

Licensing Sub-Committee

Thursday 18 February 2021

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Sunny Lambe

Reserves

Councillor Charlie Smith

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 10 February 2021



Licensing Sub-Committee

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10.00 am

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Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: R&T NEWS, 12 DUNTON ROAD, LONDON SE1 5TJ	1 - 49
	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: 10 February 2021

Item No. 5.	Classification: Open	Date: 18 February 2021	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: R&T News, 12 Dunton Road, London SE1 5TJ	
Ward(s) or groups affected:		South Bermondsey	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Mr Komalathan Theivendram to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: R&T News, 12 Dunton Road, London SE1 5TJ.
2. Notes:
 - The application seeks to vary the premises licence held under the Licensing Act 2003 in respect of the premises known as: R&T News, 12 Dunton Road, London, SE1 5TJ under section 34 of the Act. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and / or other persons and is therefore referred to the licensing sub-committee for determination. A copy of the premises licence issued in respect of the premises is attached as Appendix A.
 - Paragraphs 10 to 12 of this report provide a summary of the application. A copy of the full application is attached as Appendix B.
 - Paragraphs 14 to 19 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached in Appendices C and D.
 - A map showing the location of the premises is attached as Appendix E.

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence issued in respect of the premises known as R&T News, 12 Dunton Road, London SE1 5TJ allows the following licensable activities:
 - The sale of alcohol to be consumed off the premises:
 - Monday to Sunday: 07:00 to 20:30
 - The opening hours of the premises are as follows:
 - Monday to Sunday: 06:00 to 20:30
 - Mr Tarankumar Patel is the designated premises supervisor (DPS) in respect of the premises.
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 30 November 2020 Mr Komalathan Theivendram applied, under section 34 of the Licensing Act 2003, to this council to vary the premises licence issued in respect of the premises known as R&T News, 12 Dunton Road, London SE1 5TJ.
11. The application is summarised as follows:
 - To amend the hours permitted for the sale of alcohol to:
 - Monday to Saturday: 07:00 to 23:00
 - Sunday: 08:00 to 22:00
 - To amend the opening hours of the premises to:
 - Monday to Saturday: 07:00 to 23:00
 - Sunday: 08:00 to 22:00.
12. The application form provides the applicant's operating schedule. Parts J, K, L and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. If an amended premises licence is issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be included in the licence.
13. A copy of the application is attached as Appendix B.

Representations from responsible authorities

14. Representations have been submitted by this council's licensing responsible authority and also the Metropolitan Police Service.
15. The representation submitted by the Metropolitan Police Service proposed conditions to be included in any licence issued subsequent to the application.
16. The representation submitted by the licensing responsible authority proposes conditions to be included in any licence issued subsequent to the application.
17. Copies of the representations submitted by the responsible authorities, and related correspondence, are attached to this report as Appendix C.

Representations submitted by other persons

18. Five representations have been submitted by other persons (hereafter referred to as parties 1 to 5). Parties 1 to 5 reside at the same address. The representations contend that the proposed extension of operating hours will lead to increased nuisance, anti-social behaviour and crime in the locale. All of the other person's representations object to any extension of the premises operating hours being granted.

19. Copies of the representations submitted by other persons, and related correspondence, are attached to this report as Appendix D.

Conciliation

20. The applicant was sent copies of the representations submitted by the responsible authorities and was advised to contact the responsible authorities directly should the applicant wish to attempt to conciliate the responsible authorities.
21. The applicant agreed to include the conditions proposed by the Metropolitan Police Service in any licence issued subsequent to the application and subsequently the Metropolitan Police Service withdrew their objection.
22. At the time of the writing of this report, the representation submitted by the licensing responsible authority remains outstanding and must therefore be considered by the licensing sub-committee.
23. The applicant was sent copies of the representations submitted by the other persons objecting to the application. The applicant was advised that they could respond to the other persons' representations via the licensing unit should the applicant wish to attempt to conciliate the other persons. The applicant has provided responses to the other persons who objected to the application.
24. At the time of the writing of this report, the representations submitted by the other persons objecting to the application remain outstanding and must be considered by the licensing sub-committee.
25. The licensing sub-committee will be updated on any further conciliation, whether partial or full, of any other person who has submitted a representation objecting to the application.

Operating history

26. On 27 August 2005 a premises licence allowing the off sale of alcohol at the premises was issued to Mr Bharat and Mrs Trushima Patel. The licence allowed for the sale of alcohol to be consumed off the premises between 08:00 and 23:00 on Monday to Saturday and between 10:00 and 22:30 on Sunday.
27. On 24 January 2018 the licence was transferred to Mr Tarankumar Patel. Mr Patel was also specified as the designated premises supervisor (DPS) regarding the premises on this date. Mr Patel remains the premises' DPS.
28. On 5 February 2018 an application to allow alcohol sales to commence at 06:00 daily was submitted. After liaising with various responsible authorities the licensee amended the application to allow for the hours in respect of the sale of alcohol currently permitted by the premises licence as per paragraph 8 above.

29. On 3 November 2020 the licence was transferred to Mr Komalathan Theivendram.
30. The licensing unit has received no complaints regarding the premises since the premises licence was granted on 27 August 2005.

Deregulation of entertainment

31. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08:00 and 23:00h 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.
32. 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').
33. The showing of films has not been de-regulated.

Business & Planning Act

34. 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

35. A map showing the location of the premises is attached to this report as appendix C. There are no other licensed premises in the immediate vicinity of the premises.

Southwark council statement of licensing policy

36. Council assembly approved Southwark's statement of licensing policy 2021 - 2026 on 25 November 2020. The policy came into effect on 1 January 2021.

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

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
37. 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.
38. According to this council's statement of licensing policy the premises are located in a residential area. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located in residential areas:
- Off-licences and alcohol sales in grocers and supermarkets:
 - 23:00 hours daily.

Resource implications

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

Consultation

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

Community impact statement

41. 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 Governance

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

Principles for making the determination

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

- Add to, omit, and/or alter the conditions of the licence or,
- Reject the whole or part of the application for variation.

Conditions

48. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
49. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
50. 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.
51. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
52. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
53. 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

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

Hearing procedures

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

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

56. 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.

57. 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.
58. 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.
59. 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.
60. 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.
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 revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

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

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

APPENDICES

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

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	5 February 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	9 February 2021	

Licensing Act 2003

Premises Licence



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

Premises licence number

873743

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
R & T News 12 Dunton Road	
Ordnance survey map reference (if applicable): 533760178833	
Post town: London	Post code: SE1 5TJ
Telephone number:	

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

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

Monday	06:00 - 20:30
Tuesday	06:00 - 20:30
Wednesday	06:00 - 20:30
Thursday	06:00 - 20:30
Friday	06:00 - 20:30
Saturday	06:00 - 20:30
Sunday	06:00 - 20:30

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

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises

Monday	07:00 - 20:30
Tuesday	07:00 - 20:30
Wednesday	07:00 - 20:30
Thursday	07:00 - 20:30
Friday	07:00 - 20:30
Saturday	07:00 - 20:30
Sunday	07:00 - 20:30

Part 2

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

Komalathan Theivendram

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

Tarunkumar Patel

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

Licence No.:

Authority:

Licence Issue date: 16/11/2020

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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula

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

where-

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence;
 - (ii) the designated premises supervisor (if any) in respect of such a licence; or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "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
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

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

The above restrictions do not prohibit:

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

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

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

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

340 No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV above 6.5% will be sold from the premises before 11.00 hours (11.00 am). Until 11.00 hours customers will not be able to gain access to such drinks and they will be either kept behind the counter or behind a locked cover. This condition does not apply to Dragon Stout (7.5% ABV), Nigerian Guinness (7.5% ABV) or Irish Guinness (7.5%ABV)

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

342 That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at

the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received;

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

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

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

Annex 4 - Plans - Attached

Licence No. 873743

Plan No. N/A

Plan Date N/A

30/11/2020

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

Ref No. 1568660

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

	Mr Komalathan Theivendram
Premises licence number	873743

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains

licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

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

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

£	0
---	---

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

Address Line 1	12 DUNTON ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 5TJ
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Part 2 - Applicant details

Daytime contact telephone number	██████████
██████████	██████████████████
██████████	██████████████████
██████████	██████████
██████████	██████████

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

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

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

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

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

	<input type="checkbox"/> No
--	-----------------------------

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

	The proposed variation is only to extend the sale of alcohol to be consumed off premises. (Extending hours to sell alcohol)
--	---

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

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

Notes

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

IN ALL CASES COMPLETE BOXES K, L AND M

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

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

--	--

Supply of alcohol (if ticking fill in box J)

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

In all cases complete boxes K, L and M

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

	Off the premises
--	------------------

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

Day	Start	Finish
Mon	07:00	23:00
Tues	07:00	23:00
Wed	07:00	23:00
Thur	07:00	23:00
Fri	07:00	23:00
Sat	07:00	23:00
Sun	08:00	22:00

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

--	--

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

--	--

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

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

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

9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'.
 If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'.
 If you wish people to be able to do both, please tick 'both'.

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

	N/A
--	-----

Guidance Notes

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

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

Day	Start	Finish
Mon	07:00	23:00
Tues	07:00	23:00
Wed	07:00	23:00
Thur	07:00	23:00

Fri	07:00	23:00
Sat	07:00	23:00
Sun	08:00	22:00

State any seasonal variations (Please read guidance note 6)

--	--

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

--	--

- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

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

	N/A
--	-----

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

	[REDACTED]

Reason for not uploading the premises licence

--	--

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

	<p>The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.</p>
--	--

b) the prevention of crime and disorder

	CCTV signs Talk politely to customers ID requirement sign
--	---

c) public safety

	CCTV in place Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.
--	--

d) the prevention of public nuisance

	All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
--	--

e) the protection of children from harm

	The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for UNDERAGE SALES PREVENTION regularly. A register of refused sales shall be kept and maintained on the premises.
--	--

Guidance note 11

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

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

Upload proposed plans	
Upload existing plans	

Checklist

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

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

I agree to the above statement

PaymentContactEmail	

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

Full name	Mr Komalathan Theivendram
Date (DD/MM/YYYY)	
Capacity	N/A

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

Full name	Mr Komalathan Theivendram
Date (DD/MM/YYYY)	
Capacity	

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

Contact name and address for correspondence	

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

GUIDANCE NOTES

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

Please tick to indicate agreement

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

Please upload proof of entitlement to work in the UK

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

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

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

I agree to the above statement

	Yes
--	-----

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

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

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



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: 07880 053191
Email: Graham.S.White@met.police.uk
SouthwarkLicensing@met.police.uk

Our reference: MD/21/198/20

Date: 15th December 2020

Re:- R & T News 12 Dunton Road, London SE1 5TJ

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to the premises licence to operate as a convenience store. The extended hours applied for are inside that recommended within the South Statement of licensing policy. The premises are situated in a residential Area under the Southwark Statement of Licensing policy the closing times for Off-Licences and alcohol sales in grocers and supermarkets is 23:00 hours daily.

The current licence and application contains minimal in the way of 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.

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. Including condition 2 replacing condition 340 on the current licence

1. All alcohol sales shall be sold in sealed containers for consumption away from the premises.
2. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
3. 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
4. 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.
5. 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.

6. 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.
7. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate with the applicant should the need arise.

Yours Sincerely

PC Graham White 288MD

Licensing Officer

Southwark Police Licensing Unit

On Wed, 20 Jan 2021, 17:50, <Graham.S.White@met.police.uk> wrote:

Mr Theivendram

Thanks for the call today,

I have amended the condition as discussed below. If you are happy with the wording please confirm by email and I will withdraw my objection.

1. All alcohol sales shall be sold in sealed containers for consumption away from the premises.
2. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises except Guinness & Dragon stout (replacing condition 340).
3. 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
4. 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.
5. 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.
6. 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.
7. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter

Many thanks

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:
Sent: 20 January 2021 18:38
To: White Graham S - AS-CU <Graham.S.White@met.police.uk>
Subject: Re: MD/21/198/20

Hi Graham White,

Thank you for your email. I Happy with all your conditions. Thank you.

Kind regards,

Komalathan Theivendram

From: Graham.S.White@met.police.uk <Graham.S.White@met.police.uk>
Sent: Thursday, January 21, 2021 10:00 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: 12 Dunton road

Please find agreement below, we withdraw are objection on the grounds he conditions are included on the licence
regards

Graham White | Constable
MPS Central South BOCU
Neighbourhoods Policing- Partnership & Prevention

Licensing Officer – Southwark

Mobile 07880 053191

MPS Internal 726756

MPS Telephone 0207 232 6756

MEMO: Licensing Unit

To Licensing Unit Date 15 December 2020
From Jayne Tear
Email jayne.tear@southwark.gov.uk

Subject Re: R & T News, 12 Dunton Road, London, SE1 5TJ
– Application to vary a premises licence

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

- To extend supply of alcohol (off the premises) on Monday to Sunday from 20:30 to 23:00 and to alter start times on Sunday to change from 07:00 to 08:00.
- Overall opening times shall be on Monday to Saturday from 07:00 to 23:00 and on Sunday from 08:00 to 23:00

The variation is described as a 'The proposed variation is only to extend the sale of alcohol to be consumed off premises. (Extending hours to sell alcohol)'.

The premises is situated in a residential area.

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.

Due to the limited information provided with the application I would request that the applicant add the following conditions to the operating schedule to promote the licensing objectives:

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

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

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 the Licensing Authority as a Responsible Authority

Party 1**From:****Sent:** Thursday, December 24, 2020 8:28 AM**To:** Regen, Licensing**Subject:** Objection to licence 873900

The application to extend the licencing hours means that the antisocial behaviour from already intoxicated members of the public would only escalate the situation that the residents living directly within the shop area have to put up with. As the shop owner has already displayed a disregard for local residents and caused anti social and nuisance behaviours while setting up his store working through the night till 1am and paying no attention to the levels of noise he makes when passing directly outside my home, it would be difficult to believe that the owner would not cause further disturbances to residents with the extended hours and selling alcohol within those times. Members of the public are already using the area in front of my home to congregate and consume alcohol. The new owner and previous 2 owners [REDACTED] and [REDACTED] never made any attempts to ensure that the consumption of alcohol after sale and nuisance outside the store which is residential, did not take place. I have had to ask intoxicated persons to move away from outside my home before the sale of alcohol took place and after, customers from the shop frequently sitting on the grass verge corner and steps directly outside my home are a daily nuisance. Alcoholic containers and bottles are discarded into my raised beds, outside my front door, on the grass verge and pathway outside my home every day. I have had to clean and wash down the area directly under my kitchen window because intoxicated members of the public vomit and men have used the area in front of my kitchen window and the intercom door leading to the flats [REDACTED] to urinate. Known alcoholic abusing members of the public have been able to purchase alcohol while already intoxicated from the 2 previous owners, this breached the conditions set out in their licence and because of this I would not believe this application or any conditions attached to it to be any different.

All of these behaviours will continue to be a nuisance. I would ask that consideration be given to the fact that this store is not on a high street, it is situated in a very residential neighbourhood, my home is [REDACTED]. Children, the elderly, and vulnerable adults from the 2 residential care home within 2 minutes walking distance and the elderly supported living accomodation 30 secomds walking distance frequent the store, the public nuisance from the sale of alcohol would and does pose a risk to all, so putting their safety at risk from drunk and disorderly behaviours as well as the potential criminal activities. If the licence to extend the store hours is granted, as a result of any extended opening times all it will achieve is longer period of the daily nuisances that have been ongoing for over 23 years. Some if not the majority are instances involving alcoholic abusers who would be the only persons choosing to drink at such early and late hours. Examples of these are residents (4) of the Setchell Estate who are known alcohol abuser are regularly heard shouting and arguing while already drunk at 6am waiting for the store to open so as to purchase alcohol, they choose to sit directly outside my home in front of my kitchen window. Despite their obvious intoxicated state all the owners to

date continue to sell alcohol to them, they return up to 6 times a day to purchase more alcohol through until closing time.

There are 2 alcohol recovery hostels very close to my home, 1 is less than 5 minutes walk away in Crimscott St, SE1 3TE and the other is less than 30 seconds walk from my home and the store itself, in Setchell Rd SE1 5ST, the closest of the 2 hostels have never factored by the licencing authority when granting previous applications to extend the sale of alcohol, or the impact these decisions have on residents living so close to them. Those who reside at the hostel have caused numerous issues and all have been as a direct result of their ability to purchase alcohol from as early as 6am and throughout the day from the store at 12 Dunton Road SE1 5TJ. Police attended on one incident 01/07/2015 for example because an alcohol abuser of Setchell Road hostel already intoxicated purchased vodka bottles and cans of strong cider walked to the back of the estate and continued to consume alcohol for a further 6 hours directly at the rear of my house and garden gate. Within that time it took 4 hours before the police could move her on, while the whole matter took place no staff from St Mungos Hostel attended to help despite being so close by (10 seconds walking distance) and despite the chaos caused by the woman the store owner at the time chose to ignore the issue, the sale of alcohol continued. Another incident saw sale of alcohol to an already inhibited man who sat on the grass verge verbally and inappropriately abusing 2 girls of approximately 6 years old, who were going to the store. Despite the fact that the man could be heard quite clearly the owner at the time made no attempt to move the man on. Instead I intervened by alerting police to the mans behaviour and his attempt to drive his vehicle away while over the drink drive limit. The man was prosecuted by the CPS. Another incident more recently saw an inhibited female from the Longfield Estate purchase alcohol from the store, choosing to sit on the steps directly outside my home the female became more and more inhibited, she then began pouring liquid from her beer cans all over the steps, leaving the numerous cans and walking away. My husband asked the owner at the time to see what it meant for us as residents having to deal with the behaviour, but it clearly made no difference to the then owner who continued to sell alcohol to the recognised residents who are alcohol abusers of the estate later that day. Another incident saw a man expose himself in 6 inches in front of my kitchen window to urinate.

Ros Stark House is a 54 bedroom temporary accomodation unit that has numerous children within the building of primary and nursery school ages that are going to be put at risk from the continued sale of alcohol considering that St Mungos Alcohol Rehabilitaoun hostel is 20 yards across the street from Ros Stark House. Responsibility of the sale of alcohol does not only fall with the store owners but the council licencing authority who grants the applications without taking the whole situation, whole area of impact and those who will be affected by it into full consideration. I would ask that Southwark Council give great consideration to limiting any sales of alcohol from the store to a considerable minimum. The proposed times of 7am-23.00pm Monday to Saturday and 8am-22.00pm on Sunday be refused as to this would only cause further disturbances to residents, invite alcohol abusers to longer periods of alcohol consumption off the premises, it will invite further anti social behaviour by members of the public and the residents who already have long standing alcoholic issues and bring an element of criminal behaviour that impacts greatly on residents in the area as well as my home. I would further ask that the store

opening times are reduced to reasonable hours such as 8am-19.00pm Monday-Saturday and 8am-14.00pm on a Sunday to ensure that all residents are able to live free from nuisance, public disorder and criminal nuisance.

Please see attached image of St Mungos alcoholic abuser in drunken stooper at the rear of my home.

There are numerous other supporting documents and images available to show the breaches of the licences held by all at 12 Dunton Road SE1 5TJ

Yours Sincerely

████████████████████
██████████████████ L

Party 1

Party 2

From: [REDACTED]
Sent: Monday, December 28, 2020 11:13 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Objection to licence application 873900

Dear Sir/Madam,

I would like to put forward an objection to the licence application for 12 Dunton Road SE1 5TJ. I am a vulnerable adult who has been affected greatly by a number of issues which relate to unmonitored behaviour spilling out in front of my home [REDACTED]

My representative and legal appointee is putting this forward for me because I need help with this.

I deal with being woken by school children as early as 7am, the noise from kids means that I have experienced ridicule from kids who stare at me when I am at the window. I do not understand things so when there is noise I look out of the window and this creates issues of discrimination by members of the public.

My supporting day centre have had to intervene to try to help the school children understand that the discrimination shown to me because of my disability is not acceptable but despite their attempt to help it made no difference to the school children. The anti social behaviour unit also tried to help but the issues of Harris Academy Bermondsey girls school gathering outside my window, recently all requests from my carer to the school have not been answered so the issues of school girls outside every morning and afternoon is continuing.

There is a residential assisted unit at 71 Dunton Road SE1 that helps people with learning disabilities and other mental health issues just like me, and they have also been affected by ridicule from the girls when they go in and out of the shop. There is also a residential unit at 70 Southwark Park Rd many of the residents are at the busstop opposite my house and have to deal with the same issues from the school girls. At no time did the previous owners or the present owner intervene, because no regard is given to "any" behaviour after the point of sale.

There are many people who go to the shop to buy alcohol. If the sale of alcohol is extended and continues to be permitted the issues of risk to myself and all those residing at the residential units and other members of public, by public nuisance will continue.

Noise from drunks arguing and shouting at each other is a nuisance but moreover it is frightening to me. I find these sorts of instances very difficult to process or understand, when I am anxious or frightened I self harm. It causes me distress to hear the noise from adults outside my home. There is a specific family who have drink issues and mental health problems, they sit on the grass verge under my bedroom window very early in the morning (6am) with their dogs and 1 of their drunk friends and wait for the

shop to open to buy alcohol. They return daily numerous times to continue purchasing alcohol. It is especially frightening to hear their large dogs barking and fighting.

The noise that will be an issue from late night shoppers will also cause a nuisance when loitering around the front of the shop continues as it is already a problem. This means my sleep pattern changes and I cannot go back to sleep so that means my carer has to wake up to ensure my safety and well being because when I am awake my carer has to be awake too.

I have had to deal with staring adults, noise from kids and all sorts of issues as a direct result of living next door to the shop. I have been called a peodophile simply because I was at my window. I have been made fun of, giggled at and had groups of adults and kids laughing at me just because they are able to access and congregate outside the shop with no supervision or responsible adult presence.

I would ask that the council think about what it means to extended licening and the already trading hours at 12 Dunton Road SE1 5TJ because I have had 3 episodes of anxiety and distress in less than 2 months because I could not leave my home in the usual way to go to my carers car because there has been groups of men going to and fro from the shop blocking my access from the back of my house with numerous cars. These cars and vans belong to the shop owner and his visiting family and friends. I thought at first that this was because the new owner was having work done and assumed it would stop once the shop works were completed but it is not the case as numerous cars are still blocking access. My carer had to walk me back inside on many mornings when I tried to leave my house to go to my day centre. I had to go back inside and walk the long way round to the back of the house through the front of the house. I cannot tell you how much this distresses me and makes me unable to cope with my day. Please find attached image of the inconsiderate and illegal parking which causes me to have to change my routine. When I change my routine it makes things very complicated for me to cope.

Please consider the residents on the surrounding area, especially those like me who need to be able to go to and fro freely without having to deal with members of the public, drunks, inconsiderate people and unreasonable behaviours from others that are also discriminatory towards the disabled. There are many factors that cause issues for the elderly, disabled and at risk group categories but to date no consideration has been given to them when granting the application requests from all previous licencees of 12 Dunton Road SE1 5TJ

Opening the store earlier and staying open till very late will have an impact on my ability to live free from discrimination and undue stress because those who would access the shop at those unsociable hours are those who already cause nuisance to the most vulnerable.

Yours Sincerely

██████████
██████████ ██████████



Party 3

----- Original message -----

From: [REDACTED]
Date: 28/12/2020 22:08 (GMT+00:00)
To: licensing@southwark.gov.uk
Subject: Objection to licence 873900

Dear Sir/Madam,

I wish to put forward an objection to the application to extend opening times for 12 Dunton Road SE1 5TJ no:873900. It would have a very significant and negative impact on my ability to live free from nuisance in my home that is situated [REDACTED].

The shop attracts the congregation of youths inside and outside. There is a secondary girls school Harris Academy Bermondsey which is located across the road causes many issues with nuisance noises on an elevated level. From 7.00am the girls are outside the shop, they then spill in large groups outside my home. This same behaviour then continues from 3pm-7pm which has been so excessive that Southwark Anti Social behaviour unit had to intervene when the school were failing to address the issue which included unacceptable discrimination towards my profoundly learning disabled adult son.

Opening from 7am - 11pm means that the noise will continue throughout the day all day as will the waste left by customers as well as the owner and his staff. To date the new owner has remained open as late as midnight. I have attached video footage of the owner leaving his store the evening of 22/12/2020 at 11.49pm, it is not the first time. He shows no regard to the fact that he is not adhering to licencing laws and causing further unnecessary nuisances.

He arrives and leaves his store by walking along the public pathway directly outside my house. He can then be heard at the back of the house, as he starts his van engine before he drives away.

Granting the application and extending the hours is only going to create more noise which affects my family, such as loitering youths, which has impacted the area with criminality congregating outside the store, graffiti, waste and noise, the owner/s previous and present never intervene when youths (customers and non customers) stand outside his store gathering in large and small numbers. Drunkenness by customers is an everyday occurrence. Youths loitering, using drugs and intimidating dogs to fight each other have been recent issues. Please refer to MPS for recent crime reports regarding this. Theft from the store over the 23 years I have resided at my property sees multiple instances which are often very aggressive. The selling of alcohol has caused numerous instances of drunks using the steps outside my home to congregate on, we have had to move them on because the store owners of the last 23 years have not and do not show any responsibility before or after the sale of alcohol. On the 23/12/2020 after being sold cans of alcohol a customer spent 2 hours

shouting while inebriated outside the store, before purchasing more alcohol and leaving.

On the 25/12/2020 the owner permitted the sale of alcohol to a known alcohol abuser and resident of the estate already intoxicated at 10am. Later the same day she purchased further alcohol along with her friend.

All owners and managers of the store have permitted the sale of alcohol to intoxicated members of the public since 1998. There is no attempt to adhere to the guidelines as alcohol is freely sold to any persons wishing to purchase it regardless of their already intoxicated state. Opening the shop earlier and remaining open later will only serve to make it easier for alcohol abusers to purchase more alcohol.

Over the years youths frequently try to gain entry to the store from the back of the store. Because the area is residential and the rear of the store is secluded it sees many instances of criminal behaviour including arson, burglary, criminal damage and anti social behaviour, motorbike theft allowing the store to open at such late times means that the anti social behaviour will escalate and continue. The potential for these types of youths to congregate front and back of the store is far greater, bringing risk elements to my own home and the surrounding homes.

I am a key worker who works day and night shifts, being woken up by gathering youths and drunken behaviours has been ongoing for 23 years and no relative consideration has been given when issuing the previous licences, I would ask that on this occasion the impact of the application and what it means for residents living so close is taken seriously.

Large group of youths (50+) were moved on by police at approximately 22.30pm on 1 particular evening who were gathered outside the store when it was closed, the situation saw aggressive and confrontational behaviours, intimidating other members of the public passing by. If the store were open at that time the situation could have been made worse with or without the sale of alcohol.

The new owner currently does not close until much later than 23.00pm, he is seen and heard leaving at just before midnight. He has personal/relative visitors to his store who also show no thought to the fact that the area is residential. I have attached a video clip of the new owner leaving the store at almost midnight which has not been a one off. It is an example of his already unsociable closing hours.

Please take into account that there are schools, elderly residential units, day centres for residential units and multiple homes very close to the shop. Granting the extension to sell alcohol until 23.00pm 6 days a week and 1 day until 22.00 pm will negatively impact those homes and residential units putting all those at risk.

Yours Sincerely

████████████████████
████████████████████

Party 4

From: [REDACTED]
Sent: Monday, December 28, 2020 11:48 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Objection 873900

Dear Sir/Madam

This is an objection to licence application 873900

Since Komalathan Theivendram began taking ownership of the store at 12 Dunton Road SE1 5TJ he has shown no consideration for others accessing their home. My car is often blocked in by the Komalathan Theivendrams van and the many vehicles constantly parking illegally that are visiting his store in a liading and unliading only area at the rear of the shop. The pretence in his attitude to create a situation to force others to leave/move is a nusiance and despite the permitted loading and unloading area it seems that Komalathan Theivendram believes that he has a priority to the area, and that the road user rules do not apply to him.

If the negative attitude and lack of consideration towards residents so far is anything to go by it does not show a positive arrival to the area. He is causing numerous issues.

I ask Southwark to consider the application to extend the licence a nusiance to the area, it poses anti social behaviour and possible criminal escalating issues.

Yours Sincerley

[REDACTED]
[REDACTED]

Party 5

----- Original message -----

From: [REDACTED]
Date: 28/12/2020 23:20 (GMT+00:00)
To: licencing@southwark.gov.uk
Subject: objection to licence 873900

Dear Sir/Madam,

I would like my objection to the licencing application of number 873900 Mr Komalathan Theivendram to be given consideration because his behaviour to date has not had a positive impact on the area.

The owner has created numerous issues from an enviromental stand point. He did not show consideration to the fact that the homes above and to the sides of his shop are disturbed by his late night opening and closing. He has left his shop as late as 00.30am and in doing so the numerous cars along with his own vehicle causes a disturbance which is not appreciated as I have to wake up at 4am for work. The cars associated with Mr Komalathan Theivendram are coming and going every day. Up to 7 cars all at once have arrived to visit the owner and park illegally. The effect of this includes air quality being overwhelemed by exhaust fumes, so many vehicles daily emitting exhaust into the air affect my asthma, cause nusiance smells and noises.

The fumes from the vehicles not just 12 Dunton Road but also 6 Dunton Road and 10 Dunton Road have a negative impact on the quality of air. This means that I am repeatedly having to close my window.

The owner has shown no regard for keeping the area clean, he and his staff are seen on cctv regularly littering the area at the rear of the shop along with numerous visitors (relatives and workers?) to his shop on a daily basis. Cigarette ends are discarded front and back of store directly in front of the kerb that leads into my home, takeaway food and its waste from visiting staff and relatives are dropped at the rear of the store, unsanitary tissues and other waste are also discarded at the back of the store daily, this area is at the rear of my home which is my access to and from my house. The issues of pest control are very prolific on the estate with customers, the owner and all his visitors adding to it.

Attached are photos showing the disregard Komalathan Theivendram has shown in relation to the area front and back. From the start of his ownership of the store he and his staff began dumping waste. Which accumulated over a 5 week period, this was only cleared and dealt with through raising a complaint at Southwark Council. Without the complaint the owner would have added to it and continued to ignore the issues that would have been caused by it such as pest control and the serious fire hazard to the properties above and surrounding the shop. The previous 2 owners were also present at the time and showed that these behaviours have been the same for a very long

time and examples the attitude. You can see from the images attached that the dumped waste is excessive, a serious fire risk, it poses the risk of arson and other criminal activity.

I would ask that the application to extend the shop opening times not be granted as to extend it would bring more of the same.

The area is residential but no regard is ever paid to this in that residents are left to deal with things. Please consider the schools and vulnerable factors in the neighbourhood.

Yours sincerely

██████████
████████████████████



From:**Sent:** Tuesday, January 19, 2021 2:39 AM**To:** McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>**Subject:** Re: Application to vary a premises licence: R&T News, 12 Dunton Road, London, SE1 5TJ (ref: 873900) Loc ID 191739 - South Bermondsey Ward

Hi Wesley McArthur,

Thank you for your email. I looked at all the objections which you had attached in the email.

Note: FYI, the owner who had run the business before the previous owner had an alcohol licensing hour from 8:00am – 23:00pm Mon to Sat and 10:00am – 22:30pm Sun. His premises license number; 6679. Then the previous owner reduced the hour as he closed the shop early. In this occasion I strongly believe that this premises had already been given permission to sell alcohol till 23:00pm previously before the previous owner had decided to close the shop at a much earlier time.

I would like to give a brief explanation for each party's complaint.

Party 1:

Had mentioned too many issues and also talking about how the previous owners were running the business. All I can say is since the day I started trading, there has been no issues with the customers. In fact, the customers are very pleased with the fact that we have more extended hours in comparison to the previous owner. Customers are welcoming us and we would love to continue building a good bond relationship with the residents. If any issue, you are more than welcome to come to me to discuss the matter. I will try my best to resolve the matter as soon as possible.

Party 2:

Since I started trading, I have informed all the school kids to not make noise outside the shop and not to hang around outside the shop if they are not purchasing anything. I am really happy that the school kids are following my request and respecting the public. Also the attachment which you had attached was taken on the 04th December 2020, as that was the date I was unloading new stocks for my new shop. I had a few friends who had come over to help me set up the shop. That's why you probably had seen a few other vehicles which were parked there. I can strongly say that this has not happened after I had started running the shop. I hope you understand the situation. If any issue, you are more than welcome to come to me to discuss the matter. I will try my best to resolve the matter as soon as possible.

Party 3:

This complaint had stated that I leave the shop late. Just wanted to inform you that I hold an opening hours license from 7:00am – 23:00pm Mon-Sat and Sun 8:00am-23:00pm and this was granted by Southwark council. Just want to let you know that I have not breached any law. I always close the shop at 11pm, then stay to clean the shop before leaving. You are taking videos of me leaving the shop which I find very

uncomfortable as you are taking away my privacy. If this continues, I would have to take further legal actions.

Party 4:

I totally disagree with the statement as I always park my van in my own parking space behind my shop. Plus, I do not have any visitors blocking your space. If any issue, you are more than welcome to come to me to discuss the matter. I will try my best to resolve the matter as soon as possible.

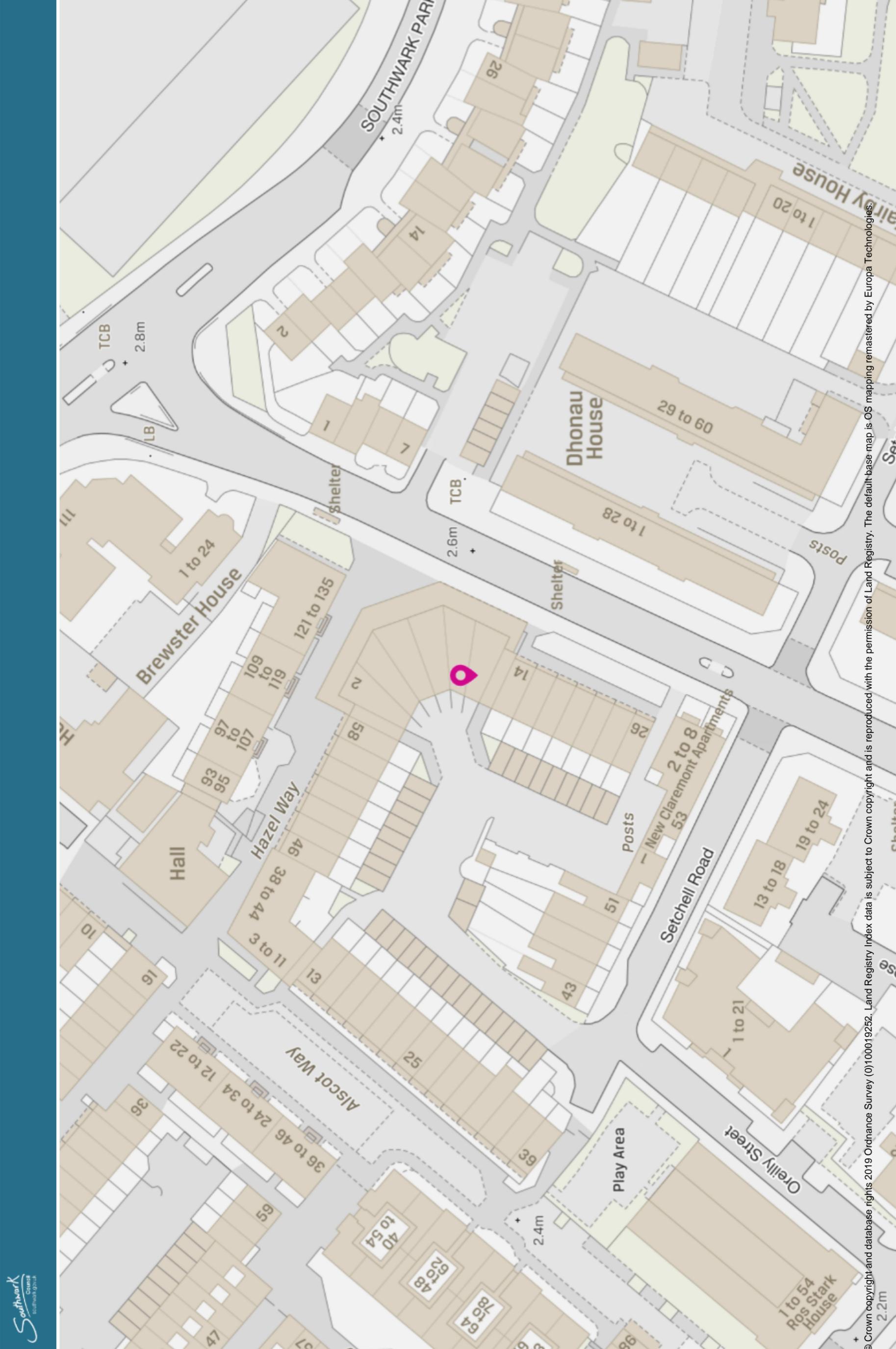
Party 5:

The pictures that you have attached were taken whilst the refurbishment work was going on at the shop. The rubbish from the refitting was kept outside my shop, which I don't see how this was bothering you. It is highly unfair that you would raise this as a matter as I was respectful with the public and had stuck a notice outside the shop before the work had started so that the public was aware of what was happening. The rubbish was all cleared once the job was completed. There is no more rubbish left at the back as it is now fully cleared. If any issue, you are more than welcome to come to me to discuss the matter. I will try my best to resolve the matter as soon as possible.

Look forward to hearing from you.

Kind regards,

Mr Komalathan Theivendram



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