

Heron, Andrew

From: [REDACTED]
Sent: 12 June 2018 09:14
To: Heron, Andrew
Subject: Re: Licence application 863181

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr Heron

Rubbish removal was not the core of our objection. We were pointing out that it was an issue that you had not considered and the management of the restaurants was lacking in this matter.

Our objection is that tables outside will cause more noise and smoking, and it is considerable now. The tables are generally left outside and smokers use the seats. Do the tables have to be removed if a licence is granted because this is not generally the case in the street. All this impacts the living room of our flat which is above Jose's.

We do not understand your point about the Garrison as they have never applied for street furniture as far as we are aware and surely any drinks at tables would be in open containers.

We are not withdrawing our objection but are now away on holiday until mid July and could not attend a hearing on 27 June. If the time of use was reduced as a condition to 9pm and not a voluntary action then we would withdraw our objection.

[REDACTED]
Sent from my iPhone

On 11 Jun 2018, at 17:25, Heron, Andrew <Andrew.Heron@southwark.gov.uk> wrote:

Dear [REDACTED]

Thank you for your email.

Having spoken to the Applicant's legal representative, they had advised me that they were looking at dealing with issues regarding refuse (you had also told me that a Councillor had been involved); I am pleased to hear that it has now been resolved. As this appeared to be the core of your objection, are you now in a position to withdraw your representation?

The Garrison has a condition on their premises licence which states: "*8AF No drinks in open containers shall be permitted outside of the premises after 21:00*", which means that patrons cannot walk away from the premises with open containers after 21:00, or consume alcohol in the vicinity in open containers after that time. It does refer to street furniture and it does not render the use of external furniture as unusable after 21:00. Effectively, diners could continue to eat outside until 22:00 (under the Southwark Policy). Again, you continue to use the phrase "*curfew*" which simply does not exist.

I am concerned that you are using the application at 104 Bermondsey Street to voice general complaints against street furniture in the entirety of the street. If you have general issues with the

use of external street furniture, I would recommend that you either make a formal complaint using the link previously sent, or you discuss this matter with your Ward Councillor.

Now, please kindly respond to my initial email and advise:

- 1) Having considered the Applicant's response (and information regarding the (Southwark Licensing Policy), you withdraw your representation.
- 2) You would like to arrange a meeting with the Applicant to discuss matters further.
- 3) You wish for the application to proceed to a Hearing and will be attending on the 27th June.

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

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

<image003.png>

From: [REDACTED]
Sent: Monday, June 11, 2018 5:09 PM
To: Heron, Andrew
Subject: Re: Licence application 863181

Dear Mr Heron

Your remit is clearly very limited. Strangely since we last corresponded the issue of bins has been resolved.

However we would still like to know why the Garrison has a 9 o'clock curfew, which was agreed as a compromise with the local residences, in similar circumstances whereas you are suggesting 10 o'clock for Jose's. In reality, these curfews are always abused. This is a public nuisance issue.

[REDACTED]

Sent from my iPhone

On 11 Jun 2018, at 15:44, Heron, Andrew <Andrew.Heron@southwark.gov.uk> wrote:

Dear [REDACTED]

Can you please respond to my email of 8th June. The written report for the Hearing is due tomorrow and at this time, I do not have anything from you to substantiate your representation.

I look forward to hearing from you at your earliest opportunity.

Regards,

Andrew Heron
Principal Licensing Officer
London Borough of Southwark
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From: Heron, Andrew
Sent: Friday, June 08, 2018 1:44 PM
To: [REDACTED]
Subject: RE: Licence application 863181

Dear [REDACTED]

Thank you for your email.

Unfortunately, I am rather confused by the content. You appear to be using the licensing regime to address an ongoing issue with bins in the area; this is not the appropriate process to do so. Your initial representation stated *"Off-sales and outside tables will encourage the already anti-social atmosphere in our street"* – this is the part of your representation that is relevant to the licensing regime. As advised the validity of your representation is borderline, therefore you need to expand on the element that is relevant.

The period for consultation and the Hearing date is very clearly defined legislatively. We cannot delay a Sub-Committee decision based on general complaints of bins in the locality. You state in your latest email *"Clearly there is no "joined-up" workings within the Council"* – if you are unhappy with the services provided by Southwark Council, you should follow the formal corporate complaints procedure: <https://www.southwark.gov.uk/council-and-democracy/complaints-comments-and-compliments/making-a-complaint>

You are advised again that there is no existing 'curfew' in the area, there is only Southwark's Licensing Policy.

Can you please therefore respond to my initial enquiry and advise how you wish to proceed from here:

1) Having considered the Applicant's response, you withdraw your representation.

- 2) You would like to arrange a meeting with the Applicant to discuss matters further.
- 3) You wish for the application to proceed to a Hearing and will be attending on the 27th June. Please therefore provide supporting statements on your representation. You may wish to seek independent legal advice.

At this time, the Hearing is due to take place on 27th June. Based on the information you have provided so far, you are unlikely to affect the grant unless you can provide additional supporting (and relevant) information in relation to the four licensing objectives. For your information, these are:

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm

I look forward to hearing from you.

Regards,

Andrew Heron
Principal Licensing Officer
London Borough of Southwark
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<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

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From: [REDACTED]
Sent: Tuesday, June 05, 2018 5:10 PM
To: Heron, Andrew
Cc: [REDACTED]
Subject: Re: Licence application 863181

Dear Andrew

We were disappointed to be the only objectors to this application, but hardly surprised. An element of failure fatigue has permeated the residents of late, when it comes to the the rights those who live on the street versus those who work there and go home somewhere else. Clearly there is no "joined-up" workings within the Council. Has the environmental aspect of this licence been discussed? There is currently an issue under discussion between our local councillor and the Environment Dept, about commercial bins in Bermondsey Street being sited inappropriately since the new highway layout. Approaches to Jose's (amongst others) have been met with stubborn resistance to taking responsibility for their waste bins .It is interesting that Mr Nixon refers to the wider pavement area outside his premises now. As a responsible manager his first consideration should be taking

responsibility for his waste bins, now he is able to do so with no inconvenience to others.

We feel that this licence application decision should be delayed until the bin issue is resolved.

Following that, if Mr Nixon still wants tables and chairs, they should respect the existing curfew that other bars in the area operate, and move inside with drinks at 9pm.

Thank you

[REDACTED]

From: "Heron, Andrew" <Andrew.Heron@southwark.gov.uk>

To: [REDACTED]

Sent: Tuesday, 5 June 2018, 13:31

Subject: FW: Licence application 863181

Dear [REDACTED]

Further to the application for a variation to Jose – 104 Bermondsey Street, I am in receipt of your representation. Please note that you are the only objector in this matter.

The Applicant has composed the attached response to your representation, please read and consider its content. If you would like us to arrange a meeting with the licence holder at the premises, please advise as this may negate a need for a Hearing.

As an objection has been received, the application will have to be considered at a Hearing. The date for this is 10:00 on Wednesday 27th June at the Council Offices on Tooley Street. As the only objector in this matter, you are expected to attend.

I am concerned that at this time, your representation is borderline in validity. Therefore, should the matter proceed to a Hearing, you will need to provide further supporting documentation to strengthen your representation. I see too that you state that there is at a "curfew of 21:00hrs existing for external drinking on Bermondsey Street". Please note that I have confirmed with the Southwark Highways Department (whom issue Street Furniture Permits) no such curfew exists. Further, the only formal advice from the Council in relation to external areas is stated in the Southwark Licensing Policy 2016-2020:

224. Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents by customers outside of licensed premises. Consideration should be given to placing controls on:

- ***The hours of operation of any licensed external area, requiring customers to return back into the premises at a specific time. In residential areas it is suggested that a closing time no later than 22.00 is appropriate.***

Once you have considered the content of the Applicant's response please advise how you wish to proceed.

- 1) Having considered the Applicant's response, you withdraw your representation.
- 2) You would like to arrange a meeting with the Applicant to discuss matters further.
- 3) You wish for the application to proceed to a Hearing and will be attending on the 27th June. Please therefore provide supporting statements on your representation. You may wish to seek independent legal advice.

I look forward to hearing from at you at your earliest opportunity.

Regards,

Andrew Heron
Principal Licensing Officer
London Borough of Southwark
Regulatory Services – Environment & Leisure
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<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>
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From: Joe Nixon [REDACTED]
Sent: Monday, June 04, 2018 2:13 PM
To: Heron, Andrew
Cc: Jack Spiegler
Subject: Licence application 863181

Dear Andrew,

I hope you are well and enjoying the early summer?

I am emailing you with regards to the objection we have had regarding Licence application 863181 for the outside seating at Jose Tapas.

We would like to reach out the the person that has rejected with the email below to try to resolve this matter without going to a committee hearing.

Would you please be kind enough to send my email to the objector in the hope we can agree on a suitable time for the space to be used until. Could you please copy Jack into the correspondence being sent.

Kind regards

Joe

Dear Sir or Madam

Southwark Council have provided us with a copy of the content of your objection to our licence application. I would be most grateful for your consideration of this email, which I hope will help to address the concerns you have raised.

As you may know, we have proudly operated in your local community since 2011. We are committed to ensuring we operate professionally and responsibly alongside local residents. We were sorry to hear you had concerns about our proposals.

We are hoping to obtain permission for just 3 small tables and 6 chairs to be used by customers when the weather allows. We will ensure your concerns are communicated to staff, who will be briefed on comprehensive management procedures aimed at reducing the risk of any nuisance being caused by our customers using the external seating.

The council are currently undertaking improvement works to the highway and pavement. Although the existing pavement was large enough for the seating, the improvements will create even more room for the seating and unobstructed pedestrian access.

Finally, after carefully considering your concerns, we are prepared to impose a voluntary closure time of 10.00 pm in respect of the external area, which we hope helps.

Please do not hesitate to contact me if you would like to discuss our proposals further, or alternatively arrange a meeting at a time and place convenient to you.

Thank you and kind regards

Joe Nixon

Joe Nixon
Operations Director, José Pizarro Group



A: Unit 1 Kimber Court, 219 Long Lane, London SE1 4PB

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