

APPENDIX C



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

Metropolitan Police Service
Licensing Office
Southwark Police Station
323 Borough High Street
LONDON,
SE1 2ER

Our reference: MD/21/2951/17
Date: 2nd May 2017

Dear Sir/Madam

Rock Island, Thomas A Becket, 320-322 Old Kent Road SE1 5BA

Police are in receipt of an application from the above for a variation to the premises licence to be granted under the licensing act 2003 for the following hours

Premises open to the public

Sun -Thurs 07.00hrs – 01.00hrs

Fri – Sat 07.00hrs – 02.30hrs

Sale/Supply of alcohol on the premises

Sun -Thurs 11.00hrs – 00.30hrs

Fri – Sat 11.00hrs – 02.00hrs

Late Night Refreshment

Sun -Thurs 07.00hrs – 01.00hrs

Fri – Sat 07.00hrs – 02.30hrs

The Applicant was only granted the current Licence on the 30th January 2017 by the licensing sub-Committee and it was issued on the 27th February 2017. This application was received by Southwark Council Licensing on the 4th April 2017 only 35 days after on the original licence was issued.

The application has applied for the removal of two conditions that were placed on the licence after considerable conciliation between the applicant and the responsible authorities. Both conditions were fully explained to the applicant and his representative and they agreed. The applicant has also applied to extend the hours to later than applied for and not granted by the sub-committee in the original application. No appeal was put in against the original decision by the applicant for either the hours granted or conditions placed on the licence.

The police object to the granting of the current variation in full for the following reasons.

The premises is situated in a designated residential area as set out in the Southwark Statement of Licensing policy and the current hours are later than that recommended in the policy for restaurants or public houses which the removal of condition 847 would allow the premises to operate as.

The time the current licence has been in operation has not been sufficient to establish the current licence holder's ability to manage the premises and the associated problems. The current hours were only granted by the licensing subcommittee on the 30th January 2017 after a full hearing.

The removal of the conditions requested in the application would change the permitted operation from that of a restaurant to a bar, which the police would require more stringent conditions including More SIA and ID Scan. This is not what the original application was described as in the operating schedule and we would object to any change of operation.

The operation of a restaurant where patrons are seated for a table meal and the consumption of alcohol is ancillary to this, is far less likely to have a detrimental impact of the prevention of crime and disorder than a vertical drinking establishment.

Police object to this application to vary the premises licence as it is highly likely to have a negative impact on crime and disorder.

Submitted for consideration

PC Graham White 288MD
Southwark Police Licensing Unit

MEMO: Environmental Protection Team

To Regen.licensing; **Date** 02/05/17

Copies Andrew Heron

From Ken Andrews [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Email [REDACTED]

Subject **Rock Island 320-322 Old Kent Road SE1 5UE- Application to vary premises licence-CMU 851894**

The Environmental Protection Responsible Authority (EPRA) has considered an application to vary the premises licence at the above-mentioned address. On behalf of the Responsible Authority, I wish to make representation under the prevention of public nuisance licensing objectives.

The applicant wants to extend the hours of operation for sale of late night refreshment and alcohol to 01:00 on Sundays –Thursday and up to 02:30 on Fridays and Saturdays. The restaurant is close to residential premises, in particular, the residential accommodation that occupies the floors above the venue.

Previous assessments carried out by Environmental Health officers have indicated that the building has problems with flanking transmission of noise between the commercial and residential premises.

The address has a long history of causing public nuisance both from the music/noise transmission, and people noise from patrons congregating outside and having loud music blasting out of cars etc. Environmental Protection, and Noise Team have received several complaints

I understand that the premises are now under different managerial control, but the applicant has not provided any information that will address public nuisance concerns. Statement 150, in the Statement of Licensing Policy document, sets out matters that will be taken into consideration when deciding the merits of the application. It states that applicants for licences incorporating hours that fall outside of those set out in Table 2 (page 38) are expected to explain fully within their application, the arrangements intended to be put in place to ensure that the premises does not add to cumulative impact, including detailed measures specified in the operating schedule to mitigate against public nuisance.

This requirement was not addressed in the application. The applicant referred to the current conditions and felt that they were sufficient to promote the Prevention of Public Nuisance.

However the measures in place can only be considered appropriate for the current hours of operation.

The applicant also apply to remove condition 847 (That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal or awaiting to be seated within a designated waiting area with a maximum of 15 at any time.)

Removing this condition will change the character of the venue from a predominant restaurant to bar/night club. Also the proposed amendment to condition 842 will result in an increase of patrons using the outside area and the number of people allowed at the venue. This can lead to an increase in people related noise.and further disturbances.

Taking the above into consideration, EPRA recommends that the current times and conditions remain unchanged.

If the sub-committee is minded to grant this application, I would ask that no regulated entertainment take place past 23:00 hours which is in line with the Licensing Authority's policy.

Ken Andrews - Principal Environmental Health Officer

Ken Andrews
Principial Environmental Health Officer

Heron, Andrew

From: Regen, Licensing
Sent: 02 May 2017 17:26
To: McCarthy, Debbie
Cc: Heron, Andrew
Subject: FW: Major Variation for Rock Island

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Tuesday, May 02, 2017 5:05 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Major Variation for Rock Island

To whom it may concern:

Re: Rock Island, Thomas A Becket, 320-322 Old Kent Road, London SE1 5BA

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

General Comments

The applicant requests a variation to their current premises licence to extend the sale of alcohol on the premise to between the hours of 11:00 and 00:30 Sundays –Thursdays and 11:00-02:00 Fridays and Saturdays. I have concerns regarding the hours of alcohol sales requested. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Further, the hours requested fall outside what is recommended in Southwark's Statement of Licensing Policy which is 23:00 daily.

The applicant's current licence was granted only very recently on 27th February 2017. This application has applied for the removal of two conditions that were placed on the licence after considerable conciliation between the applicant and the responsible authorities. The time the current licence has been in operation has not been sufficient to establish the current licence holder's ability to manage the premises and the associated problems.

Recommendations

- I recommend this application is rejected in full

If you have any further questions, please do not hesitate to contact me.

Yours faithfully,

Carolyn Sharpe
on behalf of Professor Kevin Fenton, Director of Health and Wellbeing (incorporating the role of Director of Public Health)

Carolyn Sharpe | [REDACTED]
Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

[REDACTED]

[REDACTED]

[REDACTED]

MEMO: Licensing Unit

To	Licensing Unit	Date	2 May 2017	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	[REDACTED]			

Subject Re: Rock Island (aka Thomas A Beckett), 320-322 Old Kent Road, London, SE1
5UE - Application to vary the premises licence

I write with regards to the above application for the grant of a premises licence under the Licensing Act 2003 submitted by Paul Anthony Scarborough which seeks the following licensable activities:

- To extend the provision of late night refreshment (indoors) on Sunday to Thursday from 23:30 to 01:00 the following day and on Friday and Saturday from 23:30 to 02:30 the following day
- To extend the supply of alcohol (on the premises) on Sunday to Thursday from 23:30 to 00:30 the following day and on Friday and Saturday from 23:30 to 02:00 the following day
- Overall opening times shall be from on Sunday to Thursday from 11:00 to 01:00 the following day and on Friday and Saturday from 11:00 to 02:30 the following day
- To remove the following condition **847** which states:
'That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal or awaiting to be seated within a designated waiting area with a maximum of 15 at any time'
- To amend the following condition **842** which states:
'That the premises have a maximum accommodation limit of 120 patrons made up of: 85 seated patrons and 15 waiting patrons inside the premises and also, 16 seated patrons outside the premises'
To be replaced with the following wording: *'That the maximum accommodation limit of 150 patrons and also, 25 seated patrons outside the premises'*

This premises has previously held a licence and operated as a nightclub. The previous licence was revoked by the licensing sub-committee on 10 March 2015 following an expedited review submitted by the Metropolitan Police under serious crime and disorder. There were further representations regarding persistent breaches of the premises licence and antisocial behaviour associated with the premises. The licensee at this time was Thomas A Becket Leisure Investments Ltd.

A new premises licence application was submitted by Paul Anthony Scarborough on 16 November 2016 and the premises was described within that application as:

'The premises will be used as a restaurant. The applicant is partnered up with the Rock Island Cyprus to turn the venue a premises like TGI Fridays OR Steak House without loosing its heritage.'

The applicant was granted generous hours with conditions by the Licensing Sub Committee on 30 January 2017. I attach a copy of the notice of decision. Mr Scarborough did not appeal this decision.

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

This premises is situated within a **residential area** and under the Southwark Statement of Licensing Policy the closing times for **public houses, wine bars or other drinking establishments and restaurants and cafes is 23:00 hours daily**. Night clubs (with sui generis planning classification) are not considered appropriate for this area.

The applicant has asked to further increase the hours of all licensable activities and operation and remove/replace conditions, which could change the nature of the premises as originally described on the original application to that of a night club as before and would have a negative impact upon the licensing objectives.

Furthermore the current premises licence was issued on 27 February 2017 and on 11 March 2017 a licensing officer visited to carry out an inspection and found breaches of nine of the conditions imposed by the LSC. A warning letter was sent to the applicant on 21 March 2017 which I attach to this representation.

I therefore submit this representation and recommend that the application is refused.

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

Attached: Notice of Decision from 30 January 2017
Warning letter sent on 21 March 2017

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 30 JANUARY 2017

LICENSING ACT 2003: ROCK ISLAND (FORMERLY THOMAS A BECKET), 320-322 OLD KENT ROAD, LONDON SE1 5UE.

1. Decision

That the application made by Paul Anthony Scarborough for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Rock Island (formerly Thomas A Becket), 320-322 Old Kent Road, London SE1 5UE is granted as follows:

Licensable activity	Hours
Sale and supply of alcohol (on the premises)	11:00 to 23:30 Monday to Sunday
Late night refreshment	23:00 to 23:30 Monday to Sunday
Opening hours	11:00 to 00:00 Monday to Sunday
Non standard timings: None	

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 conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That all of the previous management of Thomas A Becket Leisure Investments Limited namely: Kazi Hasnat Abdul, Abdul Kashim, Abdul Baian, Hatem Yavuz, Mahfuz Chowdhury, Apeksha Dandekar and Richard Devlin be prohibited from the premises at all times. The same individuals are prohibited to have any involvement whatsoever in the running of the premises or be a director or shareholder of Rock Island Food and Leisure Limited.
2. That should either Rock Island Food and Leisure Limited or Kazi Hasnat Abdul, Abdul Kashim and Abdul Baian terminate the lease dated 14 December 2016 to the premises (Ground Floor Thomas A Becket, 320-322 Old Kent Road, SE1 5UE) terminate the lease before its expiry (in December 2031) by serving a break notice, the premises licence holder will surrender the premises licence to the licensing authority on expiry of the break notice.

3. That the premises have a maximum accommodation limit of 120 patrons made up of: 85 seated patrons and 15 waiting patrons inside the premises and also, 16 seated patrons outside the premises.
4. That the garden/outside area will be closed and clear of patrons by 22:30 daily after which only a maximum of 5 smokers may enter the garden at any one time. No drinks are permitted in the garden area after 22:30.
5. That a written dispersal policy is provided to the licensing authority and shall be kept at the premises and made immediately available for inspection by the police and authorised council officers.
6. That the premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. All CCTV footage will be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to officers of the police or the council.
7. That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the police or other authorised officer.
8. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal or awaiting to be seated within a designated waiting area with a maximum of 15 at any time.
9. That all staff concerned in the sale or supply intoxicating liquor undergoes a training scheme for such duties. Records of such training will be kept and made available for inspection, immediately on request by police or other authorised officer.
10. That all incidents of violence and or disorder that result in an injury to another will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection immediately by any authorised officer from the police or council.
11. That a personal licence holder is on the premises and on duty at all times after 20:00 when intoxicating liquor is supplied.
12. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed Thursday, Friday, Saturday and Sunday after 20:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admission to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

13. That SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
14. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or the half bottle.
15. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of 2 measures per container/glass.
16. That all children on the premises shall be accompanied by a responsible adult.
17. There shall be no entry or re-entry to the premises after 23:00.
18. That there will be no deliveries of stock made to the premises between 22:00 and 08:00 on any day.

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that the would be a restaurant and he had partnered up with the Rock Island Cyprus and intended to turn the venue into a premises similar to TGI Friday or Steak House without losing its heritage. The premises became an asset of community value in 2015 following the revocation of the previous premises licence. The previous premises licence holder(s) and the applicant are unconnected. A lease had been granted by the freehold owners and as a result, the Rock Island Cyprus was a separate legal entity and agreed that if the lease to the premises terminated for whatever reason, the premises licence would be surrendered upon the termination of the lease. The applicant was also agreeable to prohibit any of the previous management to enter the premises or have any involvement in the running of the business. The premises would have an emphasis on good quality American food that would celebrate the boxing heritage of the premises.

The licensing sub-committee heard from the Metropolitan Police Service representative who advised that the operating schedule indicated that whilst the application was for a restaurant, the premises is subject to a community order and designated an asset of community value and should remain a public house. Public houses are permitted to serve food but the schedule indicates that the venue would solely be for food and alcohol only served as ancillary to food. Unless the community order is removed and the planning permission changed then the operation as described would not be allowed under the order. The officer also referred to Southwark's statement of licensing policy and highlighted that the proposed hours fell outside of the closing hours suggested in the statement of licensing policy. The representation has suggested conditions that should be in place regardless of terminal hour and also conditions that should be in place if the terminal hour falls after midnight.

The licensing sub-committee heard from the licensing responsible authority officer who referred to issues that led to the revocation of the previous premises licence (to Thomas A Beckett). The officer sought assurances that the previous licensees or management or have any control over the premises and/or the licensable activities that may take place at the premises. The officer also recommended that the closing time be brought into line with Southwark statement of licensing policy.

The officer for licensing as a responsible authority called the Chair of the Walworth Society who advised the sub-committee that the premises became an asset of community value in June 2015 as residents were concerned with that the premises would be sold, and would lose a further licensed premises in the area. The applicant felt assured that the crime and disorder and public nuisance previously associate to the premises would not re-occur and was pleased with the proposals to bring back the asset into the community's usage.

The licensing sub-committee heard from the environmental protection officer who advised that the hours applied for exceeded the recommended hours for a restaurant or pubic house within the Southwark statement of licensing policy. The premises were structurally connected to residential premises and that the proposed conditions to prevent public nuisance did not address the officer's concerns who sought a terminal hour of 23:00.

The licensing sub-committee heard from the public health authority officer who advised that that the increased hours of alcohol sales, such as those detailed in the application are associated with increased alcohol consumption, alcohol related injuries and alcohol related harm. Public health sought an earlier end time in regards to the sale of alcohol and that they are brought in line with Southwark's statement of licensing policy.

The licensing sub-committee noted the representations from other persons who were not present.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion and recognised that the premises had been unused since the licence revocation in 2014. A significant period of time had passed and the local community could be satisfied that the crime and disorder previously associated with the premises would not occur again.

The premises would be run by totally new management who were agreeable to prohibit any of the previous management entering the premises or being involved in the running of the business. Rock Island has demonstrated that they are committed to taking advantage of the heritage and bringing the premises back into the community. With the strict conditions imposed, this licensing sub-committee are satisfied that a premises licence should be granted and that Rock Island can make a success of its venture.

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: 30 January 2017

Mr A. Lisowski,
Licensing Enforcement Officer,
Environment and Housing Department.
alexander.lisowski @southwark.gov.uk

Tel: 020 7525 7531

Date: 21 March 2017

Mr P.A. Scarborough,
C/O Rock Island,
320-322 Old Kent Road,
London, SE1 5UE.

Dear Mr Scarborough,

Breach of Premises Licensing Conditions for Rock Island, 320-322 Old Kent Road, London, SE1 5UE.

I am writing to you in your capacity as the premises licence holder for Rock Island, 320-322 Old Kent Road, London, SE1 5UE. On Saturday, 11th March, 2017, at 19.30pm, I visited your venue to do a premises licence inspection.

The following conditions from the premises licence were not being complied with:

Condition 289. "That the premises will install a CCTV system and maintain the system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. All CCTV footage will be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to officers of the police or council."

Condition 288. "That there shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the police or other authorised officer."

When I visited, neither you nor any of your staff were able to operate the CCTV.

Condition 345. "That a written dispersal policy is provided to the licensing authority and shall be kept at the premises and made immediately available for inspection by the police and authorised council officers."

When I visited you were unable to show me your dispersal policy.

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

Condition 4AB. "All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck "Challenge 25" policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

When I visited you were unable to show me any training records.

Condition 346. "That all incidents of violence and or disorder that result in an injury to another will be reported to the police as soon as practicable. The reasoning behind any delayed report will be recorded in the incident report book. This report book will be made available for inspection immediately by any authorised officer from the police or council."

When I visited you were unable to show me the incident report book.

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

When I visited no such signs were displayed at the venue.

Condition 353. "All refusals of the sale of alcohol shall be recorded. The register shall be available for inspection at the premises on request by the council's authorised officers or the police."

When I visited you were unable to show me the refusals register.

Condition 305. "Signs shall be displayed requesting patrons to respect the neighbours and behave in a courteous manner."

When I visited no such signs were displayed.

On Friday evening 17th March, 2017, one of my Council colleagues visited your venue. Although he didn't do a full inspection, you were not unable to show him previous CCTV footage for the venue. You were also unable to show him staff training records when requested to do so.

Not complying with the conditions of your premises licence is an offence contrary to The Licensing Act, 2003. This letter is a formal warning that you have breached the conditions of your licence. A copy of it will be kept in my Department's records. If further breaches of the licence are discovered, this letter will be taken into account when deciding what action to take about those breaches.

Yours sincerely,

Mr A. Lisowski,
Licensing Enforcement Officer,
The London Borough of Southwark.