follows:
- Opening times on Sunday to Thursday shall cease at 23:00 and on Friday and Saturday shall cease at 00:00.
  - Late night refreshment (indoors) to be removed for Sunday to Thursday (as not required before 23:00) and to cease at 00:00 on Friday and Saturday.
  - Supply of alcohol (off the premises) on Sunday to Thursday to cease at 23:00 and on Friday and Saturday to cease at 00:00.
  - Supply of alcohol (on the premises) on Sunday to Thursday to cease at 22:30 and on Friday and Saturday to cease at 23:30 (this allows for half an hour drinking up time).
18. The licensing authority and the applicants also agreed that the following conditions shall be added to the operating schedule:
- That all '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 'off sales' of alcohol are not be opened and consumed in the vicinity of the premises.



- The accommodation limit for the premises shall not exceed 25 persons (excluding staff).
  - That 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. All relevant staff shall be trained in the implementation of the dispersal policy.
19. The representation from the environmental protection team points to a flaw in the planning process, potential issues with noise egress and problems with the intention to use the premises as a shisha lounge. Correspondence has been exchanged, but concerns remain outstanding.
  20. The representation from the health and safety team is primarily concerned with the use of the premises for shisha being contrary to the Health Act.
  21. All representations are available in Appendix B. The representations for the police and licensing authority are conciliated (and full details given in Paragraphs 15 and 16). The outstanding representations from the environmental protection team and health and safety team are also available in Appendix B, including the exchange of dialogue.

### **Representations from other persons**

22. No representations have been received from other persons.

### **Conciliation**

23. As stated above, representation from the police and licensing authority have been conciliated, but those from the environmental protection team and the health and safety team remain outstanding.

### **Premises history**

24. This is a new application, with no licensing history or complaints relating to the current applicant. There was a premises licence in place here previously, which had been to the Southwark licensing sub-committee on 29 September 2018. A copy of the notice of decision is attached, for information only, in Appendix C. The premises never opened and the licence was surrendered on 3 August 2020.

### **Deregulation of entertainment**

25. 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.
26. 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').
27. The showing of films has not been de-regulated.

### **Business and Planning Act**

28. The provisions in the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. This will make it easier for licensed premises to sell alcohol to customers for consumption off the premises in England and Wales, which will allow businesses to trade and maintain social distancing.

### **Map**

29. A map of the local area is attached as Appendix D. While there are a significant number of licensed premises in the locality, there are a number of licensed premises in the immediate vicinity, namely:

#### **Old Dispensary, 325 Camberwell New Road, London SE5 0TF:**

- Provision of regulated entertainment in the form of recorded music:
  - Monday to Sunday from 09:00 to 00:30
- Late Night Refreshment:
  - Monday to Sunday from 23:00 to 00:30
- Sale by retail of alcohol both on and off sales:
  - Monday to Sunday from 09:00 to 00:30

**Tesco Stores Limited, 316-322 Camberwell New Road, London SE5 0RW:**

- Sale by retail of alcohol to be consumed off premises:
  - Monday to Sunday from 06:00 to 23:00
- Provision of late night refreshment:
  - Monday to Friday from 23:00 to 02:00
  - Saturday and Sunday from 23:00 to 03:00

**UK Food and Wine, 338 Camberwell New Road, London SE5 0RW:**

- Sale by retail of alcohol to be consumed off premises:
  - Monday to Sunday 00:00 to 00:00

**Supersave Express, 350 Camberwell New Road, London SE5 0RW:**

- Sale by retail of alcohol to be consumed off premises:
  - Monday to Sunday 08:00 to 01:00

**Midnight Munchies, 332b Camberwell New Road, London SE5 0RW:**

- Sale by retail of alcohol to be consumed on premises:
  - Monday to Sunday from 11:00 to 23:00
- Provision of late light refreshment - indoors and outdoors:
  - Sunday to Monday from 23:00 to 23:30
  - Friday and Saturday from 23:00 to 00:20.

## **Policy Implications**

### **Camberwell cumulative impact zone**

30. Council assembly approved the introduction of a special policy for Camberwell on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 5 November 2008. This application falls within the policy area.
31. 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.

32. The effect of this special policy 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.

### **Southwark Council statement of licensing policy**

33. 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. To be read in conjunction with Appendix B to the policy.
  - Section 8 – The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public Safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
34. 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.

35. Within Southwark's statement of licensing policy 2019 - 2021, the premises is situated in the Camberwell cumulative impact area. Under the Southwark statement of licensing policy 2019 - 2021 the following closing times are recommended as appropriate within this area for this categories of premises indicated below:

- Restaurants and cafes:
  - Sunday to Thursday: 23:00
  - Friday and Saturday: 00:00
- Public houses, wine bars and other drinking establishments:
  - Sunday to Thursday: 23:00
  - Friday and Saturday: 00:00.

### **Community Impact Statement**

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

### **Resource implications**

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

### **Consultation**

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

### **Community impact statement**

39. 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**

40. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.

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

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

42. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.

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

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

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

45. Relevant representations are those which:

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

46. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:

- To grant the licence subject to:
  - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
  - Any condition which must under section 19, 20 or 21 be included in the licence.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

#### **Conditions**

47. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other

reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

48. The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm.

49. 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.

50. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

51. 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**

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

### **Hearing procedures**

53. 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.

54. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

55. 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.
56. 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.
57. 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.
58. 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.

59. 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.
60. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
61. 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.
62. 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**

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

### **Strategic Director of Finance and Governance**

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

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Application for a premises licence and associated plans
Appendix B	Representations from responsible authorities,
Appendix C	Notice of Decision from 29 September 2018
Appendix D	Map of the locality

**AUDIT TRAIL**

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure		
Report Author	Andrew Heron, Principal Licensing Officer		
Version	Final		
Dated	4 December 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			4 December 2020

07/10/2020

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

Ref No. 1531223

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Cain Green & Latyr Faye

#### Notes for Guidance

1. 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.

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

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.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. 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.

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

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

7. 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.

8. 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'.

9. 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.

10. Please list here steps you will take to promote all four licensing objectives together. 11.

The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.

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

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

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

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

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

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.

- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.

- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a Business - Application for a premises licence to be granted under the Licensing Act 2003

European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:

- o evidence of the applicant's own identity – such as a passport,

- o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

- o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:

- (i) working e.g. employment contract, wage slips, letter from the employer,

(ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,

(iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or (iv)

self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

(i) any page containing the holder's personal details including nationality;

(ii) any page containing the holder's photograph;

(iii) any page containing the holder's signature;

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

(iv) any page containing the date of expiry; and

(v) any page containing information indicating the holder has permission to enter or remain in

the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should



include in this application their 9-digit share code (provided <sup>20</sup>22 them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

## Premises Details

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

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

£ 8500

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

Yes

Premises trading name

Grafterboy Lounge

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

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

Do you have postcode?  
a Southwark Yes

Address Line 1 332C CAMBERWELL NEW ROAD

Address Line 2

Town LONDON

Post code SE5 0RW

Ordnance survey  
map reference

Description of the  
location

Telephone number



## Applicant Details

Please select whether you are applying for a premises licence as

An individual or individuals

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

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

#### Details of Individual Applicant

##### Personal Details

Title Mr

If other, please  
specify

Surname Green

Forenames Cain

Date of birth [REDACTED]

over Yes  
I am 18 years old or

Nationality British

##### Current Address

Street number or

Building name [REDACTED]

Street Description [REDACTED]

Town [REDACTED]

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

County

Post code [REDACTED]

##### Contact Details

telephone number [REDACTED]  
Daytime contact

Email Address [REDACTED]

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see guidance below)

Please enter

## Guidance notes

Do you wish to add a second individual applicant?

Yes

## Second Individual Applicant

### Personal Details

Title Mr

If other, please  
specify

Surname Faye

Forenames Latyr

Date of birth [REDACTED]

over Yes  
I am 18 years old or

Nationality British

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see guidance below)

Please enter

### Current Address

Street number or

Building name [REDACTED]

Street Description [REDACTED]

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

Town [REDACTED]

County

Post code [REDACTED]

### Contact Details

telephone number [REDACTED]

Daytime contact

Email Address [REDACTED]

Guidance notes

Operating Schedule

When do you want the premises licence to start?

12/10/2020

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

General description of premises ( see guidance note 1 )

A4 Premises. Main floor will allow Shisha smokers. 50% air coming into property.  
Downstairs will have a vent in place, the lounge area for eating & dining. (Desserts & fast food)  
Alcohol will be prepared downstairs.  
Alcohol stock will be kept in storage room.

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

Less than 5000

Note 1

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.

Operating Schedule part 2

What licensable activities do you intend to carry on from the premises?  
Business - Application for a premises licence to be granted under the Licensing Act 2003

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

Provision of regulated entertainment (Please read guidance note 2)

Provision of late night refreshment

i) Late night refreshment

Supply of alcohol

j) Supply of alcohol

In all cases please complete boxes K, L and M.

I - Late Night Refreshment

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

Indoors

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

Music will be unamplified

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

Day Start Finish

Mon: 23:00 - 01:00

Tues: 23:00 - 01:00

Wed 23:00 - 01:00

Thurs: 23:00 - 01:00

Fri: 23:00 - 02:00

Sat: 23:00 - 02:00

Sun: 23:00 - 01:00

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

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

N/a Christmas we are closed, New Years eve & Christmas Eve we intend to close early

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 23:00) and only give details for the days of the week when you intend the premises to be used for the activity. Start time begins from 23:00

#### J - Supply of Alcohol

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

Both

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

#### Day Start Finish

Mon: 16:00 - 01:00

Tues: 16:00 - 01:00

Wed: 16:00 - 01:00

Thur: 16:00 - 01:00

Fri: 14:00 - 02:00

Sat 16:00 - 02:00

Sun 16:00 - 01:00

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

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

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

Schedule- 15- 6- 3- 17- Consent- of- individual- to- being- specified- as- premises supervisor- 2- copy.pdf

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.

Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (Please see declaration about the entitlement to work in the check list at the end of the form)

Full name of proposed designated premises supervisor

First names Cain

Surname Green

DOB

Date Of Birth [REDACTED]

Address of proposed designated premises supervisor

Street number or [REDACTED]

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

Building name

Street Description [REDACTED]

Town [REDACTED]

County

Post code [REDACTED]

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

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

K

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

#### Television Entertainment (Live football & boxing)

9. 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.

L - Hours premises are open to public

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

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

7. 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.

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

Day Start Finish

Mon: 11:00 - 01:00

Tues: 11:00 - 01:00

Wed: 11:00 - 01:00

Thur: 11:00 - 01:00

Fri: 11:00 - 02:00

Sat: 16:00 - 02:00

Sun: 16:00 - 01:00

State any seasonal variations ( Please read guidance note 5 )

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

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



## M - Steps to promote four licencing objectives

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

We intend to deal with situations in a responsible and managing way. Protecting customers (public & local residents) is priority. We aim to keep the police in touch and have them to use their power to prevent any crime or anti social behaviour.

Ensure we have a policy of "No hoods or hats"  
Must be sober entering our premises  
ID is mandatory  
CCTV in operation 24/7

### b) the prevention of crime and disorder

If relevant get security & Have 24/7 CCTV in operation

### c) public safety

CCTV in operation & local police safeguarding the area

### d) the prevention of public nuisance

Trained staff to increase awareness & assess particular / potential risks. All staff work as a team to minimise possible disturbances to our neighbours

### e) the protection of children from harm

Having a safe environment will minimise the harm of children. ID is to be shown before serving alcohol, under 18's must be accompanied with a guardian after certain time. No drugs or outside products can be consumed in our premises. Under 18's will be restricted from areas where alcohol is consumed.

## Guidance note 10

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

Please upload a plan of the premises

[Proposed-Shisha-Drawing-Plans-.pdf](#)

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

## Checklist

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

## Home Office Declaration

Please tick to indicate agreement

I am a company or limited liability partnership

## Declaration

[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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

I/We hereby declare the information provided is true and accurate.

I agree to the above statement

Yes

PaymentDescription [REDACTED]

inorUnits [REDACTED]

PaymentAmountInM

[REDACTED]

[REDACTED]

PaymentContactEmail [REDACTED]

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

Full name Cain Lawrence Green

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

(DD/MM/YYYY) 07/10/2020  
Date

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 13). If completing on behalf of the applicant state in what capacity

Full name Latyr Faye

(DD/MM/YYYY) 07/10/2020  
Date

Capacity Executive director

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

Grafterboy Shisha

Contact name and  
address for  
correspondence

Telephone No.

If you prefer us to  
correspond with you by  
e-mail, your email address  
(optional)

## GUIDANCE NOTES

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

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

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.

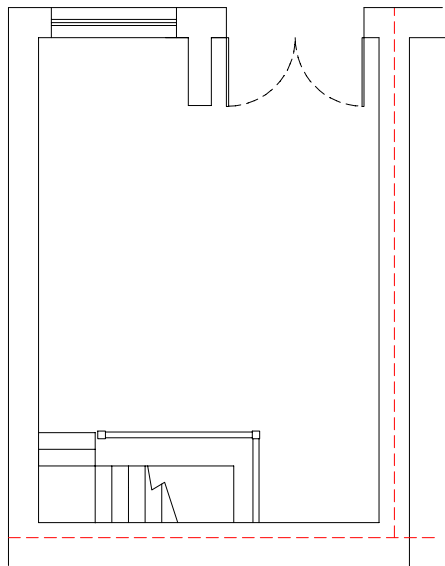
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A

68  
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.

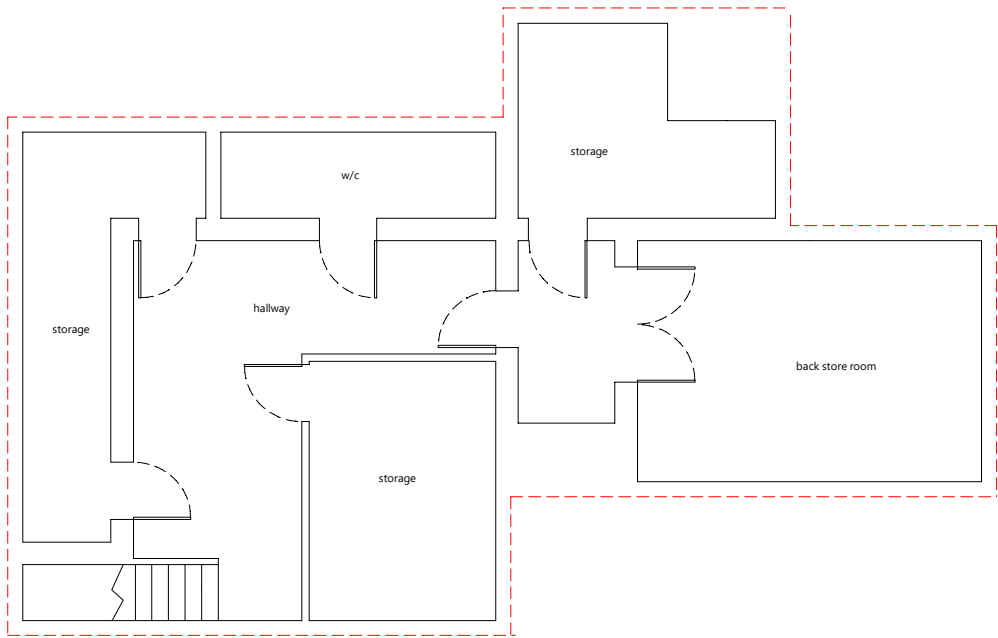
The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



Existing Shop Front  
1:100



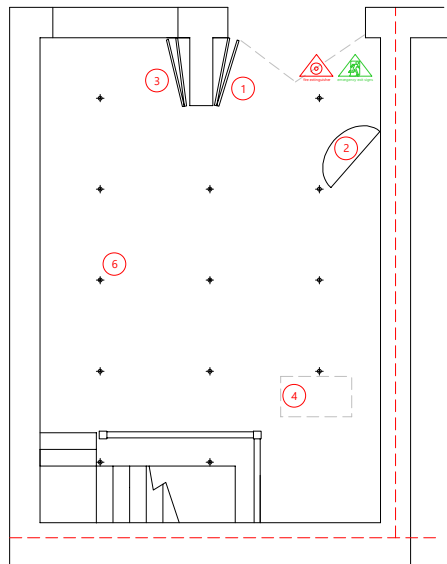
Existing Ground Floor  
Layout Plan  
1:100



Existing Basement  
Layout Plan  
1:100



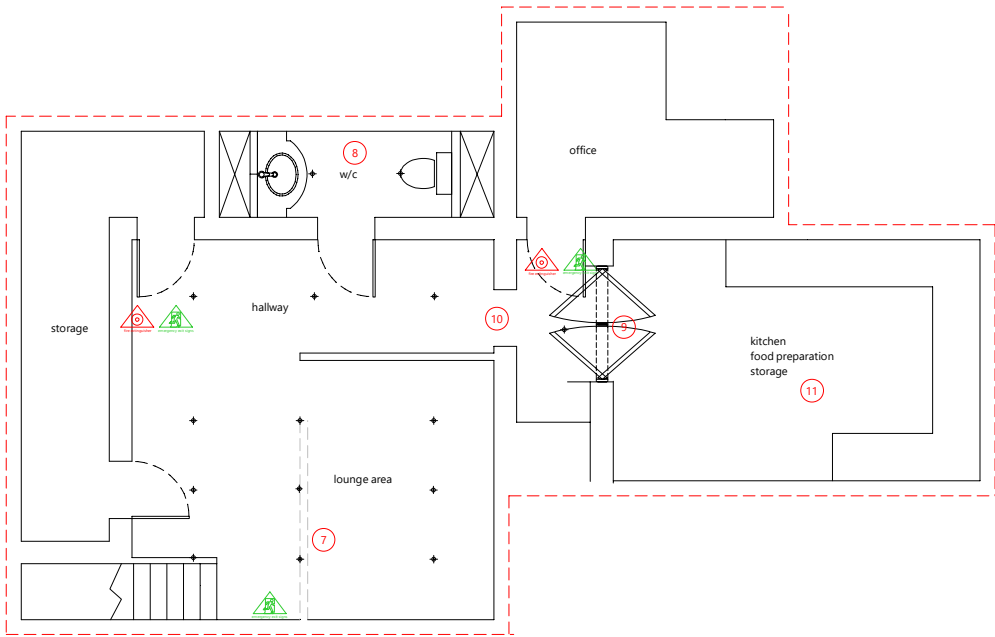
Proposed Shop Front  
1:100



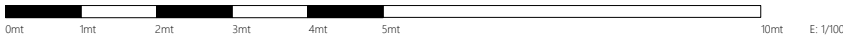
Proposed Ground Floor  
Layout Plan  
1:100

Features Include:


- 1 entrance door changed to space saver bifold
- 2 reception desk / pay point
- 3 main window changed to bi-fold
- 4 removal of hair dressing sinks / chairs
- 6 recessed low voltage lighting
- 7 stud partition removed
- 8 w/c to basement refitted
- 9 swing doors to new kitchen
- 10 door removed
- 11 kitchen / food preparation
- 12



Proposed Basement  
Layout Plan  
1:100



<b>NOTES:</b>  This drawing is subject to copyright and should not be reproduced without permission. All dimensions in millimeters unless otherwise stated. These Plans are subject to 'Planning and Building Regulation Approval' or any other statute in law before building commences. All building work is subject to Building Control Approval. Any structural work where mentioned on the drawing is subject to a qualified structural and civil engineer calculations before building work commences. All drawings marked preliminary or planning are not to be built or manufactured from. Boundary line indicative only. Exact location must be determined on site before building work commences. Any discrepancies found in this drawing to be brought to the attention of Draw Plans for rectification.	Plans Details		Client Details	
	Existing & Proposed Shop Front		Shiska Lounge	
			Property Details	
	Scale: 1:100@A3	Drawn: Tom Norris	332c Camberwell New Road London SE5 0RW	
	Ref: 6222825	Date: Jul 2020		



ARCHITECTURAL DESIGNERS & CONSULTANTS

39 Knighton Park Road London SE26 5RN  
Tel: 0800 677 1673 / support@drawplans.uk  
www.drawplans.uk

Mitehart Limited t/a Draw Plans © Copyright

**APPENDIX B**

**From:** Fox, Roy  
**Sent:** Wednesday, November 04, 2020 4:35 PM  
**To:** Regen, Licensing; [REDACTED]  
**Cc:** 'SouthwarkLicensing@met.police.uk'  
**Subject:** 332C Camberwell New Road, SE5 0RW

**ENVIRONMENTAL  
 PROTECTION  
 TEAM (EPT)**

Dear Sir/Madam

Re: New Premises Licence Application 873595 - 332C Camberwell New Road, SE5 0RW – Graftorboy Lounge

I act on behalf of the environmental health responsible authority. I am making this representation following the Licensing Objective 'the prevention of public nuisance' in order to object to the grant of the above premises licence application. The basis for my objection is as follows.

- The premises does not have planning permission for the A4 use referred to in the application. The current planning permission (reference 18/AP/1938) is personal to Sharks Micropubs Ltd and does not confer to the land, so the applicants for this premises licence do not benefit from it. Note that this permission included conditions prohibiting the provision of hot food in the premises and the use of televisions/screens. Additionally it prohibits its use to be carried out outside of the hours of 12:00 to 23:00 Mondays to Sundays. The planning approval was so conditioned to avoid adverse impacts on the residents that reside above the premises, above neighbouring premises and to the immediate rear. In particular the residents to the rear might suffer from nuisance derived from odours exhausted from a commercial kitchen. This situation is not remedied by this premises licence application in which fast food is proposed to be provided from a basement kitchen.
- Further to the previous point, the planning application referred to included a noise impact assessment including the testing of the ceiling/floor separating these premise from the residential above it on the first floor. The assessment recommended extensive sound insulation to protect the residents from noise from the proposed A4 use. As the development did not proceed, the sound insulation was not installed, so noise from activities in these premises would most likely impact on the residents above.
- The hours of use applied for fall considerably outside the Southwark Statement of Licensing Policy 2019-21 that recommends for this location the closure of drinking establishments (the A4 use referred to above) at 23:00 hours on Sunday to Thursday and 00:00 hours on Friday and Saturday. Extended opening hours would exacerbate any nuisance issues that may arise as discussed in the previous two bullet points.
- The application proposes the sale of alcohol right up to closing time, which would not be practically possible other than for off sales.
- The application proposes the smoking of shisha pipes in an indoor space that is not permitted under the Health Act 2006 unless at least half of all sides are open to the air. The limited opening areas shown on the plan do not meet this. Vents are not acceptable as a substitute.
- There is no risk assessment provided on how public nuisance would be avoided other than the statement in part M on training staff and teamwork, which is inadequate.

In order for this representation to be withdrawn the applicants would need to provide detailed information on sound insulation between the premises and the floor above; the control of odour emissions from the kitchen; times to meet Southwark policy recommendations; alcohol and food sales finishing earlier than closing time; a management plan to address the avoidance of public nuisance; and, withdrawal of smoking indoors (albeit this may be addressed using more appropriate legislation).

Regards,

Roy Fox  
Principal Environmental Protection Officer

Southwark Council | Environmental Protection Team | Regulatory Services | 3rd  
Floor Hub 1 | PO Box 64529 | London | SE1P 5LX

020 7525 2458

[www.southwark.gov.uk](http://www.southwark.gov.uk)

**RESPONSE TO EPT**

To Mr Fox, Roy

I am writing to you in regards to your recent objection to our premises licence application for shop C 332 Camberwell New Road, SE5 0RW. In all kindness we respect your concern and objection due to environmental health policies, but as a business & company director we aim to improve the community in Camberwell and modernise Camberwell. And this is to bring new businesses and create positive and constructive relationships with our neighbours. So far we have had an outstanding community, who seem very excited as they're aware of a Shisha Lounge coming to them (see image at bottom of page of our insights so far!) We understand there is a local shisha bar nearby that gets very overcrowded, so we don't intend to create this type of congestion. We only aim to accept bookings and reservations.

In response to your first statement, The premises does currently hold an "A4" class. Prior to taking the lease we ensured the premises holds and appropriate class, as a shisha cafe we can legally operate in a premises that's "A3 or A4". I have had confirmation from a member in planning at Southwark council and the landlords agent confirming the premises is still "A4" and there weren't no change after Sharks Micropubs LTD evacuated. Please see proof at the bottom of the page.

In regards to your point about operational hours and the use of televisions, hot food. We respect Camberwell's neighbourhood, the community and residents so therefore we will aim to change our planned hours 7 days a week to 12pm to 00:00pm as we are classed under café and not an drinking establishment. Our neighbour, unit B closing time is 1am Fri & Sat, they have a commercial kitchen, we don't intend to have a commercial kitchen. We only plan to have a prep room where our equipment will be accommodated. There will be no odours coming into contact with residents, fumes would travel via our vent which extracts. Shop C and B share the same building and we both practically have the same business nature. We don't intend to cook meals or install any form of cooking appliance. we only intend to serve ready made food and heat up via our equipment for consumer rights.

In regards to sound insulation, we don't intend to have loudspeakers, amplified music or bass coming from our premises, in respect to our neighbours and building size. We are aware from reports that sound insulation works got undertaken.

Following your concern in regards to our hours of use, this will be amended and we apologise for not being clear in our application of our business nature. We aint a drinking establishment, we don't heavily promote the sale of alcohol. We only intend to serve a limited cocktail menu containing maximum 11% abv. This will disallow consumers to feel intoxicated quick. Our menu is majority milkshake, smoothie and soft drinks. We plan to stop serving any alcoholic drink half hour before closing time.

We aim to prohibit crime and disorder and public nuisance by advertising the licencing policy 2003 policy "Respect our neighbours" this will advise our customers to leave our premises at a minimum volume, if they disobey this can result customers being banned. We have CCTV installed to protect our customers and the public. Customers consuming alcohol on our premises will be allowed to drink till 23:30pm and takeaway customers can make



their last order by 23:30pm and consume away from our premises. All 'off sales' of alcohol will be and taken away from the premises.

We will also advertise legible signage, easily seen and read, requesting that 'off sales' of alcohol are not be opened and consumed in the vicinity of the premises.

I'd also like to take the time to

**In regards to shisha, as our business nature is primarily around hookah pipes, we have to acknowledge the councils policy and the legislations therefore after a consideration at our board meeting we have chosen to transform our business nature at our premises in Camberwell and remove the idea of Shisha. We intend to serve desserts, snacks, cocktails and milkshakes.**

We apologise for submitting a application without a risk assessment, as we understand a risk assessment is mandatory when it comes to public nuisance. I'd like to briefly explain key points such as Noise, we won't be having loud music, bass or any form of loudspeakers. Odours won't be travelling to our neighbours or residents above as we have ventilation In place. One brings in air to assist natural air and one extracts, which removes fumes and odours. Our waste will be managed, bins will get chucked every night, we have a waste company in place already who collect our rubbish weekly.

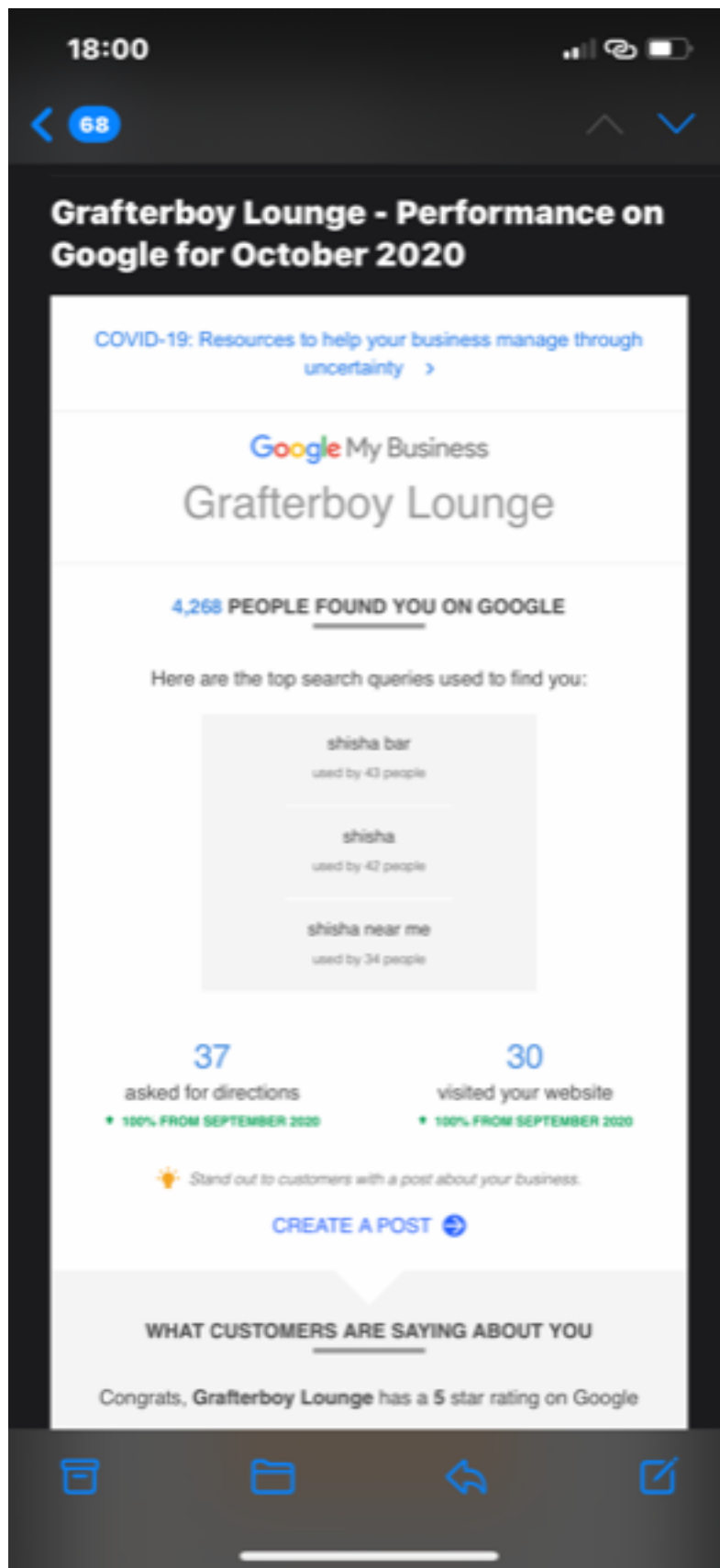
We will be using signs to advise customers and staff to use bins and dispose any waste respectfully also signs to advise customers to be quiet when leaving premises, people can be banned from our business If they don't cooperate. We have a toilet on site which is accessible to customers.

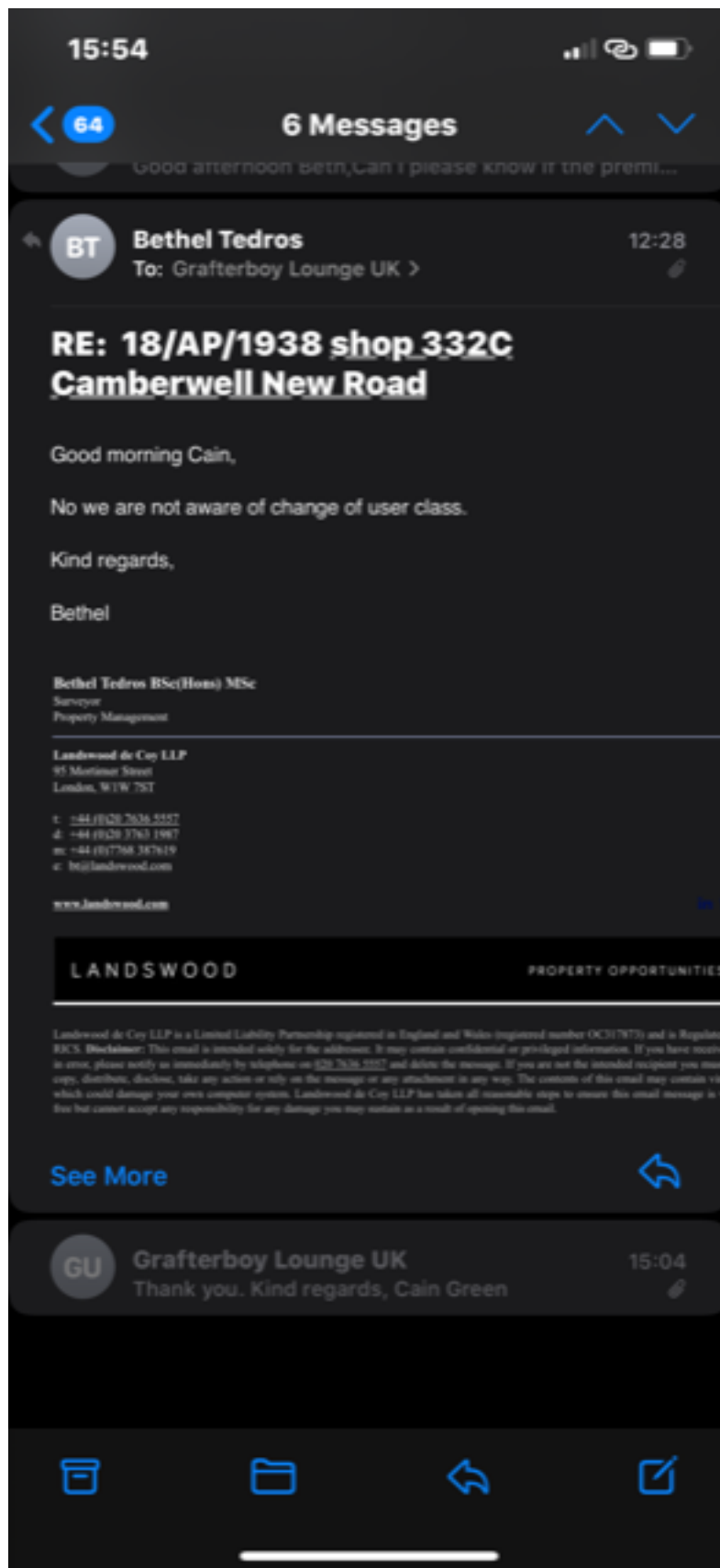
I respect your opinion and concerns in regard to our premises licence application.

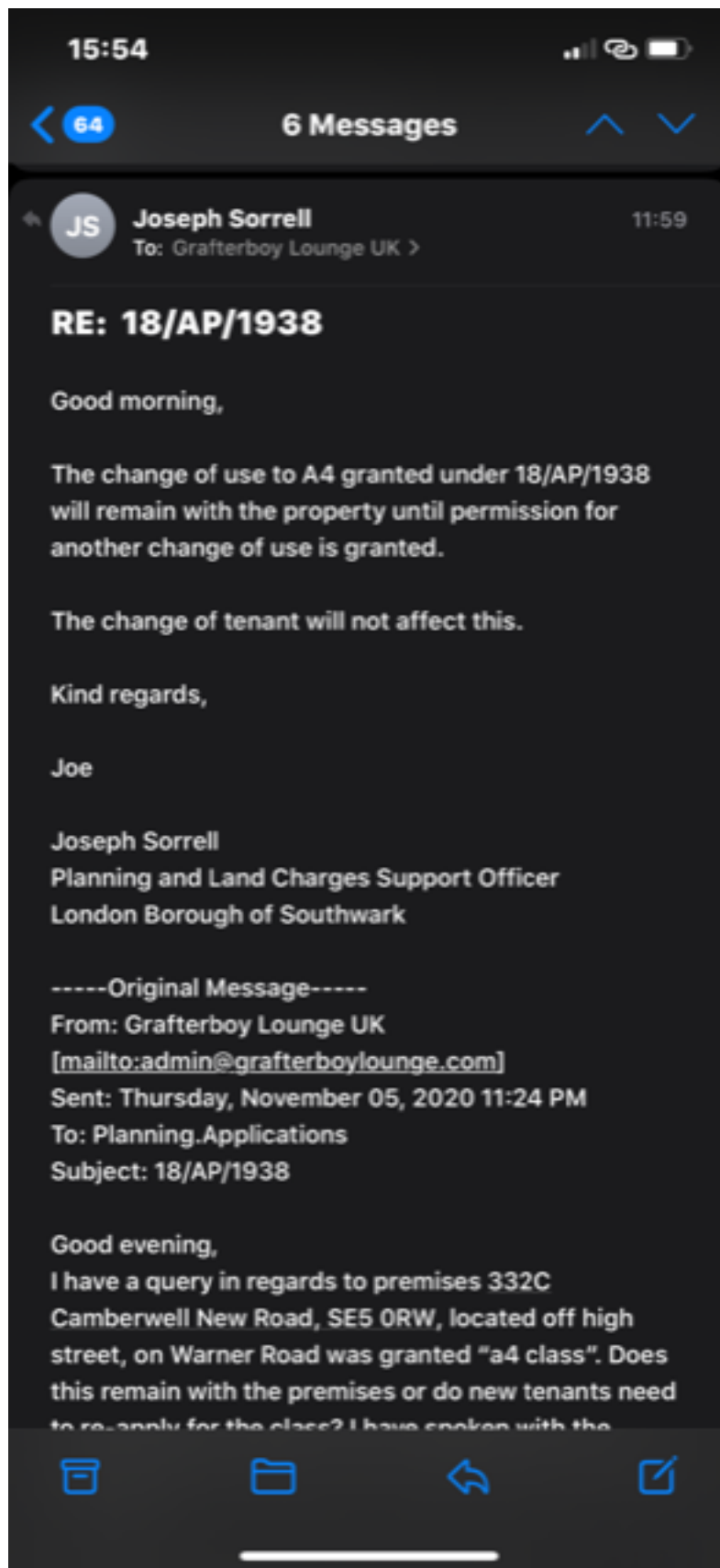
Kind regards,

Cain Green & Latyr Faye









**RESPONSE FROM EPT****From:** Fox, Roy**Sent:** Friday, November 20, 2020 5:37 PM**To:** [REDACTED]**Cc:** Heron, Andrew**Subject:** 332c Camberwell New Road, Grafterboy Lounge

Dear Mr Green

Thank you for sending your letter of response to my representation to your application for a premises licence for Grafterboy Lounge, 332c Camberwell New Road, SE5. I apologise for the delay in responding to you. I have given consideration to the various points you have raised. Kindly note the following the following comments on these.

- The information you received from Joe Sorrell is incorrect. Although planning permission is typically awarded to premises, this is not the case for these premises. The A4 use approved is a personal permission held by Shark Micropubs Ltd under planning reference number 18/AP/1938. I have attached a copy of the Planning Decision Notice where you will see this in condition 7: '...and shall not ensure for the benefit of the land.'
- In the same decision notice you will see conditions relating to odour (no provision of hot food) and noise (no use of amplified music or televisions/screens) - both in condition 2; and the requirement for sound insulation as per the submitted Sound Insulation Report in condition 3 (that you can access incidentally from the online Planning Register). I acknowledge that these relate to Planning and a different applicant, but I raise them to highlight the fact that these issues are relevant to licensed premises operating from the site. There are residents immediately above the proposed bar/lounge and in close proximity. The nature of the structure is such that it does not provide adequate insulation from noise generated by the commercial use to protect the residents from adverse impacts. You have indicated in your letter that you have seen reports to indicate that the insulation was carried out. If you send a copy to me for assessment I may be able to withdraw this aspect of my representation. Note that noise does not only arise from music but from numerous voices and general activities. You have also indicated that there will be ventilation of food odours, but that is the issue in these premises – the space at the rear is confined and will not allow good dispersion of odours emitted into it and it would be difficult to erect a flue discharging at roof level to address this.
- On the plus side I note that you have proposed a number of measures to help mitigate a number of issues I refer to in my representation. These are: earlier closing time; alcohol sales for on site consumption ending 30 minutes before closing time; no loudspeakers for amplified music/speech (but you fail to include the television speakers in that); no on-site cooking of food, only re-heating it; alcohol off-sales not to be consumed in the vicinity of the premises. I note also your comment regarding shisha smoking.
- You state that the premises would be a café not a drinking establishment, but you propose to serve alcohol so I do not accept this. The grant of a premises licence including alcohol sales & consumption means that it can be a drinking establishment. However, I am prepared to accept a different interpretation if presented to me by the Licensing Authority Officer(s). Based on it being a drinking establishment/bar the policy suggests closing at 23:00 hours on Sundays

to Thursdays, 00:00 hours on Fridays and Saturdays. As a café it would be 00:00 every day, so this matter needs to be clarified.

To progress this case further from my perspective I will need to see the sound insulation report you referred to and details of the extraction type and location. Also clarification of the status of the premises – bar or café. Following these matters being satisfied, if we then agree wording for licence conditions to confirm: closing times, alcohol sales times, no amplified music or speech, control on television volume, and no onsite cooking of food only re-heating, then I will be able to withdraw my representation.

Regards,

Roy Fox  
Principal Environmental Protection Officer

**HEALTH AND  
SAFETY****MEMO: Licensing Unit**


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**To** Licensing                      **Date** 3<sup>rd</sup> November  
2020

**Copies** Jayne Tear – Responsible Authority    Graham White – Met Police

**From** Farhad                      **Telephon** 020 7525 0398  
Chowdhury                      **e**

**Email** [Farhad.chowdhury@southwark.gov.uk](mailto:Farhad.chowdhury@southwark.gov.uk)

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**Subject: Grafterboys Lounge, 332c Camberwel New Road SE5 0RW**

I write in reference to the premises licence application made by Cain Green and Latyr Faye, for a new premises licence for Grafterboy Lounge, 332C Camberwell new road London SE5 0RW. I have read the application and visited the premises recently and would make the following comments:-

- 1) The general description as per the application is for a Shisha bar and lounge area selling alcohol. The Hours are outside that recommended in the Southwark statement of licensing policy.
- 2) The Application states that the main floor will allow Shisha smokers, smoking indoors also states 50% air coming into the property. As far as I can see the premises does not have an outside area and is substantially enclosed, therefore does not comply with the Health Act 2006. Can the applicant explain how they will comply with the Health Act 2006 as smoking indoors is prohibited under the legislation.

**For your information**

“Health Act 2006 Part1 Smoking, Chapter 1 Smoke Free Places and Vehicles,  
Paragraph 2

Subsection(2b):-

**2 Smoke-free premises**

(2) Premises are smoke-free if they are used as a place of work—

(b) where members of the public might attend for the purpose of seeking or receiving goods or services from the person or persons working there (even if members of the public are not always present).

They are smoke-free all the time.

**Licensing Unit** - Environment & Leisure, Hub 1b, 3rd Floor, PO Box 64529, London SE1P 5LX

**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director of Environment & Leisure** - Caroline Bruce

**In addition** The Smoke-free (Premises and Enforcement) Regulations 2006 defines the enclosed premises as :-

**Enclosed and substantially enclosed premises**

**2.—**(1) For the purposes of section 2 of the Act, premises are enclosed if they—

(a) have a ceiling or roof; and

(b) except for doors, windows and passageways, are wholly enclosed either  
Permanently or temporarily.

3) There is no accommodation limit provided with the application, so I am unable to assess whether the premises is suitable for public safety, the applicant needs to provide details how they assessed the maximum capacity for the premises.

The premises does not comply with “The Smoke-free (Premises and Enforcement) Regulations 2006. I therefore object to this application on grounds of public safety, until the matters above have been addressed properly.

**Farhad Chowdhury**  
**Principal Enforcement Officer**





(Image A)

not agree with some of your points mentioned in your objection.

We understand your concern with our operating hours, and in our board meeting we have made the decision to amend our hours of trading to 12.00pm - 00.00am 7 days a week with respect to Southwark's statement of licensing policy 2019/2021. "cafes and drinking establishments are authorised to close until 1:00 am on Friday and Saturday". (Image A)

In response to your second concern, we don't intend to utilize outside for shisha, apologies for the misunderstanding as we intended to place one bar table alongside two stools for an external seating by our window. In response to your point related to Shisha, we believe that the shop will allow 50% air flow inside as we plan to open up our front and install bi-folding doors, and with the premises being small airflow will travel and invade fast. This will keep smoke produced from Shisha pipes clear. (Image B. We also have invested in a commercial ventilation system to ensure our customers and staff are safe. This will bring in extra air to assist airflow. Additionally we have had a lot of support for shisha in Camberwell from neighbouring residents. (Refer to image C for our insights)

I apologize for not informing you about the accommodation limit. We will not accommodate above 25 customers. For off sales, consumers are advised to eat/drink away from the premises and past 23:00pm drinks & Alcoholic drinks (Cocktails 11% ABV) will be sealed.

(Image A)

This premises is situated in the Camberwell District Town Centre Area and under the Southwark Statement of Licensing policy 2019 – 2021 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, closing time 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 and the closing time for take-away establishment is Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

(Image B)





**POLICE  
WITHDRAWN**

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/21/165/20

**Date:** 18<sup>th</sup> October 2020

Dear Sir/Madam

**Re:- Grafterboy Lounge, 332c Camberwell New Road, London SE5**

Police are in possession of an application from the above for a new premises licence. The general description as per the application is for a Shisha bar and lounge area selling alcohol. The Hours are outside that recommended in the Southwark statement of licensing policy.

The premises are situated in the Camberwell Cumulative impact Zone (CIZ) as designated by Southwark Council. The High Court approval of Cumulative impact policies came in Westminster City Council v Middlesex Crown Court. In brief, it stated 'A licence could be refused on the sole ground that the area was already saturated with licensed premises'

Camberwell is subject to considerable problems with alcohol misuse including a large problem with street drinking. The area has been subject to considerable investment in the area to improve the local amenities. Kings College hospital and the Maudsley Hospital are situated in the area and have Alcohol treatment centres within both which attract alcohol dependent people to the area.

Camberwell already has a considerable amount of alcohol licences indicated which is shown on the map below, correct at 2017 supplied by Public Health. Along with a current licensed premises there is already a shisha bar attached to a licensed premises. This premises has caused a number of issues and attracted a considerable amount of complaints in recent weeks.

The application fails to satisfactorily explain the use of shisha within the premises and how they will comply with smoking regulations inside. It also does not state if the pipes

will be electric or coal. If the pipes are coal then this has a number of fire and health and safety implications, which we would object to under public safety concerns.

No accommodation limit has been supplied within the application, so we are unable to fully determine what impact it would have on the area. It also fails to give a full description of the activities other than the use of shisha.

The metropolitan police object to the granting of the licence in full and do not see any reason for further licenced premises to be needed in the area, as any further premises selling alcohol will only add to the cumulative impact, attract alcohol dependent people, and add to the local crime and disorder.

If the licensing Sub Committee feel it is appropriate to grant the licence I would like the following noted.

We object to application in full, as we do not see any exceptional circumstances to grant the licence within the CIZ.

The applicant has offered a number of conditions as part of the operating schedule, the conditions set out in the operating schedule should be precise and enforceable, as stated in the Section 182 Guidance of the Licensing Act 2003 issued by the Home Office. If the committee were minded to grant the licence, I would ask the applicant to consider the following control measures to promote the prevention of crime and disorder.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
5. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time.
6. All licensable activities shall cease 30 minutes prior to the terminal hour.
7. All alcohol off sales shall be sold in sealed containers for consumption away from the premises.

8. 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.
9. At least two SIA registered Door Supervisor shall be employed at all times after 20.00hrs when the premises are in use under this licence.
10. That the accommodation limit for the premises is ??? People (including staff).
11. That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
12. Details of the premises opening and closing will be clearly displayed upon the premises for the information of customers
13. That a written dispersal policy shall be kept at the premises with the licence and be made available for inspection by authorised officers on request.
14. That all staff shall be trained in the use of the dispersal policy.

Conditions are only effective with strong management and full compliance and even with the above conditions the police do not believe the premises can fully negate the impact a further licenced premises would have on the area.

Submitted for your consideration.

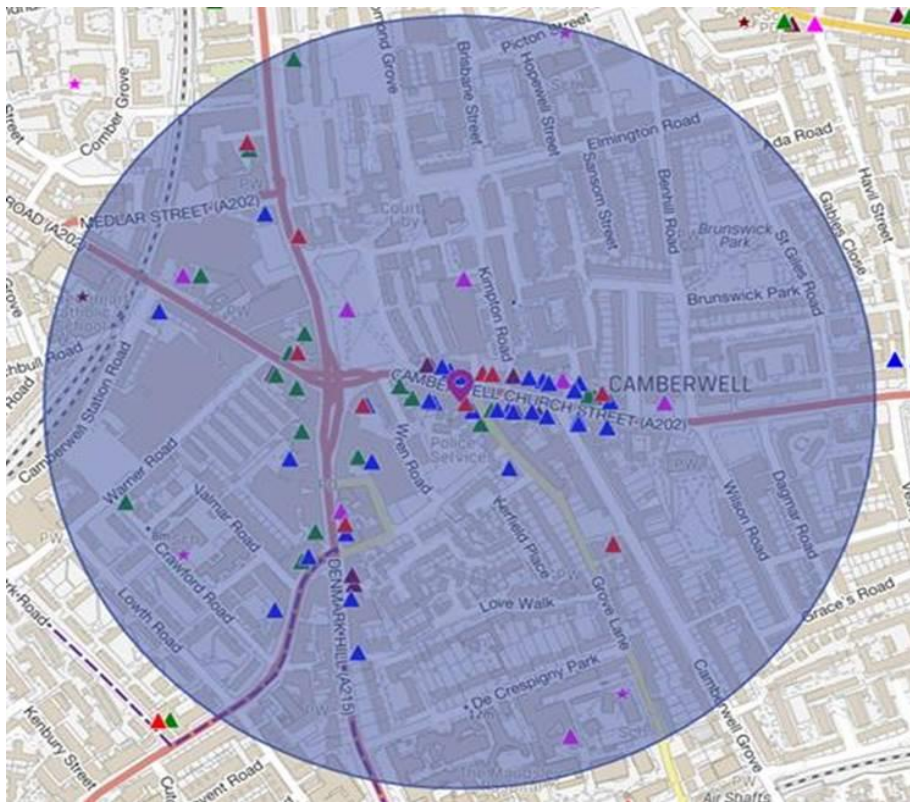
Yours Sincerely

**PC Graham White 288MD**

Southwark Police Licensing Unit

Tel: 0207 232 6756





**POLICE  
WITHDRAWN**

**From:** Graham.S.White@met.police.uk [mailto:Graham.S.White@met.police.uk]  
**Sent:** Monday, November 30, 2020 3:49 PM  
**To:** Heron, Andrew  
**Cc:** Tear, Jayne  
**Subject:** Licence application

Andrew,  
See below the applicant has agreed to the conditions. 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

**From:** Graftboy Lounge UK <[REDACTED]>  
**Sent:** 30 November 2020 15:47  
**To:** White Graham S - AS-CU <[Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk)>  
**Subject:** Re: Licence application

Good evening Graham,  
Hope you had a good weekend. I agree with all conditions stated in your email.

Kind regards,

# MEMO: Licensing Unit

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To	Licensing Unit	Date	4 November 2020
From	Jayne Tear		
Email	jayne.tear@southwark.gov.uk		

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Subject Re: Grafterboy Lounge, 332c Camberwell New Road, London, SE5 0RW  
– Application for a premises licence

I write with regards to the above application to for a premises licence submitted by Cain Green and Latyr Faye under the Licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors) on Sunday to Thursday from 23:00 to 01:00 the following day and on Friday and Saturday from 23:00 to 02:00 the following day
- Supply of alcohol (on and off the premises) on Sunday to Thursday from 16:00 to 01:00 the following day, on Friday from 14:00 to 02:00 the following day and on Saturday from 16:00 to 02:00 the following day
- Overall opening times shall be on Monday to Thursday from 11:00 to 01:00 the following day, on Friday from 11:00 to 02:00 the following day, Saturday from 16:00 to 02:00 the following day and on Sunday from 16:00 to 01:00 the following day

The premises is described with in the application as *'A4 Premises. Main floor will allow Shisha smokers. 50% air coming into property. Downstairs will have a vent in place, the lounge area for eating & dining. (Desserts & fast food) Alcohol will be prepared downstairs. Alcohol stock will be kept in storage room'*.

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.

This premises is situated in the Camberwell District Town Centre Area and under the Southwark Statement of Licensing policy 2019 – 2021 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, closing time 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 and the closing time for take-away establishment is Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

The closing times asked for within this application exceed that which is appropriate for a bar or a restaurant/café or takeaway in the licensing policy for this area.

This premises also falls within the Camberwell Cumulative Impact Policy Area

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Camberwell policy area as defined in paragraph 145 of the policy and as a bar this premises could fall into the class of premises in 146 of the policy.

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

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

As classes of premises to which the CIP policy applies in the Camberwell area is defined as night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores and similar premises and the application describes this premises as **a shisha bar with fast food** to avoid any ambiguity with regards to whether the premises should be addressing the negative cumulative impact if it were to operate as a bar I would request the following condition, which would be consistent with a restaurant, is added 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.

Furthermore the premises is very close to local resident's who could be disturbed by patrons leaving the premises late at night and this application has not left any time between the last sale of alcohol 'on sales' and the closing time when patrons should have left the premises, this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the same time of closing which can lead to antisocial behaviour problems when patron have left the premises.

To promote the licensing objectives I ask the applicants to bring the opening hours as recommended for **a restaurant** within the policy and in turn the licensable activities (allowing half an hour drinking up time for on sales) as follows:

- Opening times on Sunday to Thursday shall cease at 00:00 and on Friday and Saturday shall cease at 01:00 the following day
- Late night refreshment (indoors) on Sunday to Thursday to cease at 00:00 the and on Friday and Saturday to cease at 01:00 the following day
- Supply of alcohol (off the premises) on Sunday to Thursday to cease at 00:00 and on Friday and Saturday to cease at 01:00 the following day
- Supply of alcohol (on the premises) on Sunday to Thursday to cease at 23:30 and on Friday and Saturday to cease at 00:30 the following day (this allows for half an hour drinking up time)



If the restaurant condition above is not acceptable to the applicants and the intention is to operate as a **bar**, then I would ask the applicants to bring the hours of operation in line with that which is appropriate for a bar this area in the licensing policy as follows:

- Opening times on Sunday to Thursday shall cease at 23:00 and on Friday and Saturday shall cease at 00:00
- Late night refreshment (indoors) to be removed for Sunday to Thursday (as not required before 23:00) and to cease at 00:00 on Friday and Saturday
- Supply of alcohol (off the premises) on Sunday to Thursday to cease at 23:00 and on Friday and Saturday to cease at 00:00
- Supply of alcohol (on the premises) on Sunday to Thursday to cease at 22:30 and on Friday and Saturday to cease at 23:30 (this allows for half an hour drinking up time)

If the applicants want the premises to operate as a bar the rebuttal presumption to refuse this application within the CIP area has not been addressed within this application.

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

- A written dispersal policy for the premises (to be conditioned)
- To confirm the accommodation limit for whole of the premises (to be conditioned)

And to add further conditions to the operating schedule as follows:

- All '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 'off sales' of alcohol are not be opened and consumed in the vicinity of the premises

I am also very concerned that the applicants intend to breach other existing legislation (Health Act 2006) once the premises is open as they have indicated also within this application that the premises will allow smoking in the premises *'Main floor will allow Shisha smokers. 50% air coming into property. Downstairs will have a vent in place'*. Although not a licensable activity smoking of any kind cannot take place within a premises open to the public. There is no outside area defined on the plan and I am advising the applicants that if they were to allow anyone to smoke inside the premises they will be committing an offence under the Health Act 2006.

I reserve the right to make further comment once all of the above information has been received and welcome any discussion with the applicant to consider the above representation.

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 Authority as a Responsible Authority

**LICENSING  
WITHDRAWN**

Dear Mr Green ,

Thank you for your quick response. As you have agreed to all within my email below sent Fri, 27 Nov 2020 at 11:51, on that basis I can confirm that my representation is now withdrawn,

With kindest regards

Jayne

**Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing**

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525 2000

**From:** Grafterboy Lounge UK [REDACTED]

**Sent:** Friday, November 27, 2020 11:57 AM

**To:** Tear, Jayne

**Subject:** Re: Letter for premises application 332c Camberwell New Road

Good morning Jayne,

I agree to all your conditions and amended hours in your email below.

On Fri, 27 Nov 2020 at 11:54, Grafterboy Lounge UK

[REDACTED] wrote:

Good morning Jayne,

I agree to all conditions.

**DISPERSAL  
POLICY**

GRAFTERBOY LOUNGE  
332C CAMBERWELL NEW ROAD, LONDON, SE5 0RW

**DISPERSAL POLICY**

Grafterboy Lounge is a lounge that consists of a dessert parlour, food dining and cocktail bar operator and is aware of the importance of ensuring as far as possible that customers leave as quietly as possible.

Grafterboy Lounge Camberwell is also aware that the premises is situated in a cumulative impact zone area which makes the surrounding of the premises safe and dispersal of customers of greater importance.

We are also aware of the importance of managing the outside space during trading times and there is a separate policy for this.

Grafterboy lounge Camberwell will ensure that at peak trading times which are likely to be after 5pm on every day a manager who holds a Personal Licence is on duty together with sufficient staff (and door staff where appropriate) to adequately manage and control customers when arriving, during their stay and when leaving.

It is anticipated that during the early part of the week (Monday to Thursday) there is likely to be a drift away in keeping with many licensed premises in Camberwell but if the space is busy then towards closing time gradual dispersal will be encouraged in the following ways.

1. Calling last orders such that there is adequate “drinking-up time”.
2. Staff encouraging customers to finish their drinks and prepare to leave in plenty of time.
3. Adequate signage.

Customers will be directed by staff and signage towards the staircase from downstairs leading to the main entrance upstairs out to Camberwell New Road and same applies to those dining upstairs.

Sufficient staff (and door staff when appropriate) will be present by the entrance of Grafterboy Lounge, situated on Warner Road.

At that point staff (peak times / busy times) staff will encourage customers to disperse towards Camberwell New Road and the waiting transport options available as quickly and quietly as possible.

Staff roles will include the following: -

1. To encourage customers to leave the premises in a quiet and orderly manner.
2. Not to allow any drinks to be taken outside the building. (Unless its takeaway customers, drinks will be sealed)
3. If a group of customers are found to be loitering near the building, then they will be politely asked to move on as quickly as possible.

General Manager's role

## Grafterboy Lounge – Dispersal Policy

It is ultimately the responsibility of the General Manager on duty to ensure that:-

1. Door supervisors and staff act effectively and responsibly to comply with this policy and are aware of the importance of customers leaving as safely and quietly as possible.
2. Customers do not cause any disturbance or nuisance to any local residents within the vicinity of the premises.
3. To prioritise and assist wherever possible in ensuring that customers leave as safely, quietly and in an orderly manner as possible.

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 28 AUGUST 2018

#### LICENSING ACT 2003: THE CAMBERWELL SHARK, 332C CAMBERWELL NEW ROAD, LONDON SE5 0RW

#### 1. Decision

That the application made by Shark Micropubs Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as The Camberwell Shark, 332C Camberwell New Road, London SE5 0RW is granted as follows:

Licensing activity	Hours
Opening hours	Wednesday and Thursday 12:00 to 22:30 Friday and Saturday 12:00 to 23:00
Sale and supply of alcohol	Wednesday and Thursday 12:00 to 22:00 Friday and Saturday 12:00 to 22:30

#### 2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conditions agreed with the Metropolitan Police Service and trading standards during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That all windows and external doors shall be kept closed at any time when regulated activity is taking place, except for the access or egress of persons.
2. That no deliveries to the premises shall be arranged between 19:00 and 09:00.
3. That the pavement outside the building and the pavement in the area to which any smokers are directed must be swept and litter collected at the close of business.
4. That the licence will have no effect until the licensing authority are satisfied that there is an assigned designated premises supervisor with a valid personal licence.

#### 3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the licensing officer who confirmed that the applicant had engaged with the authorities and had been able to conciliate conditions, such that the authorities concerned were able to withdraw their representations. The authorities concerned were licensing as a responsible authority, the Metropolitan Police Service and London Fire Brigade.

The sub-committee then heard from the applicant in this matter who explained the concept of a micropub, setting it out from the pubs which already exist in Camberwell and the surrounding area. The applicant explained that the focus for the premises would be the customers and creating a community feel. In adhering to the Campaign for Real Ale (CAMRA) definition of a micropub, no music would be played, no manufactured beers sold and that the food sold would be pre-cooked food sourced from local suppliers.

In addressing the fact that the premises fall within a cumulative impact policy area, the applicant acknowledged that there is a presumption against granting a new licence to a premises. The applicant explained to the sub-committee that they would cease trading before midnight and that they had already agreed to limit the capacity of the premises to 30, including members of staff. They submitted that the commitment to sourcing local brewed produce would mean that the prices would be such that would likely not be of interest to street drinkers.

The applicant also made reference to the licensing objectives and highlighted that they had conducted appropriate research to ensure that each of these objectives were met. In addressing the objective of crime and disorder, they explained that the premises would employ four members of staff, all of whom would have a personal licence, with two members of staff present at any time whilst a licensable activity was being conducted. They set out that the patrons would be seated and would be provided table service. In discussing the public safety objective the applicant stated that they had agreed to conditions requiring CCTV to be installed and maintained, that they had agreed to a maximum capacity in accordance with guidance from the London Fire Brigade and that they would enforce the Challenge 25 policy.

In dealing with the observations made by local residents and respondents, the applicant identified that the majority of their concerns focused on the prevention of nuisance and the cumulative impact of a further premises on the area. The applicant observed that the premises are situated on a busy road, with six residents living above. They stated that they were having a noise impact assessment the following day and that they would install insulation as recommended to avoid the residents being affected by noise originating from the premises. Furthermore the applicant agreed to the conditions that all doors and windows would be closed at all times except for access and egress, they advised that there was already air conditioning in place and as such they did not envisage any difficulties with this arrangement. They discussed the policy for smokers, stating that they would be directed to smoke on the other side of the road and finally explained that they would be happy to have staff clear outside of the premises at the close of business. Finally, dealing directly with the concerns raised by the respondents to this application, the applicant agreed to reduce the proposed opening hours and days that they would actually be open. They concluded their submission by stating that they would not add to the cumulative impact.

The residents who had responded to the application were represented by their local councillors: Councillor Williams and Councillor Dixon-Fyle. One resident was able to make arrangements to attend and explained her concerns to the sub-committee. Her concerns focused on the safety of the children in the area, not just her own family, but those who attend the school nearby and also the vulnerable residents of the supportive accommodation. She was also concerned about the cumulative impact of the noise of patrons leaving the premises as she lives directly above the premises. The councillors both agreed with these submissions and further explained that the area was densely populated and that the area was already well-served with local pubs. Councillor Williams stated that the cumulative impact is not just about noise, but the fact that this venue will likely draw more people to the area, which may exacerbate the issues with street drinking or young professionals who view Camberwell as a night-time destination.

Councillor Williams further stated that if the venue is successful that the fact it is a small pub may actually cause more problems should capacity be reached.

The licensing sub-committee considered all of the information and opinions put to it both in written and oral format. They felt reassured by the approach of the applicant, not only in the way that they had addressed each of the licensing objectives; but the fact that they had sought to address each of the concerns set out by the local residents. The licensing sub-committee were particularly pleased to hear that there had been a noise impact assessment scheduled and they hope that the applicant will be responsive to the recommendations set out in the report as well as fulfilling the requests from the environmental protection team.

The licensing sub-committee understood the concerns set out by the respondents, both in writing and orally. They also recognised that this premises falls within the cumulative impact area, however they felt that in this particular case the applicant had addressed each of the licensing objectives so as to avoid negatively contributing to the issues in the area. They also found that as this case involved a small premise operating for few hours and closing before midnight, that this case fell into the example of a case which would rebut the presumption of refusing a new application in the cumulative impact policy area.

Finally the licensing sub-committee make particular reference to Section 19 of the Licensing Act 2003 in stating that, as yet, the applicant has not obtained a personal licence and as such he is not able to be a designated premises supervisor. This licence will therefore not take effect until a variation is submitted assigning a designated premises supervisor who holds a personal licence

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

#### **4. Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

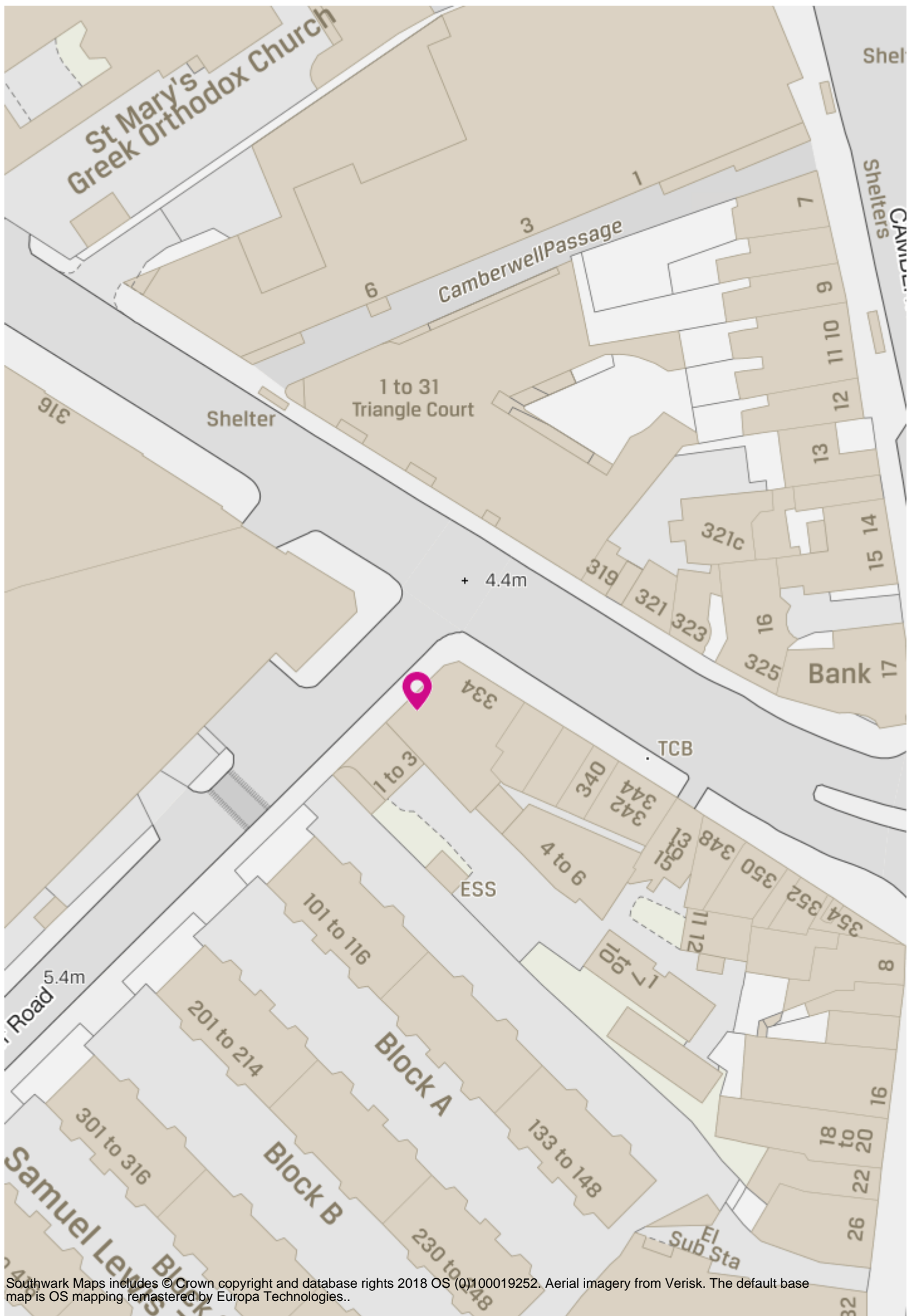
- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 28 August 2018





<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 17 December 2020	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Aguila Restaurant, First Floor, Arch 147, Eagle Yard, Hampton Street, London SE1 6SP	
<b>Ward(s) of group(s) affected</b>		Newington Ward	
<b>From</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Jose Ernesto Mesa Santana for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Aguila Restaurant, First Floor, Arch 147, Eagle Yard, Hampton Street, London SE1 6SP.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 18 of this report deal with the representations submitted in respect of the application. Copies of the representation submitted by the responsible authorities and attached to this report in Appendix B and copies of representations from other persons attached in Appendix C. A map showing the location of the premises is attached to this report as Appendix E.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

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

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 22 October 2020 Jose Ernesto Mesa Santana applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Aguila Restaurant, First Floor, Arch 147, Eagle Yard, Hampton Street, London, SE1 6SP. The premises are described in the application as simply being:
  - “The shop is a first floor of Arch 147, comprises of a family seating area, with a bar for 4 people keeping social distancing in place. The table are distributes with the social distance in mind for seating a family of 4. The main food is traditional Caribbean, with light alcohol drinks to be serve with. There is ladies toilet on the floor located at the end on the right hand side next to the stairs, going down the stairs is the men's toilets. The main entrance is by the front door, taking the stairs up on the left hand side. There is a emergency route at the back of the premises on the stairs leading the men's toilet...”
9. The hours applied for are summarised as follows:
  - The sale by retail of alcohol (on sales only):
    - Sunday to Thursday: 10:00 to 22:00

- Friday and Saturday: 10:00 to 01:00 the following day
  - The provision of late night refreshment (indoors):
    - Friday to Sunday: 23:00 to 01:00 the following day
  - The provision of recorded music (indoors) – which the Applicant states will be unamplified:
    - Friday to Saturday: 23:00 to 01:00 the following day
    - Sunday: 23:00 to 01:00 the following day
  - Opening hours:
    - Monday to Thursday: 10:00 to 00:00
    - Friday to Sunday: 10:00 to 01:00.
10. The designated premises supervisor (DPS) is to be Jose Ernesto Mesa Santana (the licence applicant), who holds a personal licence with the London Borough of Southwark.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

### **Representations from responsible authorities**

12. Representations have been received from three responsible authorities, namely the Metropolitan Police Service, the planning authority and the licensing authority.
13. A representation has been received from the Metropolitan Police Service (licensing division) requesting additional conditions. The police also state that the hours applied for are outside of the Southwark statement of licensing policy.
14. A representation has been received from the planning authority stating that planning permission has not been sought and that there is a concern for cumulative impact (though it should be noted that the premises is not within a cumulative impact area).
15. A representation has been submitted by the licensing authority, in their role as a responsible authority. The licensing authority have requested additional conditions and state that the hours applied for are outside of the hours recommended in the Southwark statement of licensing policy.
16. The representations are all available in Appendix B.

## Representations from other persons

17. Representations have been received from 10 other persons. These are all residents in the immediate vicinity who provide details of how their lives are already negatively impacted by similarly licensed premises on the same parade and that they believe that the granting of another premises will only add to the problems of antisocial behaviour in the locality.
18. Redacted versions of the representations are available in Appendix C.

## Conciliation

19. All representations were sent to the applicant and at the point of publication of the report none of the representations had been conciliated. An offer has been made for the applicant to send mediatory correspondence to all parties.

## Premises history

20. Arch 147 applied for a premises licence on 22 July 2020, but the application was eventually rejected as the applicant had failed to advertise the application either at the premises or via a local newspaper within the consultation period. This is a new application.
21. There is already a premises licence in place at Arch 147 for Rincon Tropical, which is stated as being on the second floor. However, the arches only have a ground floor and and upstairs, so this may be a mistake, as it should say 'first floor'.
22. There are temporary events notices, complaints and a history of non-compliance regarding Rincon Tropical, but not associated with the current applicant.

## Deregulation of entertainment

23. 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.
24. 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').
25. The showing of films has not been de-regulated.

## **Business and Planning Act**

26. The provisions in the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. This will make it easier for licensed premises to sell alcohol to customers for consumption off the premises in England and Wales, which will allow businesses to trade and maintain social distancing.

## **Map**

27. A map showing the location of the premises is attached to this report as Appendix E. The following are a list of licensed premises in the immediate vicinity of the application:

### **Dragon Castle, 100 Walworth Road, London SE17 1JL:**

- The sale by retail of alcohol (on sales only):
  - Monday to Sunday from 11:00 to 23:30
- The provision of late night refreshment (both indoors and outdoors):
  - Monday to Sunday from 11:00 to 23:30

### **Da Spago Limited, Unit 1, 163 Dashwood Way, London SE17 3PZ:**

- The sale by retail of alcohol (off sales only):
  - Monday to Saturday from 08:00 to 19:30
  - Sunday from 11:00 to 15:00

### **After Taste Chinese Restaurant, 97 Newington Butts, London SE1 6SF:**

- The sale by retail of alcohol (both on and off sales):
  - Monday to Saturday from 11:00 to 00:00 (midnight)
  - Sunday from 12:00 (midday) to 23:30
- The provision of late night refreshment (indoors):
  - Monday to Saturday from 23:00 to 00:00 (midnight)
  - Sunday from 12:00 (midday) to 23:30

### **Ivory Arch, 80-82 Walworth Road, London SE1 6SW:**

- The sale by retail of alcohol (both on and off sales):
  - Monday to Sunday from 11:00 to 00:00 (midnight)

- The provision of late night refreshment (both indoors and outdoors):
  - Monday to Sunday from 23:00 to 00:00 (midnight)
- The provision of regulated entertainment in the form of live music, recorded music, films and plays :
  - Monday to Sunday from 11:00 to 00:00 (midnight)

**Mamuska, 16 Elephant and Castle, London SE1 6TH:**

- The sale by retail of alcohol (both on and off sales):
  - Monday to Saturday from 10:00 to 02:00 (the following day)
  - Sunday from 12:00 (midday) to 23:00
- The provision of late night refreshment (both indoors and outdoors):
  - Monday to Saturday from 23:00 to 02:30 (the following day)
  - Sunday from 23:00 to 23:30
- The provision of regulated entertainment in the form of live music, recorded music, and performances of dance:
  - Monday to Saturday from 09:00 to 02:00 (the following day)
  - Sunday from 09:00 to 23:00

**Chatkhara Restaurant, 84 Walworth Road, London SE1 6SQ:**

- The provision of late night refreshment (indoors):
  - Monday to Sunday from 23:00 to 02:00 (the following day)

**La Barra, Arch 147, Eagle Yard, London SE1 6SP:**

- The sale by retail of alcohol (on sales only):
  - Sunday to Thursday from 10:00 to 23:00
  - Friday and Saturday from 10:00 to 00:00
- The provision of late night refreshment (indoors):
  - Sunday to Thursday from 23:00 to 23:30
  - Friday and Saturday from 23:00 to 00:00

**Rincon Tropical, 2<sup>nd</sup> Floor, Arch 147 Eagle Yard, London SE1 6SP:**

- The sale by retail of alcohol (on sales only):
  - Sunday to Thursday from 10:00 to 23:00
  - Friday and Saturday from 10:00 to 00:00

- The provision of late night refreshment (indoors):
  - Sunday to Thursday from 23:00 to 23:30
  - Friday and Saturday from 23:00 to 00:30.

## **Policy implications**

### **Southwark Council statement of licensing policy**

28. 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. To be read in conjunction with Appendix B to the policy.
  - Section 8 – The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public Safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
29. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

30. Within Southwark's statement of licensing policy 2019 - 2021, the premises is situated in the Elephant and Castle major town centre area and outside of a cumulative impact area. Under the Southwark statement of licensing policy 2019-21 the following closing times are recommended as appropriate within this area for this categories of premises indicated:

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

### **Resource implications**

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

### **Consultation**

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

### **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

34. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.

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

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

36. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.

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



## **Principles for making the determination**

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

## **Conditions**

41. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
42. The four licensing objectives are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
43. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

44. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
45. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

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

### **Hearing procedures**

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

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

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

beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

## **Guidance**

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

## **Strategic Director of Finance and Governance**

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

## **BACKGROUND DOCUMENTS**

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

## **APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Application for a premises licence and plans
Appendix B	Representations submitted by Responsible Authorities
Appendix C	Representations submitted by Other Persons
Appendix D	Current Licence
Appendix E	Map of the locality

**AUDIT TRAIL**

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure		
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer		
<b>Version</b>	Final		
<b>Dated</b>	2 December 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>			4 December 2020

22/10/2020

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

Ref No. 1542737

## Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Jose Ernesto Mesa Santana
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## Notes for Guidance

1. 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.
2. 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.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. 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.

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

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

7. 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.

8. 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'.

9. 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.

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

11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.

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

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.



- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a

European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:

- o evidence of the applicant's own identity – such as a passport,

- o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

- o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:

- (i) working e.g. employment contract, wage slips, letter from the employer,

- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,

- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or

- (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;

- (ii) any page containing the holder's photograph;

- (iii) any page containing the holder's signature;

(iv) any page containing the date of expiry; and

(v) any page containing information indicating the holder has permission to enter or remain in

the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### Premises Details

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

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

0

£	6,300.00
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

#### Premises trading name

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

Do you have a Southwark postcode?	Yes
Address Line 1	ARCH 147
Address Line 2	EAGLE YARD HAMPTON STREET
Town	LONDON
Post code	SE1 6SP
Ordnance survey map reference	
Description of the location	
Telephone number	

#### Applicant Details

Please select whether you are applying for a premises licence as

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

	I am carrying on or proposing to carry on a business which involves the use of the  premises for licensable activities
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#### Details of Individual Applicant

##### Personal Details

Title	Mr
If other, please specify	
Surname	Mesa Santana
Forenames	Jose Ernesto
Date of birth	
I am 18 years old or over	Yes
Nationality	Dominican Republic

##### Current Address

Street number or Building name	
Street Description	
Town	

County	
Post code	

## Contact Details

Daytime contact telephone number	
Email Address	

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see guidance below)

Please enter	
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## Guidance notes

Do you wish to add a second individual applicant?

	No
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## Operating Schedule

When do you want the premises licence to start?

	20/11/2020
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If you wish the licence to be valid only for a limited period, when do you want it to end?

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General description of premises ( see guidance note 1 )

	<p>The shop is a first floor of Arch 147, comprises of a family seating area, with a bar for 4 people keeping social distancing in place. The table are distributes with the social distance in mind for seating a family of 4. The main food is traditional Caribbean, with light alcohol drinks to be serve with. There is ladies toilet on the floor located at the end on the right hand side next to the stairs, going down the stairs is the men's toilets. The main entrance is by the front door, taking the stairs up on the left hand side. There is a emergency route at the back of the premises on the stairs leading the men's toilet.</p>
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If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
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## Note 1

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.

## Operating Schedule part 2

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

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
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Provision of regulated entertainment (Please read guidance note 2)

	f) recorded music

Provision of late night refreshment

	i) Late night refreshment
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Supply of alcohol

	j) Supply of alcohol
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In all cases please complete boxes K, L and M.

## F - Recorded Music

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

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

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

	unamplified recorded background music.
--	--

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

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

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

	NONE
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Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 6 )

	NONE
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3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.

#### I - Late Night Refreshment

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

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

	LATE NIGHT REFRESHMENT PROVIDE ON THE DAYS AND TIMES STATED .
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Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

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

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

	NONE
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Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, ( Please read guidance note 6 )

	NONE
--	------

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 23:00) and only give details for the days of the week when you intend the premises to be used for the activity. Start time begins from 23:00

#### J - Supply of Alcohol

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

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

Day	Start	Finish
Mon	10:00	22:00
Tues	10:00	22:00
Wed	10:00	22:00
Thur	10:00	22:00
Fri	10:00	01:00
Sat	10:00	01:00
Sun	10:00	01:00



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

	NONE
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Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 6 )

	NONE
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Please download and then upload the consent form completed by the designated proposed premises supervisor

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

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

7. 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.

8. 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'.

Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (Please see declaration about the entitlement to work in the check list at the end of the form)

Full name of proposed designated premises supervisor

First names	Jose Ernesto
Surname	Mesa Santana

DOB

Date Of Birth	
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Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	
County	

Post code	██████
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Personal licence number of proposed designated premises supervisor, if any,

Personal licence number ( if known )	██████
Issuing authority ( if known )	London Borough of Southwark

K

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

	NONE
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9. 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.

L - Hours premises are open to public

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

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

7. 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.

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

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

State any seasonal variations ( Please read guidance note 5 )

	NONE
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Non standard timings. Where you intend to use the premises to be open to the public at different times from

those listed. Please list, ( Please read guidance note 6 )

	NONE
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#### M - Steps to promote four licencing objectives

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

	<p>I will ensure no social disturbance in the restaurant</p> <p>Maintaining a constant vigilance of the premises and the customer who are coming to be served. Withdrawing their right to be admitted if anyone is in bad state. Staying alert for any misunderstanding between clients if ever any such situations occur.</p> <p>All staff will be briefed on the 4 Licensing objectives from the start of their employment with Aguila and the training repeated from time to time.</p>
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b) the prevention of crime and disorder

	<p>Keeping an eye on the entrance to make sure clients are safe at the moment are coming in.</p> <p>Having a nice environment where people like to sit and share a meal. Avoiding misunderstanding with and between clients that can lead to majors issues.</p> <p>Having a person on the door to meet clients and seat them, or stopping them if the place is full.</p>
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c) public safety

	<p>Keeping social distance as a major priority at all times. Maintaining a social distances inside the restaurant., staff will wear face mask at all times when meeting with clients.</p> <p>Offering antibacterial at the entrance and reminding customers to stay safe , ensuring all parts of the premises are free from hazard and safe to use at any time.</p>
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d) the prevention of public nuisance

	<p>The volume down when we are operating in the evening. Keeping and maintaining a zero tolerance to noise disturbance in the venue so not to make nuisance to the public</p>
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e) the protection of children from harm

	<p>ensure to seat properly on high chair any child who needs it Children are only allowed with their parents, not alone. Having a constant eye on the tables with children. Making sure there are suitable seats and that they are not at risk.</p> <p>Guidance note 10</p> <p>Please list here steps you will take to promote all four licensing objectives together.</p>
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#### Guidance note 10

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

Please upload a plan of the premises

	<a href="#">aguila-plan22.1.pdf</a>
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Please upload any additional information i.e. risk assessments

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#### Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application  will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying)
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#### Home Office Declaration

Please tick to indicate agreement

	I am not a company or limited liability partnership
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#### Proof of Entitlement to work in the UK

Please upload your proof of entitlement to work in the UK or share code issued by the Home Office online right to work checking service. (Please see guidance below)

	
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#### Guidance notes

#### Declaration


[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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

I/We hereby declare the information provided is true and accurate.

I agree to the above statement

	Yes
PaymentDescription	

PaymentAmountInMinorUnits	
AuthCode	
LicenceReference	
PaymentContactEmail	

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

Full name	
Date (DD/MM/YYYY)	22/10/2020
Capacity	Agent of Jose Ernesto Mesa Santana

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

Full name	N/A
Date (DD/MM/YYYY)	22/10/2020
Capacity	LONDON

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

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

#### GUIDANCE NOTES

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

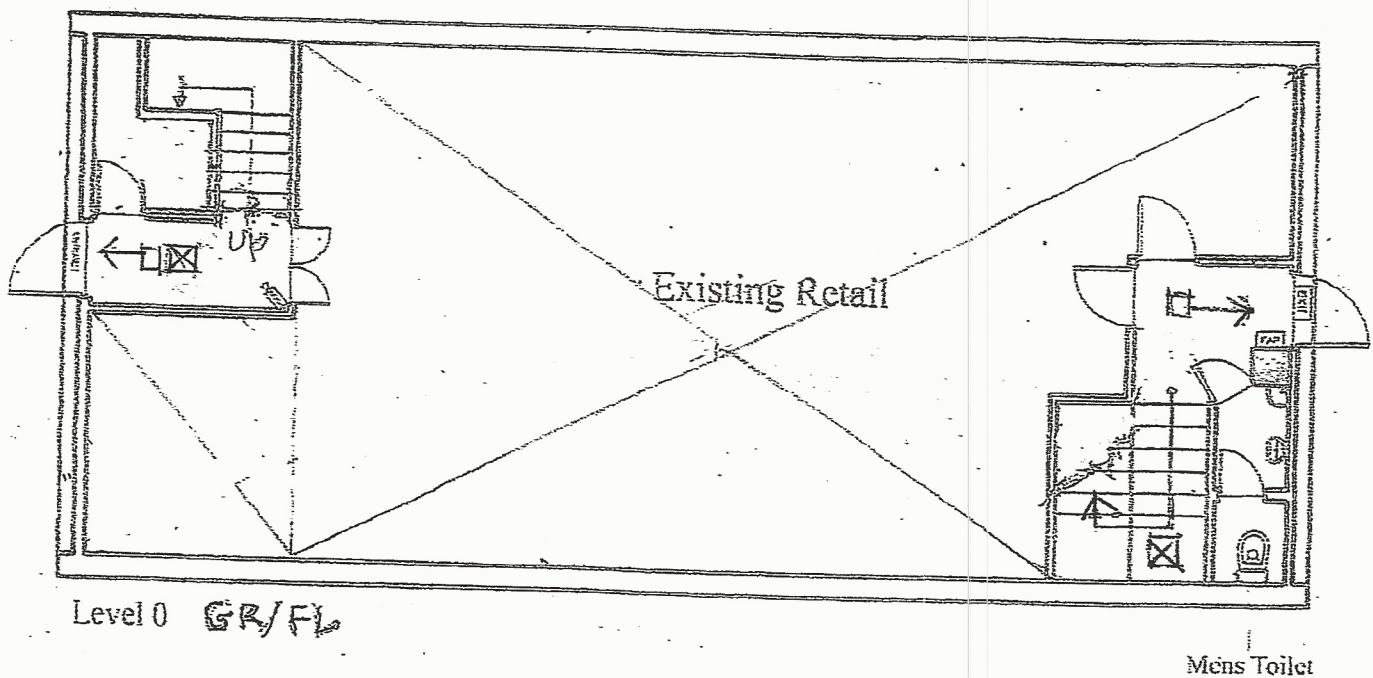
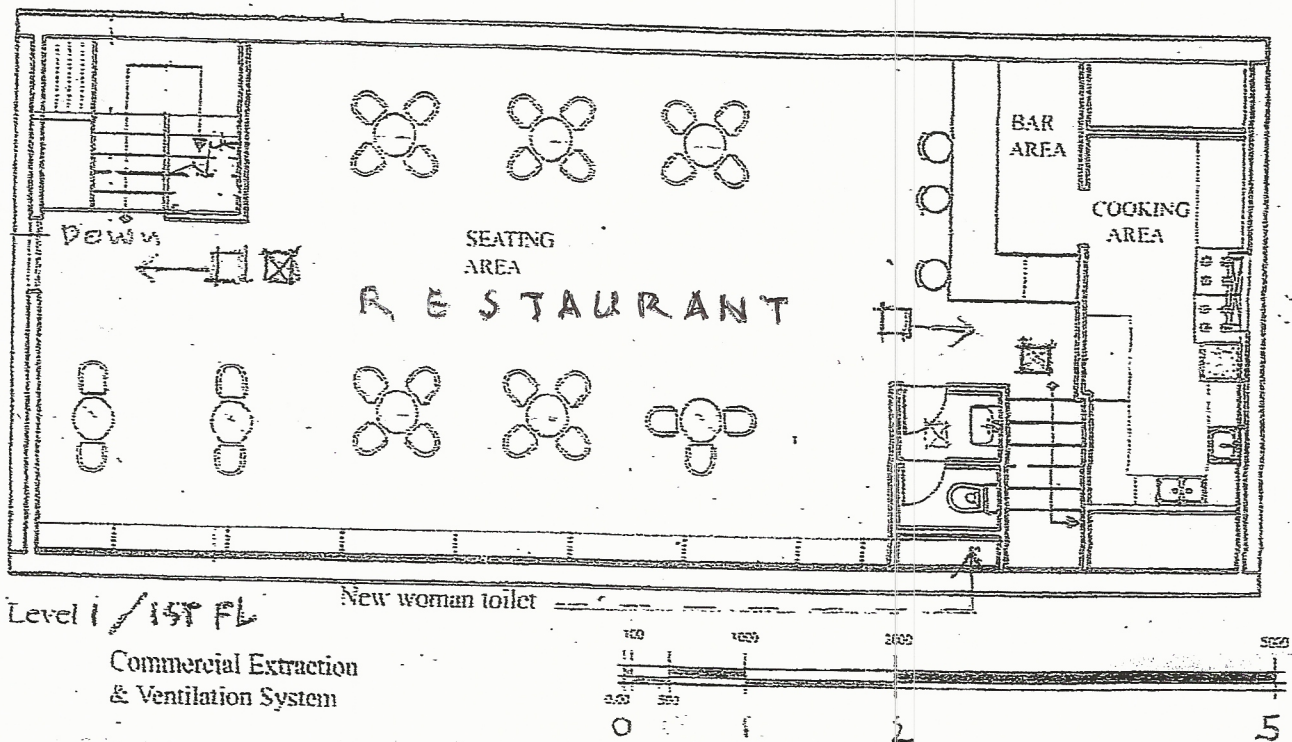
14. This is the address which we shall use to correspond with you about this application.

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.

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.



### AGUILA RESTAURANT LICENSING PLAN

#### Legend

- Fire Exit
- Fire Alarm Panel
- CCTV
- Emergency lighting

Project	Hamptom Street - Arch 147
Location	Arch 147 Eagle Yard London SE1 6SP
Drawing Title	Proposed Plan
Drawing by	Lilash Hochmann
Scale	1:100 @ A4
Drawing Number	2
Date	August 2020



## APPENDIX B POLICE

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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/173/20

**Date:** 18<sup>th</sup> November 2020

Dear Sir/Madam

**Re:- Aguila Restaurant, First Floor Arch 147, Eagle Yard, London SE1 6SP**

Police are in possession of an application from the above for a new premises licence for the sale of alcohol and late night refreshments on the premises.

The premises is described as a restaurant on the first floor railway arch, however the applicant has not offered any conditions to restrict the use of the premises to that of a restaurant. The premises is situated in the Elephant & Castle major town centre as detailed in Southwark's statement of licensing policy. The hours applied for are within those recommended for restaurants within the policy except for the Sunday, which the policy recommends 00.00hrs.

If the applicant accepts condition, 5 as specified below we would only require a reduction in the Sunday hours in line with the policy. If not the hours for public houses and bars would be Sunday to Thursday 23.00hrs and Friday and Saturday 00.00hrs.

The application fails to give a full accommodation limit for the premises, which we would require.

The application contains minimal in suggested enforceable conditions. The Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable which the application fails to do.

Eagle yard has been subject to a considerable amount of enforcement action result from the number of licenced premises causing anti-social behaviour and violence. The premises is also close to a number of residential premises.

We object to the granting of the licence on the grounds of Public nuisance, Crime and disorder. We would like the following condition and wording of condition offered



be included on the licence, to fully promote the prevention of crime and disorder licensing objective

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
5. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to their meal.
6. Customers shall use no outside area other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time.
7. That the accommodation limit for the premises is ??? People (including staff).
8. No alcoholic drinks shall be allowed outside at any time.

Submitted for your consideration.

Yours Sincerely

**PC Graham 2288AS**

Southwark Police Licensing Unit

Tel: 0207 232 6756



Licensing

**Place and Wellbeing Department**

Planning Division

Our ref: CE/20/0388

Your ref: 873687

Contact: Gavin Blackburn

Tel: 020 7525 7007

Email: [gavin.blackburn1@southwark.gov.uk](mailto:gavin.blackburn1@southwark.gov.uk)

Website: <http://planning.southwark.gov.uk>

Date: 2 November 2020

Dear Sir/Madam

**TOWN & COUNTRY PLANNING ACT 1990 (as amended)**

**REQUEST FOR FORMAL OBSERVATIONS ON A PROPOSAL**

**APPLICATION:** CE/20/0388

**PROPOSAL:** Premises licence new application New premises licence for recorded music indoors and late night refreshment indoors 2300-0100 Thurs-Sun sale of alcohol on the premises 1000-2200 Mon-Thurs 1000-0100 Fri-Sun. Opening hours 1000-0000 Mon-Thurs 1000-0100 Fri-Sun

**AT:** Arch 147 Eagle Yard Hampton Street

No planning permission has been found for a restaurant or bar use. The address for the site is unclear. This appears to be the fifth or sixth premises licence for a railway arch at this location. Whilst there is no in principle objection to a restaurant at this location. There is a concern that a terminal hour of 01:00 is likely to encourage a bar type use at the location. Together with other licenced premises there is the potential for a negative cumulative impact in terms of nuisance to neighbours. It is requested that the terminal hour is reduced to midnight to ensure the premises is only used as a restaurant and that a nuisance is not caused to nearby residents.

Yours faithfully

Gavin Blackburn

Team Leader - Planning Enforcement

# MEMO: Licensing Unit

## LICENSING

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<b>To</b>	Licensing Unit	<b>Date</b>	5 November 2020
<b>From</b>	Jayne Tear		
<b>Email</b>	jayne.tear@southwark.gov.uk		

---

**Subject** Re: Aquila Restaurant, First floor Eagle Yard Arch, 147 Walworth Road London, SE1 6SP – Application for a premises licence

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

- Recorded music (indoors) on Friday to Sunday from 21:30 to 01:00 the following day
- Late night refreshment (indoors) on Friday to Sunday from 23:00 to 01:00 the following day
- Supply of alcohol (on the premises) on Monday to Thursday from 10:00 to 22:00 and on Friday to Sunday from 10:00 to 01:00
- Opening times shall on Monday to Thursday from 10:00 to 00:00 and on Friday to Sunday from 10:00 to 01:00

The premises is described within the application as follows:

*'The shop is a first floor of Arch 147, comprises of a family seating area, with a bar for 4 people keeping social distancing in place, The table are distributes with the social distance in mind for seating a family of 4. The main food is traditional Caribbean, with light alcohol drinks to be serve with. There is a ladies toiles on the floor locates at the end on the right hand side next to the stairs, going down the stairs is the men's toilets. The main entrance is by the front door, taking stairs on the left hand side, There is a emergency route at the back of the premises on the stairs leading to the men's toilet'.*

This premise is situated within the Elephant and Castle Major Town Centre 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 on Sunday to Thursday is 23:00 hours and for Friday and Saturday is 00:00 hours.

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.

This application is seeking hours in excess of that which is recommended for a Bar in this area within the licensing policy, however the hours are within the hours recommended for a Restaurant (except for Sundays which is an hour in excess).

The premises is very close to local resident's who could be disturbed by patrons leaving the premises late at night and this application has not left any time between the last sale of alcohol '*on sales*' and the closing time when patrons should have left the premises, this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the same time of closing which can lead to antisocial behaviour problems when patron have left the premises

To promote the licensing objectives and to avoid any ambiguity as to whether the premises will retain its nature 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

And to reduce the Sunday opening hours (and in turn the licensable activities) to be in line with the licensing policy and to reduce sales of alcohol on Friday and Saturday and Sunday to allow for half an hour drinking up time also as follows:

- Opening hours shall cease on Sunday at 00:00
- Recorded Music shall cease on Sunday at 00:00
- Late night refreshment shall cease on Sunday at 00:00
- Supply of alcohol (on the premises) on Sunday shall cease at 23:30 and on Friday and Saturday to cease at 00:30 (this will allow for half and hour drinking up time).

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

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

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

Southward'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 Licensing Authority as a Responsible Authority

**From:** [REDACTED]  
**Sent:** Monday, November 2, 2020 10:47 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Representation - Application Licence Number: 873687

To whom it may concern.

With the present, on 2 November 2020, I, [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

Formally oppose the Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 873687 - Aguila Restaurant (First Floor Arch 147, Eagle Yard Hampton Street, SE1 6SP) for the following reasons:

- The 100m pedestrian walk has already 5 premises licensed to sell alcohol and/or for late night entertainment with live and/or recorded music.
- Similar premises next to the applicant's have been attracting considerable amounts of people, causing nuisance, incidents and police interventions every weekend in the past months also on adjacent private properties (specifically private parking bays for 8 Walworth Rd). Several reports have been filed by nearby residents to both the police and Southwark council noise team and both have been recording incidents. These gatherings happen even after closing hours, with the knowledge of premises management and despite conditions that should prevent this from happening.
- Vandalism has been noted in the immediate area of existing adjacent licensed premises, including to the Crossways Church.
- Widespread littering and food waste along with inadequate waste storage facilities and public urination constitute a public health hazard which will only be worsened by additional licensed premises.
- Extremely lax conditions have been put in place so far for this license applicant, in contrast to what has been demanded to other premises, although equally unattended, including but not limited to the following:
  - Unlike similar licensed premises in the same street, and despite the application being filed for a restaurant, no condition has been put limiting the amount of people in the premises. According to the submitted Plan, no more than 30 people should be allowed in the premises at any time since the seating area does not allow for more than 30 people while keeping social distancing in place: see **Condition 307 imposed on License 869755**
  - Unlike similar licensed premises in the same street, no condition is set requiring alcohol to be consumed exclusively inside the premises and exclusively to accompany a meal: see **Conditions 844, 845 imposed on Licence 869693**
  - Unlike similar licensed premises in the same street, no condition has been put limiting the amount of people allowed to smoke outside the premises: see **Conditions 312 imposed on License 869755, 347 on License 864230, 343 on License 857301**
  - Unlike similar licensed premises in the same street, no condition has been put limiting the noise and sound emanating from the premise: see **Conditions 340 to 346 imposed on License 864230**

- Unlike similar licensed premises in the same street, no condition has been put forcing the premise to keep a complaints and incidents book: see **Condition 349 imposed on License 869693**

It is in the interest of all the residents to live in an area that is free of nuisance, free of disorder, safe and hygienic. The high numbers of noise and public order complains on record already reflect the issues with existing alcohol licenses. Additional licenses further worsen intolerable conditions in what is a largely residential area.

With my best regards,

██████████

**From:** [REDACTED]  
**Sent:** Friday, October 30, 2020 12:07 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** License objection

Dear sir or madam

I want to strongly object to application below.

We are have numerous problems with noise and anti-social behaviour from various premises that have gained licenses recently in the arches.

We have incidents of fights, people shouting at each other. Various incidents where police have been called to various anti- social behaviour incidents.

I have seen incident of young people taking drugs outside various arches premises.

The premises below is situated on eagle yard, which is surrounded by flats of draper estate and less than 10-20 yards from closest flats in Strata building particularly.

We are all becoming terrified of weekends of constant anti- social behaviour from arches premises.

People cannot sleep because of constant noise at night. The elderly are concerned about going out in evening because of anti- social behaviour. Parents are concerned that their children cannot sleep because of currant situation.

I strongly object to premises having any licenses beyond 11pm because of the impact on local residents.

Patrick Clifford  
 [REDACTED]  
 [REDACTED]

873687

**Trading name and address:**

Aguila Restaurant  
 First Floor Arch 147, Eagle Yard Hampton  
 Street  
 SE1 6SP  
 Newington

**Ward:**

**Applicant details**

**Applicant Name:**

Jose Ernesto Mesa Santana

OTHER PERSON C

**From:** [REDACTED]  
**Sent:** Tuesday, October 27, 2020 4:20 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to licence application 873687

Dear Sir/Madam,

[REDACTED]  
[REDACTED]  
Date: 20/09/2020  
Application Ref: 873687  
Complaint Type: Objection

I'd like to register an objection against the proposed hours of EL AGUILA RESTAURANT.

I previously objected to Application Ref 872939 which I understand was declined and has now been re-submitted.

As you may be aware, the police have needed to attend on numerous occasions to address issues with other business in the arches.

I am aware that other businesses in the immediate area should not prejudice the interests of a new business, however it has become apparent through experience that the lack of restrictions in this application will cause severe hardship to residents' lives who live just metres away and that if a licence is to be granted it needs to be accompanied by appropriate restrictions.

The lack of restrictions that are most concerning are as follows:

1. The venue purports to be a restaurant, but there is no limitation on the number of patrons who can be accommodated. With other nearby businesses, this results in patrons spilling out into the car park and drinking alcohol there. This should be imposed.
2. There is also no explicit limitation on residents congregating outside the premises, to drink/smoke. This should be imposed.
3. There is no specific limitation that alcohol may only be consumed with the purchase of a meal. This should be imposed.
4. There has been no limitation imposed on the amount of noise that can be generated by the premises. This should be imposed.

I trust you will review the licensing application with these objections in mind.

Kind regards,  
[REDACTED]



OTHER PERSON D

**From:** [REDACTED]  
**Sent:** Tuesday, October 27, 2020 12:53 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 873687

[REDACTED]  
[REDACTED]

I would like to object to this application on the following grounds:

existing premises are constantly causing a nuisance with loud music, massive overcrowding during the covid restrictions, patrons hanging around the area screaming, shouting and fighting once they leave:  
There is no reason to expect any different behaviour with yet another licenced premises.

This is a very highly populated residential area and there is no call for such a business in the local area. There are no parking facilities available except a private car park, which is abused by existing nightclubs in the same area, it's often a meeting place for drug dealers, the entrance to this and all the other clubs occupying the arches are situated within that private car park, surrounded by three residential buildings that form an echo chamber meaning that any noise it bounced around and heard by everyone. This is NOT an appropriate location for any nightclub.

It has been observed that because there is no place to house refuse containers for these business, something they must have and pay business rates for, they use the bins of the local estate to dispose of their rubbish - illegal and well as noise as it's mostly empty bottles.

Basically this is not a location where such places are required - there is no local community that they provide for - and all they do is cause noise and grief for all the surrounding residences. Even with business that have had special requirements to supposedly deal with these problems the police have to be called nearly every night because they are not and cannot be enforced.

OTHER PERSON E

**From:** [REDACTED]  
**Sent:** Tuesday, October 27, 2020 4:09 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to license 873687

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

I'd like to lodge (again) a formal objection to the license 873687 (their second application).

Residents in this area already suffer substantial anti-social behaviour from licensed premises in the area and the addition of another license with late opening times (1am) would only increase the general noise and disturbances in the area. In addition, the midnight closing on Mon-Thurs is a concern in a residential area.

In addition, there are specific objections to the license itself outlined below.

- The license refers to recorded and live music with no noise mitigation measures
- There is no mention of food in this proposed licence. Every other licence under the arches includes conditions such as:

840 - That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal there and for consumption by such persons as ancillary to their meal.

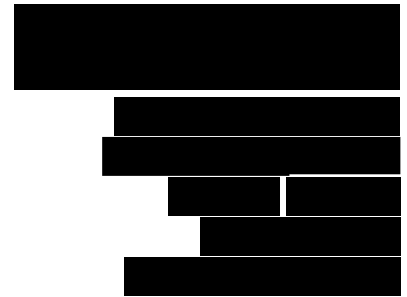
Adding a condition like this should help limit capacity and should be quite normal for a restaurant.

- Also there's nothing restricting number of people smoking outside or that they're not allowed to take drinks outside (included in the other licences). This would be a significant disruption to local residents if ignored.
- No security plan has been submitted.

Bw,

[REDACTED]

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



Monday 27 October 2020

Dear Sir/Madam

**Re: licence application 873687 - El Aguila Restaurant**

I write in connection with the application for a new premises licence for El Aguila - in a street known to Royal Mail as Eagle Yard, but also known as Maldonado Walk on the street signs - London SE1.

Please note that on the licencing database the venue is described as being in Newington Ward. However, in fact, it is located in North Walworth Ward (and has been since the boundary change in 2018).

I object to the application, primarily in connection with the third licensing objective: namely, the prevention of public nuisance.

I live in Draper House. My flat is on the first floor and one side overlooks the servicing yard at the rear of the Strata SE1 tower. Maldonado Walk is on the far side of the yard.

I have lived at this address for more than five years.

For the past two summers I have been disturbed on multiple occasions by noise associated with late night activity at the existing premises on Maldonado Walk (most notably Corporación Ponce).

I have been in contact twice (in 2019 and 2020) with the North Walworth councillors regarding the problems with noise from venues under the railway arches.

More recently, residents from the Draper Estate and Strata have been cooperating to respond to the problems caused by customers at the Maldonado Walk venues.

I would hope that this new restaurant will be a good neighbour but I feel I must make this objection to ensure that residents are considered as part of the decision-making process on this application.

I am concerned that this restaurant will add to the existing problems with antisocial behaviour from customers dispersing (or rather, not dispersing) from the venues under the arches.

People spill out into the service yard and argue, shout, wait for minicabs, urinate, take drugs etc - very close to homes on the Draper Estate (Draper House and Wollaston Close) and Strata SE1.

Even when customers are standing directly next to the railway arches, the noise travels across the yard.

Sunday evenings are particularly problematic, as my neighbours can confirm.

Three specific points:

- The 1am terminal hour proposed on Sunday nights in this application is later than Corporación Ponce. At the very least any licence granted should be restricted to 11pm on Sunday nights to match the nearby premises.
- The proposed Sunday night closing time is later than the suggested closing time for restaurants in major town centres set out in the Southwark Statement of Licencing Policy. No justification for the later timing proposed here has been put forward.
- Corporación Ponce's licence (at least in theory!) limits the supply of alcohol to those taking a table meal. Could a similar condition be imposed here, given El Aguila has 'restaurant' in its name and the plan on the database is labelled 'restaurant'?

I would ask the council to:

- Limit the hours of the proposed restaurant to protect the amenity of residential neighbours.
- Impose other suitable conditions to prevent further nuisance arising to residents.

I am aware that there are other applications to follow for further venues under the arches here. I am concerned that without careful application of planning and licensing policy, the venues on Maldonado Walk will cause similar problems for residents as those seen elsewhere in Southwark such as at Isabella Street and Old Union Yard arches.

Please keep me updated on the progress of this application. I would like to speak at any sub-committee meeting.

Yours sincerely



**From:** [REDACTED]  
**Sent:** Tuesday, October 27, 2020 3:58 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to Licence 873687

27/10/2020  
 Re: Licence Number: 873687  
 EL AGUILA RESTAURANT  
 First Floor Arch 147, Eagle Yard Hampton Street  
 SE1 6SP

Dear Sir/Madam,

I oppose License 873687, which is a new premises licence for EL AGUILA RESTAURANT, First Floor Arch 147, Eagle Yard Hampton Street. My objections to the licence are that this will increase the alcohol related noise and anti social behaviour, and safety concerns in an area with the high concentration of licensed premises in the immediate vicinity:

847267 Hampton Court Palace Hotel 35 Hampton Court Palace Hampton Street  
 SE17 3AN

857301 La Barra Arch 147, Eagle Yard Unit 2 Hampton Street SE1 6SP Newington  
 March 16 2017

859073 Rincon Tropical 2nd Floor, Arch 147, Eagle Yard Hampton Street SE1  
 6SP Newington June 30 2017

864230 Corporation Ponce Arch 144, Eagle Yard Hampton Street SE1  
 6SP Newington July 30 2018

There are also no restrictions on the consumption of liquor with a substantial table meal. Nor are there any restrictions on the number of people smoking outside, or taking their drinks outside.

I therefore oppose this licence.

Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OTHER PERSON H

**From:** [REDACTED]  
**Sent:** Thursday, November 5, 2020 3:52 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** objection to licence 873687

Thursday 5th November 2020

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

To whom it may concern,

I am writing to object to the current licence application for the following:

EL AGUILA RESTAURANT  
 First Floor Arch 147, Eagle Yard Hampton Street  
 SE1 6SP  
 application no. 873687  
 The reasons are as follows:

prevention of crime and disorder and public safety

At present, there are serious that residents are experiencing with businesses along Maldonado Walk (old Eagle Yard). There is a large parking space at the back of the Strata building which is meant to be private property but it is regularly used by customers of the bars and restaurant. The whole area is unlit and myself and other residents have witnessed suspicious behaviour as well as fights in the past year, prior and post lockdown. I feel that granting this licence will exacerbate the problems in the area, especially as the conditions for licence currently stand.

prevention of public nuisance

The last year has been awful for many residents in the area. Customers regularly leave the venues extremely noisily, often continuing to party outside the venue. I often have large groups of people outside my bedroom window, shouting, partying, arguing, urinating. I am really concerned this licence would grant a midnight finish every week day (and even more worrying is a 1 am closing time on a Sunday), which will increase the level of antisocial behaviour in the area. This problem is already causing awful distress to myself and my neighbours, seriously affecting our wellbeing and mental health and this new venue with the current opening times will make things worse. The 100 m pedestrian walk has already several premises licensed to sell alcohol which is generating nuisance, incidents that involved police and several instances where breaches of coronavirus were recorded. Another venue would most certainly worsen this. This is even more concerning considering the following:

There is no condition in the current licence limiting the amount of people in the premises. No condition is being set requiring alcohol to be consumed inside the premises and exclusively to accompany a meal. No condition is being put limiting the amount of people smoking outside, unlike other venues in the same area. No condition is being put on limiting the amount of noise emanating from the premises. The applicant has not requested a licence to provide recorded music indoors, live music indoors or late night refreshments so if any license is granted the above should be explicitly prohibited to avoid nuisance to local residents. I am also surprised that there is no requirement for a security guard or even a simple sign that reminds punters to leave respectfully.

I understand that new businesses are good for Southwark's economy but I don't feel that these should override the residents' wellbeing.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

## OTHER PERSON I

**From:** [REDACTED]  
**Sent:** Thursday, October 29, 2020 12:18 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Licensing Objection - Application 873687

Dear Sir or Madam,

I am a resident of [REDACTED] and my dwelling overlooks the property in question.

I write to register my objection to licensing application N°873687 (EL AGUILA RESTAURANT, First Floor Arch 147, Eagle Yard Hampton Street. SE1 6SP) as it currently stands.

Despite the application being filed for a restaurant, no condition has been put limiting the amount of people in the premises.

According to the submitted Plan, no more than 30 people should be allowed in the premises at any time since the seating area does not allow for more than 30 people: this limit should be explicitly mentioned

Unlike the case with similar licensed premises in the same street, no condition is set requiring alcohol to be consumed exclusively inside the premises and exclusively to accompany a meal: see Conditions 844, 845 imposed on Licence 869693.

Unlike similar licensed premises in the same street, no condition has been put limiting the amount of people allowed to smoke outside the premises: see Conditions 312 imposed on License 869755, 347 on License 864230, 343 on License 857301.

Unlike similar licensed premises in the same street, no condition has been put limiting the noise and sound emanating from the restaurant: see Condition 340 imposed on License 864230.

Furthermore, the applicant has not requested a license to provide Recorded music indoors, live music indoors or late night refreshments so if any license is granted, the above activities should be explicitly prohibited in order to avoid nuisance to the local residents.

I note that the conditions do not make any mention of a door supervisor to enforce the limit of customers allowed entry, and to ensure the safety and good behaviour of those lingering outside.

Finally, the application states that the premises are located in the Newington Ward, while in fact they are in the North Walworth Ward, and are policed by a different MPS Safer Neighbourhoods Team (SNT).

The name of the street is Maldonado Way, and this is not reflected on the application.

I ask that for these reasons the application be rejected.



Kind regards,

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

OTHER PERSON J

**From:** [REDACTED]  
**Sent:** Monday, November 2, 2020 10:00 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Objection to licence 873687

Hello

I live in [REDACTED] [REDACTED] which overlooks the premises in question.

I would like to object to this application on the grounds that there are no conditions relating to food in this proposed licence. All other licences in the vicinity have conditions which restrict the sale of alcohol as accompaniment to a meal or similar. This would be expected for a restaurant.

The proposed licence is also silent on the use of outside space, for example limiting the number of smokers and/or total number of people outside at one time. This would be important in the prevention of public nuisance.

There is no condition to restrict the consumption of alcohol to the inside of the premises. This may encourage patrons to bring their alcohol outside as they leave and finish outside, again creating noise and disturbance at midnight on any night.

The application is also for live and recorded music. There is no mention of any noise mitigating measures. It is not clear that the building has any existing within its structure.

The opening hours are also out of step with other restaurants in the area. The application for recorded music start at 2300 and finish at 0100 and for late night refreshment to served during those hours. With those arrangements the establishment will effectively be operating as a club/bar during those hours which would make it an exception among the various establishments in the small area and within close proximity to so many homes.

Please do not hesitate to get in touch if you request any further information.

Many thanks

[REDACTED]

# Licensing Act 2003 Premises Licence



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

Premises licence number

859073

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Rincon Tropical 2nd Floor, Arch 147, Eagle Yard Hampton Street London SE1 6SP  Ordnance survey map reference (if applicable), 178732532056	
<b>Post town</b> London	<b>Post code</b> SE1 6SP
<b>Telephone number</b> [REDACTED]	

<b>Where the licence is time limited the dates</b>
--

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

<b>The opening hours of the premises</b>	
For any non standard timings see <b>Annex 2</b>	
Monday	08:00 - 23:30
Tuesday	08:00 - 23:30
Wednesday	08:00 - 23:30
Thursday	08:00 - 23:30
Friday	08:00 - 00:30
Saturday	08:00 - 00:30
Sunday	08:00 - 23:30

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

**The times the licence authorises the carrying out of licensable activities**

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

**Late Night Refreshment - Indoors**

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

**Sale by retail of alcohol to be consumed on premises**

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

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

Ysel De La Cruz  
 Second Floor,  
 37 Elm Grove,  
 London,  
 SE15 5DB  
 [REDACTED]

**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**

Regino Jimenez  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

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

Licence No. [REDACTED]  
 Authority L.B Southwark

Licence Issue date 30/06/2017

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

## **Annex 1 - Mandatory conditions**

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

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

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

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

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

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

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

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

**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**

**340** Customers shall not be allowed to take any open bottles or cans outside the premises;

**341** The number of costumers smoking outside the facilities will be limited to 5 (five);

**342** That there shall be no vertical drinking;

**343** That the management work with Approved Local Mini cab companies and that costumers will wait inside the restaurant until their Mini cab arrives;

**344** That there shall be no irresponsible alcohol promotions;

**311** Signage shall be displayed on the entrance and exit of the premises requesting customers to respect neighbours and leave quietly;

**345** External waste handling, collections and deliveries shall only occur between the hours of 08:00hrs and 21:00hrs;

**346** That the maximum accommodation limit shall be 41;

**347** 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;

**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 31days 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;

**348** 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;

**349** That the premises shall train staff in the dispersal policy dated 29 June 2017 and a copy of the dispersal policy is kept on the premises with the premises licence and is available for Police and authorised officers to view.

**4AG** A 'Challenge 21' policy shall be implemented at the premises requiring

that any customers attempting to buy alcohol at the premises who appear to be under 21 years old to any staff involved in the sale of alcohol shall be requested to produce valid photographic ID (comprising of a passport, full driving licence and / or proof of age standard scheme (PASS) accredited card) that proves that they are over 21 years old.

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

**4AI** A register of refused sales of alcohol 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 Council authorised officers or the Police.

**4AK** The premises will participate in Pub Watch meetings, if there is one in the area;

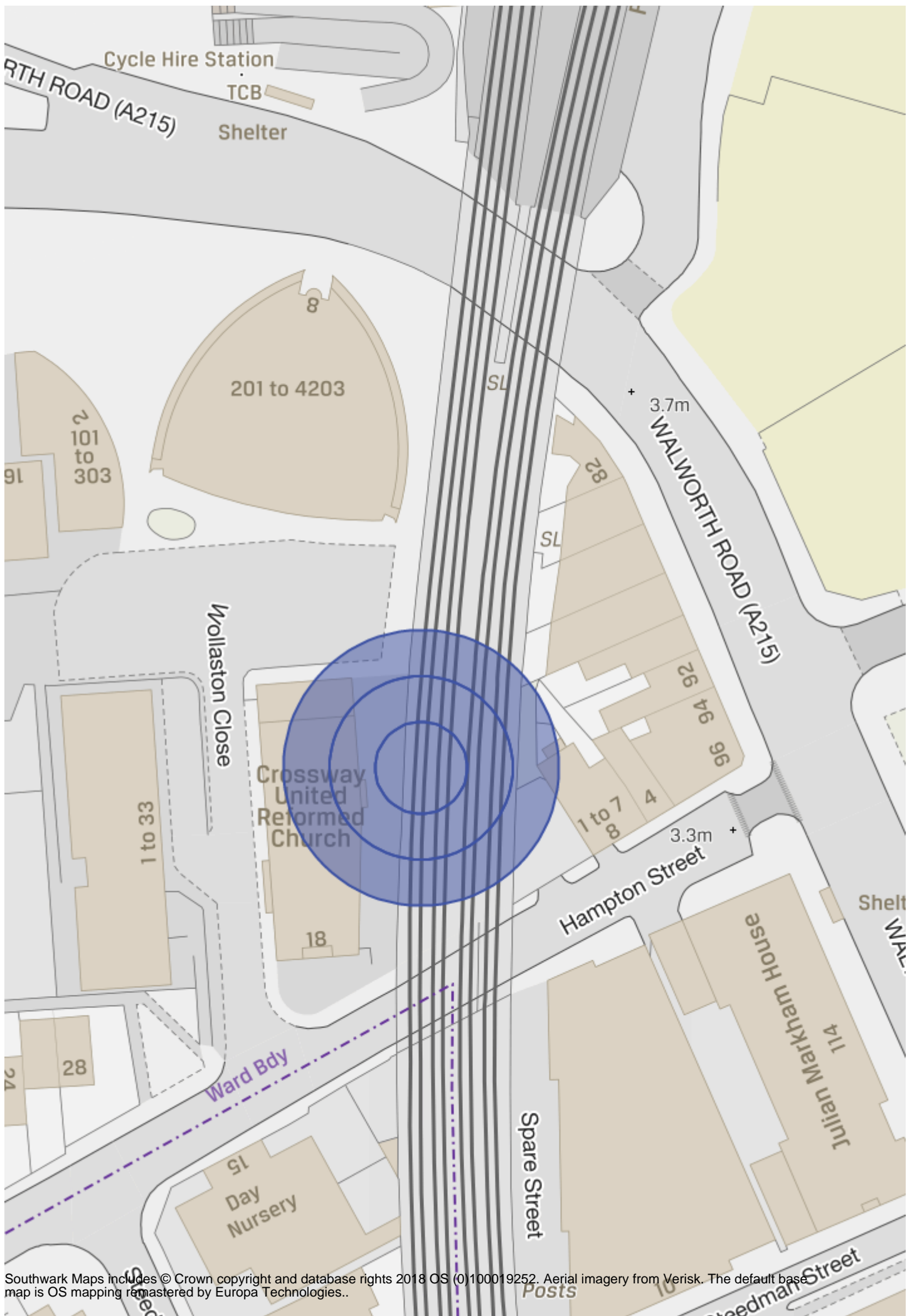
**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans - Attached**

Licence No. 859073

Plan No. 001

Plan Date 22/05/2017



**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2020-21**

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Andrew Weir - Tel: 020 7525 7222

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