



APPENDIX B

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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/2994/17

Date: 04/08/2017

Re:- Six Yard Box The Artworks Unit 6 Elephant road SE17 1AY

Dear Sir/Madam

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

Premises open to the public

Sun-Thurs 1200-2330

Fri 1200-0030

Sat 1000-0030

Sale/Supply of alcohol on/off

Sun-Thurs 1200-2330

Fri 1200-0000

Sat 1000-0000

Recorded Music

Sun-Thurs 1200-2300

Fri 1200-0000

Sat 1000-0000

The operating schedule indicates that this venue is to operate as a bar.

The hours of operation as per the application are later than that recommended by the Southwark Statement of Licensing policy 2016-2020 that being 2300hrs in residential areas. The artworks has been subject to a number of complaints in regards to noise and anti social behaviour and the premises has suggested that they wish to use the court yard area for consumption of alcohol sold by themselves. However they do not

provide any conditions to manage this area, in fact they pass this responsibility over to the artworks management. The application does not contain any evidence to support any deviation from policy therefore we recommend that this application is refused.

This recommendation is made under the licensing objectives, of the prevention of crime and disorder and the prevention of public nuisance. The application contains control measures in order to restrict the operation to this specific manner, however it does not go far enough to warrant the extended hours.

If the committee is of a mind to grant such a licence, then police would ask the committee to consider the following wording and conditions in order to negate any ambiguity

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

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

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

4/ Clear and visible signage on entrance/exit requesting customers to respect neighbours and leave quietly

5/ All alcohol off sales shall only be sold in sealed containers for consumption away from the area known as The Artworks

6/ At least one SIA registered Door Supervisor shall be employed at all times at the venue after 21.00hrs until the terminal hour on Friday and Saturday.(exclusive of any artworks security)

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

Yours Sincerely

PC Mark Lynch 246MD
Southwark Police Licensing Unit

Heron, Andrew

From: mark.A.Lynch@met.pnn.police.uk
Sent: 16 August 2017 14:59
To: Heron, Andrew
Subject: Premises Licence Application-Six Yard Box

Good Afternoon Andrew

In view of the fact that the applicant has accepted conditions 1-4 as previously worded and the amended condition 5 police would now like to withdraw their objection

Regards
Mark

Pc Mark Lynch 246MD
Southwark Licensing/NTE
Southwark Police Station
323 Borough High Street
SE1 3JL
0207 232 6756

From: Sebastian O'Driscoll [REDACTED]
Sent: 16 August 2017 13:56
To: Lynch Mark A - MD <mark.A.Lynch@met.pnn.police.uk>
Cc: Heron, Andrew <Andrew.Heron@southwark.gov.uk>
Subject: Re: Premises Licence Application

Hi Mark,

Thank you for your email.

We will keep conditions 1-4 as you have worded and will put in Condition 5 as you specified:

"No drinks shall be taken from the venue after 2300hours with the exception being off sales, that shall be sold in sealed containers for consumption away from the area known as The Artworks."

Thank you for your input.

Best Regards

Seb O'Driscoll

On 15 August 2017 at 15:56, <mark.A.Lynch@met.pnn.police.uk> wrote:

Good afternoon

I never received the applicants response before now ,thank you for sending Andrew. Please see the police response ,

Conditions 1,2,3,4, remain as I have worded as this is a new application , I would also like to see the following amended wording for condition 5 in regards to the consumption of alcohol outside of the premises

Condition 5-No drinks shall be taken from the venue after 2300hours with the exception being off sales, that shall be sold in sealed containers for consumption

away from the area known as The Artworks

If the above is acceptable by the applicant then police would like to withdraw their objection

Regards

Mark

Pc Mark Lynch 246MD

Southwark Licensing/NTE

Southwark Police Station

323 Borough High Street

SE1 3JL

0207 232 6756

From: Heron, Andrew [mailto:Andrew.Heron@southwark.gov.uk]

Sent: 15 August 2017 14:48

To: Lynch Mark A - MD <mark.A.Lynch@met.pnn.police.uk>

Subject: FW: Premises Licence Application

Here's the response, please let me know if you're still happy to withdraw...

Regards,

Andrew Heron

Principal Licensing Officer

London Borough of Southwark

Regulatory Services – Environment & Leisure

020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

From: Sebastian O'Driscoll [REDACTED]
Sent: Thursday, August 10, 2017 3:30 PM

To: Heron, Andrew
Subject: Re: Premises Licence Application

Hi Andrew,

In response to the Representations we are keen to ensure that our premises operates in a way that promotes our licencable objectives.

In response to PC Mark Lynch's recommendations we would suggest:

Regarding late night licence extension. We propose make only on site sales from 11pm-12pm and ensure that consumption of alcohol from 11pm is carried out in the premises. The premises is well insulated and has never had a noise or anti-social complaint made against any activity in the premises. Furthermore a dispersal policy has been created and shared with this application to ensure premises evacuates at the end of the night in a orderly way that ensures prevention of disorder, crime or nuisance.

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

The Premises already has a CCTV system that covers the entire floor area of the bar. This is a condition of the current licence.

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

CCTV Footage is captured on SD cards which we use in a rotating basis. Each SD Card is capable of capturing over 31 days of footage however are changed monthly and kept onsite until written over 2 months later. As such we have access to footage up to 60 days. We also have access to outdoor CCTV outside the premises via the Artworks CCTV system.

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

All staff are currently trained under the licencing act 2003 as part of induction process. Records are updated every six months, updating scheduled for November and April annually.

4/ Clear and visible signage on entrance/exit requesting customers to respect neighbours and leave quietly

Signs will be placed at the entrance/exit of the premises and the entrances/exits of the Artworks by Six Yard Box team.

5/ All alcohol off sales shall only be sold in sealed containers for consumption away from the area known as The Artworks

All alcohol off sales to be sold in sealed containers. Signage indicating that all alcohol off sales must be consumers away from Artworks area to be placed by the bar area and at the entrance/exit area.

I am more than happy to discuss further directly with PC Lynch if he would rather chat about this in person.

Thanks

Seb

On 10 August 2017 at 12:56, Heron, Andrew <Andrew.Heron@southwark.gov.uk> wrote:

No worries – I'm in the office all afternoon, so give me a call if you want to talk anything through, as I think we can get this sorted without the need for a Hearing.

Regards,

Andrew Heron

Principal Licensing Officer

London Borough of Southwark

Regulatory Services – Environment & Leisure

020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

From: Sebastian O'Driscoll [m]
Sent: Thursday, August 10, 2017 12:56 PM
To: Heron, Andrew
Subject: Re: Premises Licence Application

Hi Andrew,

Just picking this up. Will respond this afternoon to all of the representations.

Thanks for send on

Best

Seb

On 10 August 2017 at 11:43, Heron, Andrew <Andrew.Heron@southwark.gov.uk> wrote:

Dear Seb,

Further to your application for a premises licence, please be advised that it has received two representations from the Police and the Licensing Authority, please find attached copies. You will see that there is a request that you look at your hours and consider additional conditions. If you are in agreement, or wish to debate these requests with the objectors, please write to them directly via email and copy me in.

I will provisionally book a hearing if an agreement cannot be reached.

Regards,

Andrew Heron

Principal Licensing Officer

London Borough of Southwark

Regulatory Services – Environment & Leisure

020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard: 020 7525 5000

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MEMO: Licensing Unit

To Licensing **Date** 27 June 2017

Copies

From David Franklin **Telephone** 020 7525 50396

Email david.franklin@southwark.gov.uk

Subject Six Yard Box, Unit 6, The Artworks, Elephant Road SE17 1AY

I make this representation with regards to the new application for a premises licence by Six Yard Box Limited for the Six Yard Box, Unit 6, The Artworks, Elephant Road SE17 1AY.

My representation is based on promoting the licensing objectives for the prevention of crime and disorder and prevention of public nuisance.

The application asks for the following licensable activities:

Recorded Music Indoors

Sunday to Thursday 12:00 to 23:00 hours
Friday and Saturday 12:00 to 00:00 hours

Sale of alcohol on the premises both on and off the premises

Sunday to Thursday 12:00 to 23:00 hours
Friday and Saturday 12:00 to 00:00 hours

Opening Hours

Sunday to Thursday 12:00 to 23:30 hours
Friday and Saturday 12:00 to 00:30 hours

The premises is described as a "Premises is located in a shipping container as part of the Artworks complex. The Premises has an internal floor space of 320sq ft. The premises has an accommodation limit for 40 persons. The Premises has two CC1V cameras that monitor the entirety of the premises. The Premises has 4 tables and two bar counters that can provide seating for 30 customers. The Artworks is a mixed leisure and office site in Elephant and Castle. The Six Yard Box is one of 6 licensed premises on the Artworks site. The Artworks is fenced and gated, public can only access the site via two pedestrian entrances, one on the Walworth Road and the other on Elephant Road. The Six Yard Box premises is located inside the Artworks gates on the south side of a public use courtyard. The courtyard that is operated and managed by the site landlords Artworks. The courtyard area has an accommodation limit of 200. The Artworks provide seating, security, cleaning and maintenance for the courtyard. They also have CCTV of the courtyard which is managed by the Artworks Security Team. They hold Public Liability Insurance for the courtyard area."

The application does not specify the nature of the premises, but in the absence of the provision of substantial food it should be classified as a bar.

The plans for the premises show shipping container outlined in red as the proposed licensable area of the premises and does not include any outside areas of the courtyard as part of the premises.

The premises sits in the Elephant and Castle major town centre area, the Southwark Statement of Licensing Policy 2016 – 2020 in section seven gives the appropriate closing times for bars in this area as:

Policy closing times

Sunday to Thursday 23:00 hours
Friday and Saturday 00:00 hours

The closing times within the application are 30 minutes beyond the appropriate closing times in the Policy.

There is a current premises licence for this premises held by Sebastian O'Driscoll, who is a director of Six Yard Box Limited. The licensable activities of the current premises licence are:

Sale of alcohol on the premises on the premises

Monday to Sunday 12:00 to 23:00 hours
Friday and Saturday 12:00 to 23:00 hours

Opening Hours

Sunday to Thursday 12:00 to 23:00 hours
Friday and Saturday 10:00 to 23:00 hours

Recorded music is exempt from the requirement for a premises licence on alcohol licensed premises of a capacity under 500 persons between 08:00 and 23:00 hours and is therefore not required on the existing premises licence.

The Council have received a number of complaints regarding the use of outdoor areas for licensable activities from residents near to The Artworks.

A visit was made to the premises by a Licensing Officers on the night time economy team on the evening of 17 February 2017, Mr Eoin O'Flynn, a director of Six Yard Box Limited, was managing the premises breaches of the Licensing Act 2003 were found for the following items:

- The Premises Licence (or certified copy) was not available at the premises. Breach of Section 57(3) of the Licensing Act 2003.
- The CCTV installed at the premises was not working and as such the CCTV footage which should be kept for a period of 31 days was not available. Contrary to conditions 288 and 289 on the premises licence.
- Staff training records regarding responsibilities under the licensing act 2003 were not available for inspection. Contrary to condition 340 on the premises licence.

A warning letter was sent to the premises licence holder Sebastian O'Driscoll, a copy of the letter is attached to this representation for reference.

A revisit was made on 05 May 2017, the matters listed above were found to be rectified and the premises was compliant with their premises licence.

To promote the licensing objectives for the prevention of public nuisance and disorder I ask that this application is amended to the following hours with the conditions added:

- **Recorded Music Indoors**
Sunday to Thursday 12:00 to 22:30 hours
Friday and Saturday 12:00 to 23:30 hours
- **Sale of alcohol on the premises both on and off the premises**
Sunday to Thursday 12:00 to 22:30 hours
Friday and Saturday 12:00 to 23:30 hours
- **Opening Hours**
Sunday to Thursday 12:00 to 23:00 hours
Friday and Saturday 12:00 to 00:00 hours
- All off sales of alcohol shall be in closed containers to be taken away for consumption away from the vicinity of the premises.
- Additionally a dispersal policy for the premises should be written and staff trained on the policy. A copy of the policy to be kept on the premises.
- The premises is limited to 40 patrons at any one time.

David Franklin
Licensing Authority as a Responsible Authority

**Mr Sebastian O'Driscoll
Six Yard Box
Unit 6 The Artworks
Elephant Road
SE17 1AY**

Licensing Unit
Direct Line: 020 7525 0396
Direct Fax: 020 7525 5705

28 February 2017

Dear Mr Sebastian O'Driscoll

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(Six Yard Box, Unit 6 The Artworks, Elephant Road, SE17)**

On 17 February 2017 at 21:51 hours Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. The Premises Licence (or certified copy) was not available at the premises.
Breach of Section 57(3) of the Licensing Act 2003.

If you have lost or damaged your Premises Licence you can order a new one by writing to the Licensing Unit at the address given below, and including a cheque (made payable to the London Borough of Southwark) or postal order for £10.50.

If you have your Premises Licence (or certified copy) please ensure that it is kept at the premises to be made available to authorised officers should they request to see it.

2. The CCTV installed at the premises was not working and as such the CCTV footage which should be kept for a period of 31 days was not available.
Contrary to conditions 288 and 289 on the premises licence.
3. Staff training records regarding responsibilities under the licensing act 2003 were not available for inspection. **Contrary to condition 340 on the premises licence.**

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your licence or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to an unlimited fine.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 0396 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Jayne Tear
Principal Licensing Officer
jayne.tear@southwark.gov.uk

C.C: P.C. Ian Clements/ P.C. Graham White
Licensing Office Southwark Police Station
323 Borough High Street
SE1 2ER