

## APPENDIX C

**From:** Fox, Roy  
**Sent:** Friday, October 26, 2018 3:05 PM  
**To:** Regen, Licensing; 'SouthwarkLicensing@met.police.uk';  
**Cc:** McArthur, Wesley;  
**Subject:** 28 Nunhead Green, SE15 - Premises Licence No. 865119

Dear Sir/Madam

Re: Application to Vary a Premises Licence, Premises Licence No. 865119 – El Vermut, 28 Nunhead Green, SE15; OP & GF & FC Inglis

I represent the Environmental Health responsible authority. Based on the Licensing Objective 'the prevention of public nuisance', I write to object to the application for a variation of the above Premises Licence, number 865119, received on 01 October 2018, to extend the hours for the opening of the premises and the associated sale of alcohol. The basis for my objection is presented in the following paragraphs.

- The times for opening and for licensable activities that have been applied for fall considerably outside of those contained within the Southwark Statement of Licencing Policy 2016-2020 for this area. This policy indicates that the closing times of drinking establishments should be 23:00 hours daily. The applicant has applied for 02:00 closing time on Saturdays, for 00:30 on Mondays to Fridays, and for 23:30 on Sundays. There are residential premises above the licensable area, as well as on the upper floors of the adjoining premises along the terrace. Operating to the times applied for has a realistic possibility to lead to issues of public nuisance or disturbance affecting the nearby residents, made more likely with the increased numbers of patrons also applied for (up 80 from 50).
- Planning Permission for the current use of the premises was given on 04/12/2017, reference number 17/AP/3371. Condition 5 of that permission states that this use shall not be carried out outside the hours of 11:00 to 23:00 on Mondays to Fridays, 11:00 to 00:00 hours on Saturdays and 11:00 to 22:00 hours on Sundays. This premises licence application goes far outside of this requirement. Note that the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, March 2015, states in section 13.58 that when terminal hours have been set within a planning condition, then the earlier closing time should be observed (relative to a licence application). The opening hours approved by planning are replicated on the current premises licence.
- The premises have not been open for long enough to fully establish whether its management is such that later opening hours and times for alcohol sales could proceed without the likelihood for public nuisance to arise. It's inaugural 'soft opening' event was held on 20 July 2018. Since then two additional temporary event notices have been submitted but not to closing hours as late as the proposal for Saturdays in this application. Comprehensive evidence for operating outside of the policy hours is therefore lacking.

Notwithstanding the above, there are features of the premises and in the application that would reasonably indicate that opening beyond the policy hours would be acceptable, but not to the extent that has been applied for. These would include: the absence of an outside area for patrons, the offer to close doors and windows by 22:00 daily, the sound insulation installed as part of the planning application, the control on entry within an hour of closing time. With this in mind, I would be happy

to review my opinion over this application if the applicants were to revise downwards their proposed hours of opening and of alcohol sales. It would be acceptable to myself if the closing time were 23:30 on Sunday to Thursday and 00:30 hours on Friday and Saturday. Alcohol sales would end at 30 minutes earlier than the closing time on each day. Note also that alcohol off-sales must also be in sealed packaging or vessels. Finally, if these or any other hours beyond the planning approval become part of the premises licence, I would expect that the planning status of the bar to be aligned to the premises licence through an appropriate planning application.

Regards,

Roy Fox  
Principal Environmental Protection Officer

Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO  
Box 64529 | London | SE1P 5LX

020 7525 2458

[www.southwark.gov.uk](http://www.southwark.gov.uk)



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**From:**

**Sent:** Monday, October 29, 2018 12:36 PM

**To:** Fox, Roy; Regen, Licensing; 'SouthwarkLicensing@met.police.uk'

**Cc:** McArthur, Wesley;

**Subject:** Re: 28 Nunhead Green, SE15 - Premises Licence No. 865119

Dear Mr Fox

Further to your concerns expressed below I have been instructed by my client that the EI Vermut Partnership is happy to accept your proposals. We therefore request that the licensing authority modifies our operating schedule to incorporate Mr Fox's proposals below and that Mr Fox can confirm that this representation may be deemed withdrawn.

My client also requested that the following message is provided to you:

*Dear Mr Fox,*

*We have read through your representation and the points you make in support of your proposal regarding our licence variation application for EI Vermut, at 28 Nunhead Green.*

*Since opening at the end of July we have worked hard to trade in a way that respects both the conditions of our licence and our neighbours, and to date don't believe we have had any complaints. We have focused our efforts as management to ensure that the premises is not causing disturbance to the local area. Your proposal reflects our wish to continue in this way moving forward, and we therefore would like to accept the hours you have offered.*

*Kind regards,  
Oliver, Greta and Felia Inglis*

Many thanks for your involvement and I look forward to receiving confirmation that the representation has been withdrawn.

Kind regards

*Licensing Consultant*

*Innpacked*

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**From:** Fox, Roy

**Sent:** Friday, November 02, 2018 5:05 PM

**To:** McArthur, Wesley; Regen, Licensing

**Cc:**

**Subject:** FW: 28 Nunhead Green, SE15 - Premises Licence No. 865119

Wesley

With reference to the email below, I can confirm that given the changes in the operating times agreed by the applicants, I am happy to withdraw my representation to this application for variation of the premises licence.

Regards,

Roy Fox

Principal Environmental Protection Officer

Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX

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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/3344/18

**Date:** 29<sup>th</sup> October 2018

**Re:- EI Vermut, 28 Nunhead Green, London SE15 3QF**

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to the premises licence to extend the opening hours, licensable activities and to allow off sales.

The venue are situated in a residential area as stipulated within the Southwark statement of licensing policy, which recommends a closing time of 23.00hrs seven days for this type of operation.

The current licence was applied for in January, and granted in March 2018 with hours already outside that recommended within the Statement of licensing policy. The premises has residential flats above and has other residential premises in close proximity.

The Metropolitan police object to the granting of the variation in full, as we believe it will have a negative impact on public nuisance, crime and disorder in the area. Any extension to the operation will allow further levels of intoxication, which is a factor of increased public nuisance to local residences and increased levels of violent crime.

The current licence has not been in use for long enough to fully assess the applicant and the way the premises is managed.

The operating schedule indicates that this is a bar, the application and current licence contain a number of control measures, but the hours applied for move this into a late night venue and would require additional conditions which the applicant has failed to offer.

The police object to the granting of the licence on the grounds of public nuisance, crime and disorder. If the Licensing sub-committee consider granting any extension to the hours of operation, we would like to see the following condition added to the licence.

- Sunday to Thursday one SIA registered door supervisors will be engaged when the premises are in operation after 21.00hrs until the end of business. Two SIA registered door supervisors will be engaged when the premises are in operation Friday and Saturday and New Year's Eve, and will be employed at all times after 21:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented

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

Yours Sincerely

**PC Graham White 288MD**

Licensing Officer

Southwark Police Licensing Unit

[Graham.S.White@met.pnn.police.uk](mailto:Graham.S.White@met.pnn.police.uk)

**From:** Franklin, David  
**Sent:** Monday, October 29, 2018 11:21 PM  
**To:** Regen, Licensing  
**Cc:** McArthur, Wesley  
**Subject:** El Vermut.docx

Licensing representation

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## MEMO: Licensing Unit

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**To** Licensing Unit                      **Date** 29 November 2018

**Copies**

**From** David Franklin                      **Telephone** 020 7525 0396

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

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**Subject** Re: El Vermut, 28 Nunhead Green, London SE15 3QF

I write with regards to the application to vary the premises licence submitted by Oliver Peter Inglis; Greta Florence Inglis and Felia Constance Inglis under the Licensing Act 2003 for El Vermut, 28 Nunhead Green, London SE15 3QF.

The variation is described as:

To add alcohol off sales to the ambit of the licence  
To extend alcohol supply hours  
To increase the premises' capacity

In addition this description the application seeks to add off sales of alcohol.

The application proposes to extend the terminal hour for:

Sale of alcohol on the premises  
Monday to Friday from 22:40 to 00:00  
Saturday from 23:40 to 01:30  
Sunday from 21:40 to 23:00

Opening times  
Monday to Friday from 23:00 to 00:30  
Saturday from 00:00 to 02:00  
Sunday from 22:00 to 23:30

And the new addition of sale of alcohol as off sales for:  
Monday to Friday 11:00 to 00:00  
Saturday 11:00 to 01:30  
Sunday 11:00 to 23:00

This premises is situated in a residential area, surrounded by residential properties under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for public houses, wine bars or other drinking establishments in this area is 23:00 hours daily.

I therefore recommend the following licensing times

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

Monday to Friday 11:00 to 22:40

Saturday 11:00 to 23:40

Sunday 11:00 to 22:40

**Opening times**

Monday to Friday 11:00 to 23:00

Saturday 11:00 to 00:00

Sunday 11:00 to 23:00

In addition I recommend the following condition:

Off sales of alcohol are supplied in closed containers for consumption away from the premises.

I therefore submit this representation under the licensing objectives of the prevention of crime and disorder and prevention of public nuisance 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>

David Franklin

In the capacity of the Licensing Responsible Authority

[david.franklin@southwark.gov.uk](mailto:david.franklin@southwark.gov.uk)

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**From:**

**Sent:** Tuesday, October 30, 2018 7:03 PM

**To:** [david.franklin@southwark.gov.uk](mailto:david.franklin@southwark.gov.uk)

**Cc:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Subject:** El Vermut - premises licence variation representation

Dear Mr Franklin

Further to your representation against our application (please see attached) I have referred the matter to my client for further instruction. I would, however, at this stage like to draw your attention to the mediation we conducted with Principal Environmental Protection Officer Mr Roy Fox recently of which you may not be aware. Our operating schedule was modified in accordance with Mr Fox's proposals to the effect that we drastically reduced our hours in agreement with Mr Fox's suggestion to the following:

**Alcohol supplies**

Sun to Thu - 11:00 to 23:00

Fri & Sat - 11:00 to 00:00

**Opening hours**

Sun to Thu - 11:00 to 23:30

Fri & Sat - 11:00 to 00:30

The hours above now form those we are committed to yet your representation appears to require further reductions which, while I can understand your reasoning, might appear to be beyond those hours Southwark's Environmental Protection Principal Officer considers appropriate. Given Mr Fox's status I'm not sure why the licensing team's position might appear to undermine the recognised expert in the field?

As I'm sure you will appreciate an applicant must interact with multiple responsible authorities but we might reasonably expect that, once agreement has been reached with the relevant responsible

authority, the licensing team might reasonably be expected to accept this expert view and not require an applicant to abandon its agreement with the experts, as it were, for further reductions.

While I'm sure your expertise in the area of licensing is not to be challenged I would ask that you agree with me that Mr Fox's expertise in the area of environmental protection should form the definitive view. I would request, therefore, that in the spirit of mediation and co-operation we can reach agreement that those hours detailed above are a legitimate compromise between those hours originally sought and those hours you have proposed. Effectively, your proposed hours result in a net gain for us on a Sunday evening of one hour when, as you will recognise, Sunday is the least busy day of the week so the extra hour is of little value.

I hope you are able to agree to this and that, as a result, are willing to withdraw your representation.

I look forward to your reply.

Many thanks

Kind regards

*Licensing Consultant*

*Innpacked*

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**From:**

**Sent:** Wednesday, November 07, 2018 12:02 AM

**To:** Franklin, David

**Cc:** Regen, Licensing; [jane.tear@southwark.gov.uk](mailto:jane.tear@southwark.gov.uk)

**Subject:** Re: El Vermut - premises licence variation representation

Dear Mr Franklin & Ms Tear

A week has now passed since my previous e-mail to you. I wonder if you are yet able to provide confirmation whether or not you are willing to consider modifying your position in alignment with that of Mr Roy Fox?

Clearly my clients are keen to resolve the matter and I'm sure we would all much rather avoid the need for a costly hearing if possible.

I look forward to your reply.

Many thanks

*Licensing Consultant*

*Innpacked*

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**From:** Franklin, David

**Sent:** Thursday, November 08, 2018 4:58 PM

**To:** 'Paul'

**Cc:** [jane.tear@southwark.gov.uk](mailto:jane.tear@southwark.gov.uk); McArthur, Wesley; Fox, Roy

**Subject:** RE: El Vermut - premises licence variation representation

Dear Paul,

My representation is based on the recommended hours within the Southwark Statement of Licensing Policy under the licensing objectives of the prevention of crime and disorder and prevention of public nuisance.

I understand that Mr Fox has considered noise escape from the building itself and you have addressed this issue with conditions and reducing the closing time for the premises and I do appreciate this. However you have not addressed my concerns with noise and other antisocial behaviour from patrons arriving and leaving the premises up to hours that still exceed the recommended closing times for this type of premises in a predominantly residential area. These disturbances may be considered an inevitable part of running an alcohol business into the night and to a certain extent accepted as such by residents prior to 23:00 hours when they are likely to be more active in their homes and creating some internal noise themselves, but the same noises after 23:00 hours can cause considerably more disturbances to residents in the area as general noise in the street, such as traffic noise, reduces and residents themselves start to retire for the night to sleep and enjoy the quiet and peacefulness of their homes.

I would ask for your client to consider reducing the hours inline with the suggested policy hours.

Kind regards

David

David Franklin  
Team Leader Licensing  
Regulatory Services



Womens Safety Charter

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