



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: Ian.Clements@met.pnn.police.uk
SouthwarkLicensing@met.police.uk

Our reference: MD/21/182/19

Date: 10th December 2019

Dear Sir/Madam

Re:- Kieran Canavan, Canavans Peckham Pool Club 188 Rye Lane SE15 4NF

Police are in possession of an application from the above for a variation to their current premises licence 870912.

The premises are located within the Peckham cumulative impact area.

The applicant seeks to extend the permitted hours for the supply of alcohol only, save for some amendments to the current conditions, all other licensable activities are to remain the same as detailed on the current premises licence.

The current premises licence permits the supply of alcohol until 0200, save for late night refreshment which ceases at 0200, all other licensable activities cease at 0400. The application is to extend the supply of alcohol until 0345. This is a significant increase, despite the applicant's expectations this will not impact on the licensing objectives, I must disagree.

I also disagree with the applicant's assumption that his patrons will be less likely to load up on alcoholic drinks near the current cut off time at 0200. Of concern is that the applicant is aware that his customers partake in this practice and wishes to extend the hours permitted for the supply of alcohol, thus extending the possibility of excessive consumption. This directly affects the impact on the licensing objectives, this should be addressed by the applicant within the operating schedule.

As the premises sits within a cumulative impact area there is a rebuttable presumption that the application to vary the premises licence, which in my opinion is likely to effect the existing cumulative impact shall be refused or subject to certain conditions.

It is for the applicant to demonstrate that the variation will not impact on the current cumulative impact of licensed premises.

In my opinion the applicant has not addressed this rebuttable presumption. The reasoning given in the application is in my opinion is flawed, it shows a lack of understanding of the licensing objectives and the effects of excessive alcohol consumption and the impact on the licensing objectives.

The hours as detailed in the application allow for the supply of alcohol up until 15 minutes before the premises should be closed to the public. This in itself is a significant oversight by the applicant and only goes to increase the possibility of patrons loading up on alcohol, they only have 15 minutes from point of sale of alcohol to consuming it and leaving the premises.

The provision for regulated entertainment remains unchanged and again encourages patrons to continue dancing and listening to loud music up until the point they leave the premises.

This application to vary the premises licence is highly likely to have a negative impact on the licensing objectives in particular the prevention of crime and disorder and public nuisance. In my opinion the rebuttable presumption to refuse has not been addressed.

I therefore recommend that this application is refused.

Submitted for your consideration.

Yours Sincerely

PC Ian Clements 2363AS

Licensing Officer

MEMO: Licensing Unit

To Licensing Unit **Date** 11 December 2019

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email Jayne.tear@southwark.gov.uk

Subject Re: Canavans Peckham Pool Club, 188 Rye Lane, Peckham, London, SE15
4NF – Application to vary a premises licence

I write with regards to the above application to vary the premises licence submitted by Kieran Canavan under the licensing act 2003.

The application seeks to extend the following licensable activities:

- Extend supply of alcohol (on the premises) on Monday to Sunday from 02:00 to 03:45
- The proposed opening hours will be Monday to Sunday from 10:00 to 04:00

The application also seeks to remove of the following conditions from the premises licence:

348 - That the sound limiter installation be maintained thereafter at the set level.

349 - That only equipment including the sound limiter circuit be used and that any additional amplification equipment imported on to the premises be effectively connected to the sound limiter circuit.

350 - This condition does not exist.

And to amend the following conditions:

109 - Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means the hours stated elsewhere on this licence and on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

340 - This condition does not exist.

309 - That the applicant shall have a noise limiter fitted to the music and sound amplification system equipment in the bar area of the premises before the license takes effect.

My representation is based on the Southwark Statement of Licensing policy 2019 – 2021 and relates to the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

The premises is situated in Peckham Major Town Centre and under the Southwark Statement of Licensing policy 2019 - 2021 the appropriate closing times for public houses wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours. The appropriate closing times for Night Clubs (with sui generis planning classification) Monday to Thursday is 01:00 hours and for Friday and Saturday 03:00 hours and for Sunday 00:00 hours

This premises also falls within the Peckham Cumulative Impact (CIP) Area.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham area as defined in paragraph 148 of the policy and as a night club/bar this premises falls into the class of premises in 149 of the policy.

Therefore under 130 of the policy there is a rebuttable presumption that applications for new premises licences/ variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area.

The operating schedule of the application is inadequate and does not add any further control measures to address any of the four licensing objectives and clearly the nature of the operation has changed from that of a members only pool club to a night club.

Further to this the application has reduced its 2 hour drinking up time to only 15 minutes drinking up time within this application, this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the same time of closing which can lead to antisocial behaviour problems when patron have left the premises

It is my recommendation that the application be refused.

I may submit further supporting information to this representation at a later stage.

Southwark's Statement of Licensing Policy 2019 – 2021 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority

----- Forwarded message -----

From: Binya, Raymond <raymond.binya@southwark.gov.uk>

To: Regen, Licensing <licensing.regen@southwark.gov.uk>

Cc: Prickett, Mark <mark.prickett@southwark.gov.uk>; [REDACTED]

Sent: Thursday, 5 December 2019, 09:07:20 GMT

Subject: Application for a variation of premises licence - Canavans Peckham Pool Club, 188 Rye Lane SE15 4NF EPT's ref 914399

Dear Licensing Team,

Application for a variation of premises licence under the Licensing Act 2003

Application reference number: 870912

Address: Canavans Peckham Pool Club
188 Rye Lane
London
SE15 4NF

I wish to make a representation on behalf of Southwark Environmental Protection Team (EPT) in our capacity as Environmental Health Responsible Authority, about the likely effect of the sought variations if granted in its current format on the promotion of the 'prevention of public nuisance' licensing objective.

Variation of premises licence to:

- Extend the hours permitted for the sale of alcohol until 03:45 daily.
- To amend conditions 109, 340 and 309.
- To remove conditions 348, 349 and 350

On the list of variations, applicant is proposing to amend condition 309 to read:

(a) That a permanent sound limiting device (or other similar sound limiting equipment) shall be installed at the premises and shall be in use at all times that amplified sound /entertainment is provided at the premises.

(b) That the sound limiting device (or other similar sound limiting equipment) shall be calibrated so that amplified sound at the premises does not give rise to public or statutory nuisance.

(c) That any temporary or permanent amplification system(s) and any amplified instrument(s) used at the premises shall be routed through the sound limiter device (or other similar sound limiting equipment) installed at the premises.

EPT have reviewed the above proposed condition and consider the wording i.e. "That a permanent sound limiting device (or other similar sound limiting equipment)" on all parts of the condition as vague and open for translation to the meaning of 'or other similar sound limiting advice'.

Therefore, EPT consider the proposed condition as inadequate and unclear and therefore object this application in its form and request for the applicant to amend condition 309 to read:

(a) That a permanent sound limiting device shall be installed at the premises and shall be in use at all times that amplified sound /entertainment is provided at the premises.

(b) That the sound limiting device shall be calibrated so that amplified sound at the premises does not give rise to public or statutory nuisance.

(c) That any temporary or permanent amplification system(s) and any amplified instrument(s) used at the premises shall be routed through the sound limiter device installed at the premises.

Please Note: I am off from 8 December 2019 to 16 December 2019. Could please send any responses to this representation received during that period to my colleague Mark Prickett (copied).

Kind Regards,
Raymond Binya
Principal Environmental Protection Officer

From: [REDACTED]
Sent: Tuesday, December 10, 2019 12:45 PM
To: Prickett, Mark
Cc: Regen, Licensing; [REDACTED] Binya, Raymond
Subject: RE: Application for a variation of premises licence - Canavans Peckham Pool Club, 188 Rye Lane SE15 4NF EPT's ref 914399 (DMH Stallard Ref:328675-1)

Dear Mr Prickett

I act for Kieran Canavan in respect of the variation application referred to above. I am not sure why the representation below was not forwarded on or sent to me by neither Licensing Support, the Licensing Officer or EHT. My contact details are clear on the application form, and it is also clear that we submitted the application.

I have been reminding Licensing Support about the need to let me have copies of representations as and when they arise (on 18 November, and again on 6 December, to name but a few). As it stands, no copy of the representation below has been forwarded to me by Licensing, despite me requesting this since yesterday. You should not be relying on my client, the applicant, to do this.

That said, my client is **happy to accept** the EHT's suggested amendments, which simply remove the words "*or other similar sound limiting device*" from paragraphs a) to c) our suggested variation to condition 309, i.e.:

a) That a permanent sound limiting device (~~or other similar sound limiting equipment~~) shall be installed at the premises and shall be in use at all times that amplified sound /entertainment is provided at the premises.

(b) That the sound limiting device (~~or other similar sound limiting equipment~~) shall be calibrated so that amplified sound at the premises does not give rise to public or statutory nuisance.

(c) That any temporary or permanent amplification system(s) and any amplified instrument(s) used at the premises shall be routed through the sound limiter device (~~or other similar sound limiting equipment~~) installed at the premises.

Therefore condition 309, amended, should read:

(a) That a permanent sound limiting device shall be installed at the premises and shall be in use at all times that amplified sound /entertainment is provided at the premises.

(b) That the sound limiting device shall be calibrated so that amplified sound at the premises does not give rise to public or statutory nuisance.

(c) That any temporary or permanent amplification system(s) and any amplified instrument(s) used at the premises shall be routed through the sound limiter device installed at the premises.

I refer to my client's email below. As you can see the sound limiter has already been set to meet the EHT's requirements and my client remains more than happy to work with the EHT.

Can you please:

1. acknowledge receipt of my email,
2. confirm that the above will be taken on board, and
3. that based on our agreement to the requirements of the EHT in this respect, the representation can be withdrawn?

Needless to say, I repeat my request that should (any other) representation come in from any party, before 00:00 tomorrow, that it be forwarded to me without delay.

Many thanks and kind regards
[REDACTED]

From: Prickett, Mark

Sent: Wednesday, December 11, 2019 5:00 PM

To: [REDACTED]

Cc: Regen, Licensing; [REDACTED] Binya, Raymond

Subject: RE: Application for a variation of premises licence - Canavans Peckham Pool Club, 188 Rye Lane SE15 4NF EPT's ref 914399 (DMH Stallard Ref:328675-1)

Dear [REDACTED],

Raymond Binya has passed this job to me as he is now away from the office.

Thank you for confirming EPT's requested changes / removal of wording from the sound limiter conditions.

Based on your agreement with the revised conditions, I can confirm EPT are now satisfied and can confirm EPT's representation is now conciliated.

Kind regards,

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