

# MEMO: Licensing Unit

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**To** Licensing Unit **Date** 28 February 2018

**Copies**

**From** Jayne Tear **Telephone** 020 7525 0396

**Email** jayne.tear@southwark.gov.uk

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**Subject** Re: Theo's, 17-19 Elephant & Castle, London, SE1 6TH

– Application to for a premises licence

I write with regards to the above application for a premises licence submitted by Greenpoint Avenue Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Recorded music (indoors) on Monday to Sunday from 10:00 to 00:30 the following day
- Late night refreshment (indoors and outdoors) on Monday to Sunday from 23:00 to 00:30 the following day
- Supply of alcohol (on and off the premises) Monday to Sunday from 12:00 to 00:00
- Overall opening times shall be on Monday to Sunday from 07:00 to 00:30 the following day

The premises is described as a *'Pizza restaurant'*.

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 premise is situated within a the Elephant and Castle Major Town Centre Area and under the Southwark Statement of Licensing policy 2016 – 2020 the latest appropriate **closing times for restaurants and cafes on Sunday to Thursday is 00:00 hours** and for Friday and Saturday is 01:00 hours.

To ensure the premises maintains its operation as a restaurant I ask the applicant to consider adding the following condition to the operating schedule

- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.

Further to this I ask the applicant to consider amending the closing times of the premises on Sunday to Thursday to be in line with the licensing policy and to amend the licensable activities accordingly as follows:

- Opening times on Sunday to Thursday to cease at 00:00
- Recorded music (indoors) on Sunday to Thursday to cease at 00:00
- Late night refreshment (indoors and outdoors) on Sunday to Thursday to cease at 00:00
- Supply of alcohol (on and off the premises) to cease at 23:30

Due to the limited information on the application form and to further address the licensing objectives I also ask the applicant to provide the following information:

- An accommodation limit for the inside of the premises (to be conditioned).
- An accommodation limit for the outside area as indicated on the plans (to be conditioned).
- To provide a written dispersal policy for the premises. (to be conditioned)

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

Jayne Tear

Principal Licensing officer

In the capacity of Licensing Authority as a Responsible Authority

## Heron, Andrew

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**From:** Simon Leaver [REDACTED]  
**Sent:** 07 March 2018 15:02  
**To:** Tear, Jayne  
**Cc:** Heron, Andrew; Theo Lewis  
**Subject:** Theo's, 17-19 Elephant & Castle, London, SE1 6TH – Application to for a premises licence  
**Attachments:** Customer Dispersal plan.pdf

Dear Jayne

As a director Greenpoint Avenue Limited, owner of the prospective Theo's pizzeria at the above address, I write in response to your memo dated 28/2/18 which I have only today been passed a copy of.

- 1) Please note we have removed the need for recorded music in our application during our conciliation with the Environmental Protection team.
- 2) Regarding your proposed condition "Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal", may we propose the alternative "That save for no more than fifteen persons at any one time, who may consume alcohol in the premises without a meal, limited to one intoxicating drink, intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal"

We have a similar condition in place at our Camberwell restaurant and it allows us to permit customers to have one drink whilst they wait for their table. It also dissuades them from standing outside and therefore marginally reduces the risk of undue external customer noise and/or congestion.

- 3) Regarding the closing times applied for of 00:30, we are aware that for Sunday to Thursday these are 30 minutes later than those recommended in the Southwark Statement of Licensing policy 2016 – 2020. However please note the comments from the EPT, which we agree with: "Whilst the proposed hours narrowly exceed the licensing policy, EPT have reviewed other similar premises facing onto the E&C roundabout and EPT do not raise objection to the proposed hours for Theo's. There is also another commercial unit above Theo's before reaching the bottom floor of residential flats in Draper House". As an example, Mamuska at 16 Elephant & Castle has a license (855806) which permits late night refreshment to 02:30 Monday to Saturday and 23:00 on Sunday.

We are keen to avoid potential technical breaches of our license by being open 1 minute past 00:00 on any day of the week so would ask the Licensing Authority to re-consider this point. As a practical suggestion we could propose on Sunday only licensable activities are amended in the application to:

- Opening time to cease at 00:00

- Late night refreshment (indoors and outdoors) to cease at 00:00
- Supply of alcohol (on and off the premises) to cease at 23:30

Please note we have already agreed to a condition proposed by EPT that "The external area will be out of use between 22:00 and 08:00, with all furniture having been brought into the premises or, if left outside, rendered unusable"

#### 4) Accommodation limits

Indoor proposed:

80

Outdoor proposed:

20

#### 5) Dispersal Policy

Please find attached

Regards

Simon

**Simon Leaver**

[REDACTED]

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**Co-Founder, THEO'S**

@theospizzeria

+44 203 026 [REDACTED] 4

2 Grove Lane, Camberwell, SE5 8SY

[REDACTED]

## **Theo's: 17-19 Elephant & Castle, SE1 6TH**

### **Customer Dispersal Plan**

#### **Introduction**

As professional operators we acknowledge that we have a primary responsibility to ensure that our premises does not generate excessive noise disturbance, outdoor customer congestion or antisocial behaviour. The purpose of this Customer Dispersal Plan is to detail the procedures we aim to adopt to ensure, as far as possible, the minimisation of disturbance to local residents by activities in and around the restaurant.

#### **Theo's staff structure**

Theo's employs a General Manager (GM), an Assistant GM (AGM) and 2 Duty Managers (DM), one of whom will be running every service when the restaurant is open. In almost all cases, either GM or AGM is on duty during the busy evening services, notably Thursday, Friday and Saturday evenings. It is the responsibility of these individuals to ensure Theo's staff carry out the proper management of the restaurant, it's staff and customers, including the Customer Dispersal plan.

During busy services, Theo's also has a separate dedicated 'host' located just inside the entrance to welcome customers, ensure they are seated efficiently and to manage the area just inside and just outside the entrance door.

#### **Policies**

- 1) Our license does not permit the sale of alcohol for the final 30 minutes of service
- 2) Full training of all staff with an emphasis on our GM, AGM, DMs and host to ask customers to leave quietly. This will be reinforced during pre-shift staff briefings. Training to include a refusal-to-serve alcohol policy to any customer who appears overly intoxicated.
- 3) Lighting levels to be increased slightly at 00:00 to indicate to customers the end of the service
- 4) Signage displayed inside the front door to remind customers to leave quietly
- 5) Internal and external CCTV with 30+ days of recording to discourage customers from loitering
- 6) Taxi numbers and directions to buses and the train station being provided to customers at our front bar
- 7) An effective customer queue management system. We use the online system 'Qudini' which allows us to text customers with table availability and to inform them when we are too busy to offer them a table. We have used this very successfully in our Camberwell restaurant for 2+ years and have avoided external queues.

**From:** Tahir, Sarah  
**Sent:** 28 February 2018 11:52  
**To:** Heron, Andrew  
**Subject:** FW: EPT representation - Premises Licence, Theo's, 17 - 19 Elephant & Castle  
**Attachments:** CAJ10213.doc

Added to l1u = 862137

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**From:** Prickett, Mark  
**Sent:** Wednesday, February 28, 2018 11:16 AM  
**To:** Regen, Licensing  
**Cc:** 'Simon Leaver'; [REDACTED]  
**Subject:** EPT representation - Premises Licence, Theo's, 17 - 19 Elephant & Castle

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence for Theo's, 17 - 19 Elephant & Castle, SE1 6TH.

The premises is to be a pizza restaurant. The licensable activities applied for are as follows;

Recorded music (indoors): 10:00 – 00:30 Monday to Sunday. "Seated restaurant with background music".  
Late night refreshment (both indoors and outdoors): 23:00 – 00:30 Monday to Sunday.  
Supply of alcohol (both on and off the premises): 12:00 – 00:00 Monday to Sunday.

Opening hours: 07:00 – 00:30 Monday to Sunday

#### **EPT STANCE**

- 1) Recorded music to 00:30 is requested yet the applicant has advised that only background music is sought. Background music is not a licensable activity. Through the Licensing Act deregulations the applicant could perform, if they wish to, live or recorded music between 08:00 – 23:00 since the premises licence seeks alcohol sales. More information can be found here;

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

Can the applicant please confirm that they agree to remove the need for recorded music from the application? For clarity background music can still be played during the entirety of opening hours without the need for it to be licensed.

- 2) Opening hours –Southwark's Licensing Policy suggested opening hours for restaurants in the E&C town centre is midnight Sunday to Thursday. The application seeks 00:30 for these days. Whilst the proposed hours narrowly exceed the licensing policy, EPT have reviewed other similar premises facing onto the E&C roundabout and EPT do not raise objection to the proposed hours for Theo's. There is also another commercial unit above Theo's before reaching the bottom floor of residential flats in Draper House.
- 3) Section M of the application has been reviewed which details numerous proposed conditions to address the licensing objectives. EPT make the following comments on some of the proposed conditions;  
7. Licensed entertainment can be undertaken at the premises as mentioned above, so the applicant may wish to remove this condition?  
17. Section 224 of Southwark's Licensing Policy outlines that outdoor areas associated with licensed premises should cease at 10pm. Mamuska, the licensed premises next door to Theo's, has a condition restricting the outdoor use to 10pm also. Considering there are residential flats above 10pm cut off for the external area for Theo's should also be applied for consistency.

Please can the applicant confirm to the external area being closed to patrons at 10pm? Suggested rewording of proposed condition 17;

‘The external area will be out of use between 22:00 and 08:00, with all furniture having been brought into the premises or, if left outside, rendered unusable’.

The Environmental Protection Team **make representation** against this application until the above issues have been agreed to by the applicant.

Kind regards,

**Mark Prickett**  
**Principal Enforcement Officer**  
Environmental Protection Team  
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor  
Hub 1, PO Box 64529, London, SE1P 5LX

Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>

Construction web pages: <http://www.southwark.gov.uk/construction>

London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



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