

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 12 NOVEMBER 2018****SECTION 34 LICENSING ACT 2003: PASAJE PRIMAVERA, ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP****1. Decision**

That the application made by Pasaje Primavera Limited to vary a premises licence under s.34 of the Licensing Act 2003 in respect of the premises known as Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London SE1 6SP is granted as follows:

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, the conditions agreed with the Metropolitan Police Service and trading standards during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That substantial food to be served at all times that alcohol is supplied on Fridays and Saturdays after 00:00.
2. That a minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the premises are open between 00:00 and 03:00.
3. That patrons admitted after midnight must have been invited.
4. That there shall be no more than 80 patrons shall be present on the premises between 00:00 and 03:00.
5. That no more than six patrons may use the outside smoking area at any one time. No drinks may be taken into this area.
6. That no alcohol may be taken off the premises.
7. That alcohol and late night refreshment is permitted until 02:30 on Fridays and Saturdays. The opening time to be extended until 03:00 on Fridays and Saturdays for events.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant's representative who advised that the premises had held a licence since 2011 and was a restaurant/bar that had an Ecuadorian menu. The alcohol menu was extremely limited consisting of beer and wine. Since the grant of the licence in 2011, no complaints either in respect of the operation of the licence or noise had been received. Due to general concerns of anti-social behaviour,

the applicant had liaised joined with the other premises in the area and employed a private security firm. The applicant was very much customer led and wished the additional hours to occasionally hold birthday parties and weddings.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who raised concerns that the hours sought by the applicant were a substantial increase to those already in operation and lay well outside of the Southwark licensing policy hours. The operating schedule is also deemed to be insufficient in light of this increase.

The licensing sub-committee then heard from the officer from Southwark's environmental protection team (EPT) who also raised concerns to the extended hours and the use of the premises. The officer also mentioned that there was a history of noise complaints in the immediate vicinity. The operating schedule is again believed to be lacking in content to sufficiently mitigate the potential for a negative impact on the locality.

The council's public health department have also made representations in relation to the concerns around extended hours and the potential for public nuisance and crime and disorder in the vicinity if granted.

The licensing sub-committee noted that the representation from the health and safety Team had been withdrawn.

The licensing sub-committee were please that through the course of discussions with the applicant the responsible authorities agreed conditions and therefore granted the variation application accordingly.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal

The applicant may appeal against any decision:

- a) To impose conditions on the licence.
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 12 November 2018