

6 October 2017

Dear Concerned Resident

Luca's Kitchen & Bakery, 35 North Cross Road, London SE22 9ET

I act for the applicant in respect of the above premises. We note your representations in opposition to the application for the grant of a premises licence to allow the retail sale of alcohol, which will be considered by the licensing sub-committee of Southwark Council in due course. We are grateful to you for expressing your concerns which are taken very seriously by my client.

Representations that have been raised include suggestions that the business is likely to cause public nuisance late in the evening, that the area is well served by other licensed premises in the area and a perception that an extractor unit is unreasonably noisy.

I would like to take this opportunity to make some observations about these points of concern to reassure you about the integrity of the applicant and his proposals for the business and to invite you to reconsider your representation.

This application does not include any request for regulated entertainment or for late night refreshment and complies fully with the suggested hours of operation recommended by the Statement of Licensing Policy of Southwark Council. It is also in line with the premises' planning approval. The premises are not within any cumulative impact area, therefore there is a legal presumption in favour of granting this application. There is no requirement for the applicant to prove that there is a need for the licence.

The application includes a comprehensive set of enforceable conditions which have been modified further in consultation with the police and public health officer (over a reduction of licensed hours in the morning and the types of alcoholic products for sale, the use of CCTV, policies for ensuring effective dispersal from the premises and over staff training).

The application has been scrutinised and agreed by each and every responsible authority, including the planning officer and the environmental health officer (EHO) who offer no objection to the application. The EHO, of course, is the person who is responsible for any issues concerning possible noise nuisance.

It is worth noting too that the use of the extraction unit of these premises, which is a legal requirement under health and safety legislation, is approved under planning and has been installed, maintained and will be operated in accordance with the manufacturer's recommendations. This extraction unit is permitted for use regardless of whether a premises licence is granted or not.

Nevertheless, as Luca is keen to be regarded as a good and responsible neighbour, he is committed to monitoring any potential noise nuisance and will ensure that any unreasonable disturbance is acted upon immediately.

Please do not hesitate to contact me if I can provide any more reassurance about the proposed operation of the business.

Kind Regards

Yours Faithfully

A large black rectangular redaction box covering the signature and name of the sender.

Luca's Kitchen & Bakery
35 North Cross Road
London
SE22 9ET

- A new premises licence to allow the retail sale of alcohol for consumption ON & OFF the premises. The premises will be operated as a coffee shop, restaurant and bakery, but also with a delicatessen shop section.

Opening Hours:

0700hrs to 2300hrs daily (to allow a 30 minute drinking up/winding down period to effect an orderly dispersal from the premises)

(Amended) **Alcohol Hours:**

From **1100hrs to 2230hrs** daily (On & Off sales)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e)

The premises licence holder, DPS, management and staff will constantly assess any risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task. There will be:

- A written notice of 'authority' record for all staff who sell alcohol
- Adequate training for staff and records kept for inspection
- Contact details of the Designated Premises Supervisor available to staff and the authorities
- Substantial food will be available to customers throughout the hours that alcohol is offered for sale
- This outside space (shown on the plan) will not be used for the purpose of the sale and/or consumption of alcohol after 2200hrs each day.

Following discussion with the police, the following conditions were added:

1. 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.
2. Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal. No on sales will take place before 1100hrs.

b) The prevention of crime and disorder

The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder. This will include:

- An effective, secure, recordable CCTV system as per Metropolitan Police recommendations with appropriate staff training for its operation and for the retrieval of images which will be made available to the authorities on demand.
- Staffing levels maintained appropriately to ensure adequate security.
- High value items stored securely
- Staff being trained on all security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.
- A policy of zero-tolerance to drugs at the premises
- Alcohol will not be permitted to be removed from the property in open vessels or containers, except for customers using the outside seating area.

Following discussion with the police, the following conditions were added:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.

c) Public safety

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to. The policy will include:

- Ensuring that the entrance, the outside area and any walkways within the premises are kept free from obstruction
- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff

d) The prevention of public nuisance

The DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:

- The premises and public areas nearby are kept free from litter associated with the operation of the business
- A bin will be provided in the outside area to minimise litter.
- Any noise, vibrations, smells, light pollution or other potential nuisance is monitored and kept to an acceptable level
- Deliveries and waste removal are undertaken at a time and in a manner that does not cause disturbance
- A written notice will be displayed and visible to customers using the outside area inviting them to be quiet and considerate to local residents.

Following discussion with police the following condition was added:

- That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents

Following discussion with public health the following conditions were added:

- No beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%.
- Alcohol for consumption ON or Off the premises must not be sold before 1100hrs on any day

e) The protection of children from harm

The premises will be promoted as family friendly and suitable for all ages. There will be no inappropriate entertainment, promotions, activities or behaviour tolerated at the premises that might put children at risk. There will be an effective age verification policy in accordance with the mandatory code. This policy will be one of **Challenge 25** for age-restricted products and include:

- The appropriate display of notices relating to the policy within the premises.
- These notices will indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being sold alcohol.
- Appropriate ID will be a valid passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.
- Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.
- Staff training will occur before a staff member is authorised to sell alcohol within the premises.
- Staff training records will be available for inspection by the police or other responsible authority upon request.
- The business will maintain an incident and refusals book, which will be checked regularly by the premises licence holder and/or designated premises supervisor and will be available for inspection by the responsible authorities.
- Children and young people will be discouraged from loitering outside the premises

From: [REDACTED]
Sent: Friday, October 06, 2017 9:46 AM
To: McArthur, Wesley
Subject: RE: Luca's Kitchen & Bakery, 35 New Cross Road SE22 9ET

Dear Wesley

I have drafted a letter with the approval of the applicant, for the benefit of the residents.

Could you kindly forward it on?

Thanks (see attached)

Regards, [REDACTED]

From: McArthur, Wesley
Sent: Friday, October 06, 2017 12:19 PM
Subject: Application for a premises licence - Luca's Kitchen & Bakery, 35 North Cross Road, SE22 9ET (our ref: L1U 860199)
Importance: High

Dear Residents,

Please find attached a letter, from the applicant, in response to your representations.

If you have any further comments, if you wish your representation to stand as submitted or if you wish to withdraw your representation please let me know ASAP. Please copy me into any response sent directly to Mr [REDACTED].

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

From: [REDACTED]
Sent: Friday, October 06, 2017 2:11 PM
To: McArthur, Wesley
Subject: RE: Luca's Kitchen & Bakery, 35 New Cross Road SE22 9ET

Thanks Wesley

I have created a summary of the conditions offered and the amendments agreed (see attached)

Please feel free to send this to the respective parties too

Kind Regards, [REDACTED]

From: McArthur, Wesley

Sent: Friday, October 06, 2017 4:04 PM

Subject: RE: Application for a premises licence - Luca's Kitchen & Bakery, 35 North Cross Road, SE22 9ET (our ref: L1U 860199)

Importance: High

Dear Residents,

Please find attached a summary of the control measures stated in the application. These control measures will form the basis of legally binding licence conditions that must be complied with should any licence be issued subsequent to the application and the premises be operated under that licence. Also included are conditions / amendments to the application, proposed by the police and this council's director of public health, that have been agreed to by the applicant.

If you have any further comments, if you wish your representation to stand as submitted or if you wish to withdraw your representation please let me know ASAP. Please copy me into any response sent directly to Mr [REDACTED].

Regards,

Wesley McArthur

Principal Enforcement Officer

London Borough of Southwark

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