

Party 1

From:

Sent: Wednesday, March 04, 2020 7:24 PM

To: Regen, Licensing

Subject: Larry's 871872

I am writing to object to application 871872 on the following grounds:-

1. The hours are excessive. Given the well known problems that there have been with crime and disorder, littering (broken glass etc.), violence on the streets, public nuisance, drunkenness, drug dealing, excessive noise late into the night and relentless disruption to the quality of lives of residents who live on this block, the last thing the area needs is an additional licensed premises.

If the council insists on giving approval I suggest that the following hours might be more reasonable 9.00am - 10.30pm weekdays, 10.00am - 11.00pm Friday and Sat and 10.30am - 9.30pm Sundays.

2. The ever increase in numbers of drinkers on the block between Rye Lane, Blenheim Grove and Choumert Road is not acceptable. To give a few examples - in the last year the following number of additional drinkers at anyone time has been added to the existing excessive numbers. I object to the application Larry's 871867 on the basis that there is already saturation of drinking establishments in this area.

2019 Additional number of drinkers on this block.

The Basement club at 133 Rye Lane (an extra 220 drinkers at any one time),
The CLF Lounge (an extra 75 drinkers at any one time),
Zapoi @ 138 Rye Lane's (given approval to add 35 more first floor drinkers to the 85 for the ground floor),
Forza Wine - numbers?
Bar Om Choumert Road - Numbers?
Six Yard Box on Choumert Rd with an addition of 59 drinkers... etc etc.

Existing

There is already a serious problem with the number of drinkers on this block... here are a few of the existing ones... already way too many....

Bar Story/Peckham Springs/ Brick Brewery and the Rye Tattoo parlour. These are in addition to other Bars and clubs in the Bussey Building and on Rye Lane such as Four Quarters, John and the Unicorn, Rye Wax, The Social, CLF Art Cafe and the Roof Top Bar on the Bussey Building and so on....

3. I object to the approval Larry's and to any further late night drinking establishments or increases in customer numbers or hours at existing bars in this area. In fact I believe that the numbers and hours of existing establishments should be reduced.

4. Given the problems that there have been in the past due to drinking on the street (which often continues long after the bars have closed) due to provision of Off Sale of alcohol I also strongly object to the off sales aspect to this application.

Yours

████████████████████

From:

Sent: 09 March 2020 09:04

To:

[Redacted recipient list]

Subject: Re: Larry's

Dear all,

Following consultation with yourselves and the local council we've taken the decision to make no changes to the opening times at Larry's. After 18 months of being the new neighbour on the block, we are very proud and thankful to have been welcomed in by the local Peckham community, and especially happy to call many of you in the email regulars at Levan. We therefore are acutely aware of your concerns and sincerely wish to work with you in creating a pleasant and enjoyable place to live and work on Blenheim Grove.

I've informed the relevant authorities at Southwark council and our variation is being amended to reflect this.

Our initial invitation for an open conversation and the chance to put faces to names on a email @ Larry's this Wednesday at 6:30pm still stands. We would very much like to be able to share with you all our plans. We hope this will make you as excited as we are in opening Larry's, but also give you some confidence in our approach, our ethos and us as local business owners first and foremost, but also people trying to operate a quality restaurant, with an amazing team of people in a rich and diverse part of London.

Again, please let us know if you plan to be there. We will be at Larry's from 6.30pm til 8.30pm. We look forward to seeing you.

All the best,

Director

On 12 Mar 2020, at 16:34, [REDACTED] wrote:

Thank you for including us lot from Choumert. V grateful and think is make sense to be 'joined up' in these matters as we have some similar issues to deal with.

Gratefully and thank you for the update.

[REDACTED] from [REDACTED]

M: [REDACTED]

Insta: [REDACTED]

On 16 Mar 2020, at 08:29, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Dear [REDACTED],

The applicant is no longer seeking to extend operating hours in respect of the above premises.

The application is now solely to facilitate a change of plans and to allow for off sales of alcohol at the premises. Please note that whenever the layout of a premises is changed by a licensee the licensee must submit an application to vary their premises licence to reflect the new layout of the premises.

The above being the case the remaining part of your representation that is relevant pertains to the provision of off sales at the premises.

Regarding the proposed provision of off sales at the premises the applicant has agreed with the Licensing Responsible Authority to include the following conditions in the premises licence (should the application be granted):

- That any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.

If you have any further comments please provide them, alternatively if you wish to withdraw your representation please inform me.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

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

From:

Sent: Monday, March 16, 2020 9:31 AM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

That's good Wesley and seems very sensible given the circs. Many to you and team for dealing with this in such a balanced way. Very much appreciated.

Kind regards

M:
Insta:

On 16 Mar 2020, at 09:42, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Thanks for your quick reply [REDACTED] – however, please confirm whether you still object to the off sales part of the application or whether you withdraw your representation.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

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

From: [REDACTED]
Sent: Monday, March 16, 2020 9:03 PM
To: McArthur, Wesley
Subject: Re: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

I understand the owners have explained that they will only be sell premium wines therefore would not be adding to those drinking on the street. Is this a guaranteed case? Would they be limited by conditions that they could only sell unopened wines?

Kind regards in these difficult times

[REDACTED]

M: [REDACTED]
Insta: [REDACTED]

On 17 Mar 2020, at 07:53, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Dear ,

When a premises licence allowing the sale of alcohol is issued it allows for the sale of any legal alcoholic drinks. The Licensing Act 2003 (LA 2003) makes no distinction between 'premium' and 'non-premium' products.

How a 'premium' product is defined and priced would be up to the licensee. As such there can be no guarantee that only 'premium' wines will be sold at the above premises, because no definition of premium wines exists in the LA 2003.

Further, notwithstanding any actions the licensee has stated that they will undertake, you will have to make your own judgment as to whether customers attending a restaurant are likely to drink in the street.

The conditions relating to off sales that the licensee has agreed to are as follows:

- That any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.

The first condition specifies that alcohol sold as off sales must be in a sealed container. It does not specify that the container must be unopened. So for example, a bottle of wine that has been opened, but then re-corked would be acceptable to take away and a bottle of wine that has had a screw cap removed, but screwed back on before a customer leaves would be acceptable to take away. An uncorked bottle of wine, or a bottle of wine with the screw cap removed, would not be acceptable to take away.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

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

From:

Sent: Tuesday, March 17, 2020 9:03 AM

To: McArthur, Wesley

Subject: Re: Application to vary a premises licence: Levan, Units 3 & 4, 12-16 Blenheim Grove, London, SE15 4QL (our ref: L1U 871872)

Thank Wesley. I think in that case I will leave my objection in place. Given that Larry's originally wanted to develop more of a bar/late night culture I fear that the original plan to just sell premium wines could expand into more of an off-licence type offer in the future. Especially as there are no conditions available to restrict this happening.

Thank you again for your clarity.

Yours

M:

Insta:

On 18 Mar 2020, at 09:48, [REDACTED] wrote:

Hi All,

I hope this finds you well.

You're all aware we made an application for changes to our premises licence. We've been happy to have been able to meet with some of you to understand your objections to the proposed changes to the opening hours and we've withdrawn those changes. We are however hoping to be able to offer a limited number of wines for off sales for people to take home with them.

These will be wines of high quality from small producers as we want to appeal to those wanting something different to supermarket wines.

I understand there has been some objections to this part of our licence and I would be grateful to understand what these are.

As I am sure is the case for others of you, we're facing some incredibly challenging times ahead from a business perspective. This is a time like no other when its imperative we take every opportunity we can to remain a viable business for the 50 people we employ across our sites. Our wine shop in Brixton is managing to stay open and trade successfully and we'd love to be able to offer wines for off-sales in Peckham to help gain some income for our businesses in order to stay open and keep our teams employed. With the withdrawal of your objections we may be able to start offering this on Friday.

I'd appreciate it if you could engage with us directly via email or pop down to Larrys and Levan. Hopefully we can address your concerns to the level that means you'll be willing to withdraw your objections and enable us to offer off-sales from Levan and Larrys.

I hope everyone is managing ok in this difficult time.

Many thanks,

Director

On 18 Mar 2020, at 10:49, [REDACTED] wrote:

Hi all,

I've been made aware that one concern may relate to potential impact of off-sales on street side drinking outside the church. Thanks for raising the concern. I understand the issue, as there were again drinkers outside the church over the weekend although certainly none related to any of the restaurant or bar premises on this road.

We plan to only sell wine and have to sell this in sealed containers as part of our licence conditions. We also have a dispersals policy and signage as conditions attached on our licence.

The wines we are selling are premium and priced as such and so not of interest to any street drinkers. I cant see any of our potential off-sales customers proving an issue. Particularly in the areas you are worried about.

Those wishing to drink on the street can purchase drinks from many other locations near by at a much more affordable price so I do not see our off-sales contributing to the street drinking. Furthermore, I'm aware of many in the local area who would relish the opportunity to buy decent wine for drinking at home.

We're now open so anyone wishing to see the space, we'd welcome you to visit us,

Thanks,

Director

From: [REDACTED]
Sent: Wednesday, March 18, 2020 5:26 PM
To: Matthew Bushnell
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: Larry's & Levan Off-Sales Licence

Dear [REDACTED],

Thank you for your thoughtfulness and taking on board local concerns. I very much appreciate the changes to your application to drop later hours at Larry's.

Further to your decision I have been contacted by the licensing team. For ref I had already filed my objection prior to you engaging with the local community. The licensing dept. were asking me if my objection to off-sales still stood. I asked them if conditions would be applied to restrict the applicant to only selling "premium" wines, as you had stated that this was your intention. The licensing dept. replied as such:-

"When a premises licence allowing the sale of alcohol is issued it allows for the sale of **any** legal alcoholic drinks. The Licensing Act 2003 (LA 2003) makes no distinction between 'premium' and 'non-premium' products. How a 'premium' product is defined and priced would be up to the licensee. As such there can be no guarantee that only 'premium' wines will be sold at the above premises, because no definition of premium wines exists in the LA 2003."

As there appears to be no conditions that could be applied to prevent an applicant changing tack later on (to sell a full range of take-out alcohols) I decided to leave my objection in place. Often with, for example a change of management or market shifts, a bar/restaurant may need to change its offer. Thus I am not keen to remove my objection as way of protecting the area from future problems. I wanted explain my position to your directly (and to the wider community) to keep things transparent.

NB do we know if licenses are transferable to any future operator (who might wish to sell a full off-license range)?

Kind regards

[REDACTED]

On 19 Mar 2020, at 09:32, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Hi [REDACTED],

To avoid confusion please reply in respect of Larry's and Levan's separately. They are separate applications and different people have objected to each application. Please use an appropriate header (such as the one above) so that it is clear which application you are

referring to. Please also remove Richard Kalu from the list of addressees – he has no involvement with this application.

██████████ is the only resident who has objected regarding Larry's. As ██████████ has already replied to you directly I have left her copied into this email.

Should you engage in any further correspondence with ██████████ please continue to keep me copied in.

As a way forward you could consider a condition that states that you will only sell specific types of alcohol regarding off sales; for example:

“That only wine shall be sold as off sales. All other types of alcoholic drink shall be sold as on sales only.”

The above is only an example and I'm not suggesting that you should propose such a condition – any conditions that you propose should be suitable in respect of your business plan. If you and ██████████ cannot reach a resolution the licensing sub committee will determine the application at a licensing hearing. I will send you both formal hearing notifications in separate emails.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Fax: 020 7525 5705

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

On 10 Apr 2020, at 14:17, ██████████ wrote:

Hi ██████████,

I hope you are well and healthy,

Apologies for the delay in replying, it's been a somewhat challenging period to be a restaurant owner. I've now found some time and hoping to be able to respond to your concerns in a way that would leave you feeling happy to remove your objection.

I understand your reasoning for wanting to keep your objection in as we could sell the property to someone later on who then sells discounted alcohol to people that are likely to drink in the street. To reduce that risk we'd be happy to put in a condition (which would remain on the licence whoever held it) for a minimum sale value of £10 for a bottle of wine. Happy to restrict it to wine sales too!

I believe you agree those drinking on the street outside the church are buying non-premium, discounted alcohol from off-licences and supermarkets. By having a minimum pricing at this level it would discourage those people from buying from us. While it may not solve the issue (they can walk 100 meters round the corner to Iceland), we would not be contributing to the issue.

If that is not acceptable, perhaps you could suggest an alternative wording.

We'd really value coming to an agreement here, we see a great opportunity to provide commuters in the area with quality wine to take home with them. While we don't want it to impact our on-sales we see it as an opportunity in a challenging market to add some revenue to the business.

I hope you managed to see what we hope to offer in the short 3 days we were open before we closed due to Corona, and that it went some way in alleviating any of your ongoing concerns.

All the best,

Director

From: [REDACTED]
Sent: Monday, April 13, 2020 1:39 PM
To: McArthur, Wesley; [REDACTED]
Subject: Application to vary a premises licence: Levan Restaurant, Unit 3, 12-16 Blenheim Grove, London, SE15 4QL

Hi [REDACTED],

For the avoidance of any doubt I should mention that the email below is in reference to Levan (where you made the representation) as I did not make that clear on my email at the end of last week. Sent again to avoid any confusion...

I hope you are also managing ok through this challenging period.

Thanks,

[REDACTED]

On 14 Apr 2020, at 09:46, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Hi [REDACTED],

If you have any further comments please send them to me.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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From: [REDACTED]
Sent: Tuesday, April 14, 2020 4:12 PM
To: McArthur, Wesley
Subject: Re: Application to vary a premises licence: Levan Restaurant, Unit 3, 12-16 Blenheim Grove, London, SE15 4QL

Dear Wesley.

Thank you for your email, I think, given your earlier emails clarifying that there is no condition that could be applied to limit the type of off licence sales and that the off sales licence itself would be transferable to future tenants (who might in turn choose to sell a wide range of alcohol), I feel it's best for the community that I leave my objection in place.

I am sure there are others who live closer to the site who would also support objections given your clarification on conditions and the history of problem drinking on the street.

I am not sure if it is procedural for applicants to contact objectors directly, but this feels a little uncomfortable so I would prefer if any future queries were sent to you.

Yours sincerely and hoping you and your friends and family are keeping well,

On 14 Apr 2020, at 16:26, McArthur, Wesley <Wesley.McArthur@southwark.gov.uk> wrote:

Hi [REDACTED],

Your reply is noted and will be sent to the applicant.

It is the usual procedure that applicant's and objectors liaise solely through the licensing officer rather than with each other directly, although I do note that you and the applicant have previously directly contacted each other to discuss the application. I will advise the applicant to provide any further comments through me only and not directly to you. I advise that regarding this application you also cease any direct contact with the applicant.

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

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On 14 Apr 2020, at 19:12, [REDACTED] wrote:

Thank you Wesley.

ps I have looked in my out box ref emails, I have been cc-ed on emails but can't find any emails that I have sent direct to Matthew. Thank you for asking future correspondence to go via you, I wasn't sure what was correct procedure but that will feel more appropriate.

From: [REDACTED]
Sent: Tuesday, April 14, 2020 7:22 PM
To: McArthur, Wesley
Subject: Re: Application to vary a premises licence: Levan Restaurant, Unit 3, 12-16 Blenheim Grove, London, SE15 4QL

Sorry Wesley - a quick NB, you are right - I just spotted that I did email [REDACTED] on 18th March to thank him for dropping the late hours at Larry's when he was emailing the community group. So much has happened in life since then it got lost in the mist of the bigger picture!

From: McArthur, Wesley
Sent: Tuesday, April 21, 2020 5:01 PM
To: [REDACTED]
Subject: FW: Application to vary a premises licence: Levan Restaurant, Unit 3, 12-16 Blenheim Grove, London, SE15 4QL

Hi [REDACTED]

Please see Ms [REDACTED]'s further comments as below.

As well as stating that she wishes to uphold her representation please note [REDACTED]'s request that you make any reply to her comments solely to me, and do not contact her directly.

It is the usual course of affairs that correspondence between applicants and objectors is facilitated through the licensing case officer however, as you will note, I did observe that both of you and [REDACTED] had directly contacted each other prior to [REDACTED] email as below

Regards,

Wesley McArthur

Principal Enforcement Officer
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

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