



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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2976/17

Date: 22nd June 2017

Dear Sir/Madam

Re:- Leadbelly's, Unit C Montreal House Surrey Quays Road SE16 7AQ

Police are in possession of an application from the above for a variation to a premises licence. The current licence allows for the sale of alcohol until 2300 hrs with a terminal hour for the premises of 2330hrs.

The applicant wishes to extend the opening hours of the premises Monday to Thursday until 0000 hrs and 0100hrs on Friday and Saturday Nights. With regard to the opening hours, these hours sit within that recommended in Southwark's statement of licensing policy.

Although an increase in hours has been applied for, the applicant has offered a number of additional control measures to counter the possible impact these hours would have on the licensing objectives.

I am satisfied it contains sufficient control measures for the promotion of the licensing objectives.

Kind Regards

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

From: Earis, Richard Richard.Earis@southwark.gov.uk
Sent: Wednesday, June 14, 2017 12:24 PM
To: Regen, Licensing
Cc:
Subject: License variation for LeadBelly's Bar and Kitchen

Dear Licensing,

RE: LeadBelly's Bar and Kitchen, "Unit C, Montreal House", Surrey Quays Road - LDO = 23/06/2017, 859021

I have considered this on behalf of the Environmental Protection responsible authority and I would like to object on the grounds of prevention of public nuisance.

The reason for the objection is that use of the outside area to the hours proposed is outside the Licensing Policy recommendation and highly likely to result in public nuisance. I would also point out that this is incompatible with condition 349 of the existing license which states '*That no more than five smokers shall be permitted to smoke outside at any one time*'.

I would be prepared to withdraw my objection if the applicant will agree to the following:

- That the use of the outside area shall be limited to a maximum of 30 people up to 22:00 on any day
- There shall be no use of the outside area after 22:00 on any day, except for smoking, and that after 22:00 no more than five smokers shall be permitted to smoke outside at any one time
- Premises management shall regularly monitor outside the premises and take all necessary steps to ensure that noise from patrons does not cause disturbance or nuisance to nearby residents

Kind Regards,

Richard

Richard Earis
Principal Environmental Protection Officer
Environmental Protection Team

020 7525 2469

From: Nigel Carter
Sent: Friday, July 07, 2017 10:28 AM
To: Earis, Richard
Cc: McArthur, Wesley
Subject: Licence variation - Leadbelly's Bar & Kitchen. Ref: 859021

Dear Mr Earis

I met with my client yesterday, 6 July 2017, with regards the conditions you have proposed in relation to the above premises licence variation.

My client feels that the proposed time of 22.00 hours for the outside area, and the maximum of 30 people, is too restrictive for the following reasons and proposes amended conditions.

There is already seating outside for a maximum of 42 customers, and the outside area can currently be used until 23.00 hours Sunday to Thursday, and until 00.00 hours on Friday and Saturday. Since opening the venue in December 2016, there have been no noise complaints in relation to customers eating and drinking in this outside area, and my client does not believe that the mere fact of licensing the outside area should cause any noise issues.

I'm not sure if you are aware that a) there are NO representations from residents living above or adjacent to Leadbelly's, and b) the Police (Pc Graham White 288MD) do not have any objection to this variation application; stating that 'the applicant has offered a number of additional control measures to counter the possible impact these hours would have on the licensing objectives'. There are still two objections from Ward Councillors.

My client would like to propose the following conditions:-

- That the use of the outside area shall be limited to a maximum of 34 people up until 23:00 on any day.
- There shall be no use of the outside area after 23:00 on any day, except for smoking, and after 23.00 no more than 5 smokers shall be permitted to smoke outside at any one time.
- Premises management shall regularly monitor outside the premises and take all necessary steps to ensure that noise from patrons does not cause disturbance or nuisance to nearby residents.
- At 23:00 tables and chairs will be rendered unusable, or brought inside.

Whilst I am aware of the council's licensing policy in relation to 'preventing nuisance outside of premises', I would respectfully point out that this is only a suggested time and, in light of the fact that there are no objections from residents; the Police are not objecting, and no noise nuisance has been caused from December 2016 until now, a more flexible approach can be applied to this application.

I have also attached a copy of the 'Dispersal Policy' produced and already in operation at these premises, which further demonstrates that my client is a responsible operator and adequately promotes this Licensing Objective. I have also attached a copy of the Police representation for your information.

I await your response

Kind regards

Nigel Carter
Licensing Consultant

Leadbelly's Alcohol Sales, Anti-Drugs & Dispersal Policy

These are our house rules and arrangements to ensure our premises does not adversely impact the local area. It takes suitable measures to mitigate against crime disorder and public nuisance.

- Implementation of Challenge 25 policy in operation & displayed at entrance
- Under 18's accompanied by adults at all times
- DPS will authorise sales of alcohol with staff, once fully trained, to ensure staff are fully aware of challenge 25 policy in operation at the premises. Further refresher training at regular intervals at staff meetings and checks made by duty manager on each shift.
- A licence holder will be on premises at all peak customer hours and always present at closing hours. Current licence holders: Annmarie Barwick (DPS & General Manager – [REDACTED]), [REDACTED] (Deputy Manager - [REDACTED]), [REDACTED] (Restaurant manager – [REDACTED]) and [REDACTED] (Bar Manager - [REDACTED]).
- No drinks promotions to be run at any time as the premises does not encourage binge drinking or any irresponsible drinking of any kind
- NO alcopops at any time and no Red Bull or other energy drinks as research has shown these drinks elevate heart rate and can lead to aggressive or anti-social behaviour. Energy drinks are usually matched with high ABV spirits and encourages shooters within large groups of people. This 'shots' culture is actively discouraged and all spirits associated are ensured to be of a higher quality product, and priced accordingly, to discourage this behaviour.
- Soft drinks readily available and clearly advertised on drinks lists - A large range available as well as non-alcoholic beers and cocktails
- All spirits to be poured at the smaller option of 25ml standard pour and multiples thereof rather than 35ml option adopted by some bars.
- Higher strength beverages priced higher accordingly to align pricing by ABV
- Tap water provided on the bar at all times free of charge
- Staff the premises adequately at busy times to ensure a constant presence on the floor, clearing glasses and monitoring customer behaviour.
- SIA staff will be employed for events and busy periods to regulate capacity / age restrictions / drunken behaviour.

- Outside area closed down half an hour prior to last sales of alcohol.
- Ensure adequate amount of time is provided to customers prior to last orders to ensure a longer period of drinking time to slow down consumption rate. i.e: Inform customers at LEAST 15 minutes before calling last orders and ensure that an *appropriate* quantity is ordered (e.g not a bottle of wine for 1 person)
- Gradual reduction of music volume and increase in lighting at end of evening
- Display anti-drugs signage to warn customers they will be ejected from the premises if we suspect they are taking illicit drugs.
- Watch out for customers going in groups to the toilets and alert management.
- Regularly inspection of toilets, looking out for signs of drug use and typical behaviour and inform management to intervene and eject customers.

DISPERSAL PROCEDURE

1. Close outside area 30 minutes prior to last orders.
2. Notify ALL customers at LEAST 15 minutes before calling last orders
3. Ensure appropriate quantity is ordered (eg not 2 pints for 1 person)
4. After last drinks order, wait 15 minutes. Partially increase lighting and slightly decrease volume of music.
5. Walk around and politely inform all customers the bar will close in 15 minutes.
6. After 15 minutes, further increase lighting and turn off music.
7. POLITELY inform all customers the bar has now closed and ask customers to begin leaving quietly – remind of residential area.
8. If a large group are leaving, ask two or three members of the party to take responsibility for their group and ensure they move on quietly.
9. Display a sign by the exit door reminding customers to be mindful of our neighbours
10. Have **constant staff presence** by the front door to ensure quiet, gradual and friendly dispersal of customers so we do not cause a nuisance to our neighbours. Ask customers to wait inside for taxi's.

From: Earis, Richard
Sent: Monday, July 10, 2017 11:01 AM
To: 'Nigel Carter'
Cc: McArthur, Wesley
Subject: RE: Licence variation - Leadbelly's Bar & Kitchen. Ref: 859021

Dear Mr Carter,

Thank you for your email below.

I must respectfully disagree with your comments on this. I would point out that condition 348 of the existing License states *'that all sales of alcohol for consumption off the premises shall be in sealed containers only'* which is intended to prohibit consumption in external areas around the premises in order to control risk of public nuisance. Furthermore condition 349 states *'that no more than five smokers shall be permitted to smoke outside at any one time'* which is intended to restrict the numbers of people using this area in order to minimise noise. If alcohol were being consumed in this area by up to 42 people then in my view this would be a breach of the existing premises License.

If you intended to refer only to existing consumption of food and soft drinks to 23.00 in this area then this is both much less likely to result in significant use of the area to the hours quoted and also where use does take place this is likely to have a lower noise impact. My conclusion here is that the change which is the subject of this application is significant in terms of the licensing objective and merits application of appropriate restrictions. Irrespective of the existing situation, it is also my opinion that 34 people drinking externally until 23.00 in this location is a significant risk of public nuisance. Furthermore this clearly goes outside the Licensing Policy recommendation. In this situation, if we are not able to agree, it is for a Licensing Committee to make a decision on whether they feel that a more flexible approach should be applied.

If you would like to discuss this further please do not hesitate to contact me.

Kind Regards,

Richard Earis
Principal Environmental Protection Officer
Environmental Protection Team

From: Nigel Carter
Sent: Tuesday, July 11, 2017 5:48 PM
To: Earis, Richard
Cc: Annmarie Barwick
Subject: Re: Licence variation - Leadbelly's Bar & Kitchen. Ref: 859021

Dear Richard

Thank you for your response.

I've now had a chance to take instructions from my client, and would ask if you could agree to the following conditions in order to withdraw your representation; based on the fact that we already have outside seating for 42 customers.....

- That the use of the outside area shall be limited to a maximum of 42 people up until 22:00 on any day.
- There shall be no use of the outside area after 22:00 on any day, except for smoking, and after 22:00 no more than 5 smokers shall be permitted to smoke outside at any one time.
- Premises management shall regularly monitor outside the premises and take all necessary steps to ensure that noise from patrons does not cause disturbance or nuisance to nearby residents.
- At 22:00 tables and chairs will be rendered unusable

My client would be willing to accept the earlier hour of 22:00 hours, if you would agree to the increased capacity please? A reduction in the seating would have serious financial implications to my client and is likely to effect staffing levels and therefore jobs.

I hope these conditions will be acceptable.

Kind regards

Nigel

Nigel Carter
Carter Consultancy

From: Earis, Richard
Sent: Wednesday, July 12, 2017 9:19 AM
To: 'Nigel Carter'
Cc: Annmarie Barwick; McArthur, Wesley; Regen, Licensing
Subject: RE: Licence variation - Leadbelly's Bar & Kitchen. Ref: 859021

Dear Nigel,

In response to your email of 11th July below I am satisfied with this compromise and I withdraw my objections on the basis of these conditions being applied.

Please note however that there is potential for public nuisance from use of the outside area to the extent proposed and this will require careful management to prevent. We will not hesitate to review the license and/or take other enforcement action in the event that we receive justified complaints.

If you would like to discuss this further just get in touch.

Kind Regards,

Richard

Richard Earis
Principal Environmental Protection Officer
Environmental Protection Team