

Licensing Sub-Committee

July 6 2009

10.00 am

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor David Hubber
Councillor Mackie Sheik
Councillor Dominic Thorncroft

Reserves

Councillor Wilma Nelson

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Sean Usher- 0207 525 7222 / sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: June 26 2009



PRINTED ON
RECYCLED PAPER

Licensing Sub-Committee

Monday July 6 2009
10.00 am
Town Hall, Peckham Road, London SE5 8UB

Order of Business

Item No.	Title	Page No.
----------	-------	----------

PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

A representative of each political group will confirm the voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.

5. GAMBLING ACT 2005 - PALACE BINGO AGC

1 - 46

6. LICENSING ACT 2003 - TAS RESTAURANT APPLICATION

47 - 110

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

Item No.

Title

Page No.

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: June 26 2009

Item No. 5	Classification: Open	Date: July 6 2009	Meeting Name: Licensing Sub- Committee
Report title:		GAMBLING ACT 2005 – APPLICATION FOR A PREMISES LICENCE IN RESPECT OF PALACE ADULT GAMING CENTRE 3 AT FIRST FLOOR, ELEPHANT & CASTLE SHOPPING CENTRE, LONDON, SE1 6TE	
Ward(s) or groups affected:		EAST WALWORTH	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the Committee consider whether to grant the application by Palatial Leisure Ltd for a Premises Licence in respect of Palace Adult Gaming Centre 3 at First Floor, Elephant & Castle Shopping Centre, London, SE1.
2. **Note:** There are already two AGCs at the London Palace Superbowl/Bingo complex.

BACKGROUND INFORMATION

3. The Gambling Act 2005 came into effect on 1 September 2007. It introduced a new licensing regime for betting and gaming under the joint responsibility of the newly established gambling commission and the local licensing authority.
4. Under the Act, the gambling commission has primary responsibility for issuing operators licences and personal licences while the local authority has primary responsibility for issuing premises licences. Gaming and betting establishments are normally required to obtain all three types of licence before they are able to operate lawfully. no premises licence may be issued without an operating licence having been obtained from the commission.
5. In considering applications made to it under the Act this authority is required to have regard to
 - The Gambling Act 2005 and the secondary regulations issued under the Act;
 - The licensing objectives set out in the Act (see paragraph 6 below);
 - The Guidance given to licensing authorities by the gambling commission;
 - The authority's own statement of gambling licensing policy
6. The three licensing objectives set out under the Act are
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
7. The local licensing authorities primary concern under the Act will be with the third objective of protecting children and other vulnerable people.
8. Section 153 of the Act provides that in exercising its function under part 8 of the Act (which deals with premises licensing and provisional statements) a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it

- In accordance with any relevant code of practice under section 24 of the Act;
- In accordance with any relevant guidance issued by the commission under section 25 of the Act;
- Reasonably consistent with the licensing objectives (subject to the above); and
- In accordance with the statement of policy published by the authority under section 349.

KEY ISSUES FOR CONSIDERATION

The Application

9. On 14th April 2009 an application for a grant of a Premises Licence was made to this Council on behalf of Palatial Leisure Limited in respect of Palace Adult Gaming Centre 3 at First Floor, Elephant & Castle Shopping Centre, London, SE1. The application seeks a Premises Licence in regard of an adult gaming centre. A copy of the application is attached to this report as Appendix A. The application includes a plan of the premises in 1:200 scale, which will be presented at the Sub-Committee hearing.
10. Consultation on the application has been undertaken in accordance with the Act and relevant regulations. Notification of the application has been given by the applicant to the relevant responsible authorities and the application has been advertised by way of a poster displayed at the premises and in a local newspaper.

The Representations

Responsible Authorities

11. Southwark Council's Licensing Service has made a representation under the grounds of protecting children and other vulnerable people from being harmed or exploited by gambling. There are concerns that the application seeks to artificially separate the premises into five premises within the existing two premises. The representation is attached as Appendix B.

Interested Parties

12. There have been no representations received from interested parties.

The Conciliation Process

13. Southwark Licensing Service was contacted to participate in conciliation, however it was decided that the matter would be referred straight to the Licensing Sub-Committee for determination.

Mandatory Licence Conditions

14. The Committee should be aware that in event that a premises licence may be granted in respect of this application the following mandatory conditions applicable to all categories of premises must be attached to that licence.

- (1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises licence;
- (2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises;
- (3) The layout of the premises shall be maintained in accordance with the plan;
- (4) The premises shall not be used for –
 - (a) The sale of tickets in a private lottery; and
 - (b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited
- (5) In this regulation –
 - (a) A “private lottery” means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and
 - (b) A “customer lottery” has the same meaning as in Part 3 of schedule 11 to the 2005 Act.

15. Additionally, the following mandatory conditions applicable to adult gaming centre premises licences will be applied:

- (1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises;
- (2) No customer shall be able to access the premises directly from any other premises in respect of which a licence has been issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect;
- (3) Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;
- (4) (a) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises;
- (4) (b) A notice stating the condition in sub-paragraph (a) shall be displayed in a prominent place at every entrance to the premises

Default Licence conditions

16. There are no default conditions for Adult Gaming Centres.

Compliance with conditions

17. The premises in question are not yet operating. Accordingly the applicant company has been asked to confirm that it will be able to comply with each of the mandatory and default conditions listed in paragraphs 14 to 16 above.

The Gambling Commission’s code of practice for gambling operators

18. Under Section 24 of the Act the Commission is empowered to make Codes of Practice

about the manner in which facilities for gambling are provided. One of these codes - The Code of Practice for Gambling Operators – contains requirements with which all operators must comply through conditions attached to the operating licence.

19. Relevant to this Committee's considerations are the social responsibility provisions of the operators licence.

20. In dealing with combating problem gambling operators licences require that

(1) Licensees must have and put into effect policies and procedures intended to promote socially responsible gambling

(2) Licensees' policies and procedures for socially responsible gambling must include but not be confined to

- The specific policies and procedures required by the following provisions of section 2 of this code;
- A commitment to and how they will contribute to research into the prevention into treatment of problem gambling;
- A commitment to and how they will contribute to public education on the risks of gambling and how to gamble safely; and
- A commitment to and how they will contribute to the identification of and treatment of problem gamblers.

21. In dealing with the protection of children, gambling operators licences require that

(1) Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these;

(2) This must include procedures for:

- Checking the age of apparently underage customers;
- Removing from adult only licensed premises anyone who appears to be underage who tries to access the gambling facilities and cannot produce an acceptable form of identification;
- Taking action when there are attempts by under 18s to enter adult only premises;
- Refusing entry to any adult only area of a track to anyone unable to produce an acceptable form of identification; and
- Taking action when there are unlawful attempts to enter the adult only areas.

(3) Licensees must not deliberately provide facilities for gambling in such a way as to appeal particularly to children or young people, for example by reflecting or being associated with youth culture;

(4) In premises restricted to adults, service should be refused in any circumstances where any adult is accompanied by a child or young person;

(5) Licensees must take all reasonable steps to ensure that all staff understand their responsibilities for preventing under-age gambling. This should include appropriate training which must cover the legal requirements on returning stakes and not paying prizes to underage customers;

(6) Licensees must only accept identification which:

- Contains a photograph from which the individual can be identified;
- States the individual's date of birth;
- Is valid; and
- Is legible and has no visible signs of tampering or reproduction.

The Southwark Statement of Gambling Licensing Policy and the licensing objective of the protection of children and vulnerable persons from harm or exploitation by gambling.

22. The representations received in respect of this application relate to the licensing objective of *the protection of children and vulnerable persons from harm or from being exploited by gambling*. Section 122 of this authority's statement of licensing policy sets out that the authority will wish to consider the steps taken by the applicant to comply with the social responsibility requirements of the operating licence, in determining the application.

The Southwark Statement of Gambling Licensing Policy and location.

23. Sections 91 to 93 of the authority's statement of policy deals with the matter of location. It states

“(91). As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder;

(92). In pursuit of these objectives, when determining applications for premises licences, this authority will have regard to the location of the premises. The authority will give special consideration in relation to the proximity of premises to

- Local schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families
- Places where vulnerable people are housed or treated, including clinics, recovery centres, outpatients clinics and homes
- Residential areas where there is a high concentration of children and young people or vulnerable people
- Areas where there is a high level of organised crime
- Places of worship, community facilities or public buildings
- Areas where there is considered to be an over-concentration of similar existing licensed operations

(93). This list is not exhaustive and, as stated, each case will be considered upon its own merits. If an applicant can show how they can overcome licensing objective concerns this must be taken into account.”

24. The premises located at First Floor, Elephant & Castle Shopping Centre are set in a commercial area. A copy of a map of the local vicinity is attached as Appendix C.

Premises History

25. The premises forms part of the London Palace Bingo Club/Palace Superbowl complex. Palatial Leisure Limited owns and operates the complex.
26. Palatial Leisure Limited was granted a Bingo Premises Licence under the Gambling Act 2005 on April 22, 2008. Under the Gambling Act 2005 a bingo premises is entitled to eight (8) category B3 or B4 gaming machines.
27. Palatial Leisure Limited was granted two Adult Gaming Centre Premises Licences under the Gambling Act 2005 on March 26th 2008. Under the Gambling Act 2005, adult gaming centre premises are entitled to four (4) category B3 or B4 gaming machines.

Local Vicinity

28. A map of the local vicinity is attached as Appendix C. The premises is located at the centre of the circle, marked by a triangle. Listed below are premises that are currently operating in the local vicinity as gambling premises with licenses under the Gambling Act 2005
 - **Quicksilver**, Unit 96, Elephant & Castle Shopping Centre, London SE1
 - **Palace AGC1**, First Floor, Elephant & Castle Shopping Centre, London SE1
 - **Palace AGC2**, First Floor, Elephant & Castle Shopping Centre, London SE1
 - **Ladbrokes**, Unit 52, Elephant & Castle Shopping Centre, London SE1
 - **London Palace Bingo Club**, First Floor, Elephant & Castle Shopping Centre, London SE1

Community Impact Statement

29. The issues raised by the representation is that the addition of the Adult Gaming Centre in Elephant & Castle Shopping Centre will have effects upon the local community in terms of the protection of children and other vulnerable persons from being harmed or exploited by gambling licensing objective, and could increase crime and disorder in the area.
30. The Committee will be aware that under the laws of natural justice each application is required to be considered upon its own merits with all relevant matters taken into account.
31. In doing so the Committee will wish to address the specific steps proposed to be taken by the applicant company to address this issue.

Resource Implications

32. Upon application to the Council the applicant company paid a fee of £1,917.00 This fee contributes toward the processing and determination of the licence application and subsequent inspection and enforcement issues. There are no other resource implications contained within this report.

Consultation

33. Consultation undertaken in connection with this report is set out in paragraph 10.

CONCURRENT REPORT BY THE STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE – LEGAL ISSUES

34. The Sub-Committee is asked to determine the application for a provisional statement under Section 204 of the Gambling Act 2005.
35. The principles which Sub-Committee members must apply when determining applications are contained in section 153 of the Act as set out below:
- ”In exercising their functions under this part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it-
- (a)- in accordance with any relevant code of practice under section 24
 - (b)- in accordance with any relevant guidance issued by the Commission under section 25
 - (c)- reasonably consistent with the licensing objectives; and
 - (d)- in accordance with the statement of licensing policy, subject to paragraphs (a)-(c)”
36. Section 153 (2) of the Act states that a licensing authority may not have regard to the demand for the facility which is proposed to be provided.
37. Section 210 of the Act states that a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.

Hearing Procedures

38. Subject to the Proceedings of Licensing Committees and Sub-committees Premises Licenses and Provisional Statements Regulations, the Licensing Sub-Committee may determine its own procedures.
39. Hearings will take the form of a discussion led by the Sub-committee. Cross examination will not generally be permitted.
40. The hearing must take place in public; however, the Sub-committee may direct that part, or all of a hearing shall be in private if it is satisfied that it is necessary to do so. When making such a decision, the Sub-committee must have regard to-
- a) any unfairness to a party that is likely to result from a hearing in public; and
 - b) the need to protect as far as possible, the commercial or other legitimate interests of a party.
41. The Sub-committee must ensure that each party is given the opportunity to-
- a) address the committee on all relevant matters;
 - b) call witness to give evidence on all relevant matters;
 - c) provide further information on any matter on which clarification has been sought by the Sub- committee.
42. The Sub-committee must permit any party to question any other party on any matter that is relevant to the application, or representations made, where the sub-committee considers that in all the circumstances it is appropriate to do so.
43. The Sub-committee must consider documentary evidence produced by a party either before the hearing, or at the hearing with the consent of all the other parties attending the hearing.

The role of the licensing Sub-committee

44. Members should note that the Licensing Sub-Committee is meeting on this occasion solely to perform the role of licensing authority. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Gambling Law, the Commission's Guidance and the Council's Statement of Gambling Licensing Policy.
45. As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.
46. Members will be aware of the Council's Code of Conduct which requires them to declare personal and prejudicial interests. The Code applies to Members when considering gambling applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.
47. The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must -
- a) live sufficiently close to the premises to be affected by the authorised activities; or
 - b) have business interests that might be affected by the authorised activities; or
 - c) represents persons in either of these two groups.
- Interested parties can be persons who are democratically elected such as councillors and MPs.
48. Under the Human Rights Act 1998. the Sub Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.

Appeals

49. Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Background Papers	Held At	Contact
The Gambling Act 2005 plus relevant secondary regulations	Southwark Community Safety Enforcement	Kirty Read 020 7525 5748
The Gambling Commission's Guidance on the Act plus relevant codes of practice	Business Unit, The Health Safety & Licensing Unit, C/O The	
The Southwark Statement of Gambling Licensing Policy	Chaplin centre, Thurlow Street, London, SE17	

Various papers from the file Agora/43 Borough High St	2DG As above	
--	-----------------	--

APPENDICES

No.	Title
Appendix A	Copy of the application
Appendix B	Copy of the representation received
Appendix C	Copy of the map of the area

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Kristie Ashenden, Principal Licensing Officer	
Version	Final	
Dated	19 th June 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	22 June 2009	

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is -

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 - Type of premises licence applied for

Regional Casino

Large Casino

Small Casino

Bingo

Adult Gaming Centre

Family Entertainment Centre

Betting (Track)

Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If you answer "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 - Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business - *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

RECEIVED
14 APR 2009

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: Palatial Leisure Limited

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

159 High Street
Gorleston
Great Yarmouth
Norfolk

Postcode: NR31 6RG

8(a) The number of the applicant's operating licence (as given in the operating licence):

000-000411 - N - 103911 - 005

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 - Premises Details

10. Proposed trading name to be used at the premises (if known):

Palace Adult Gaming Centre 3

11. Address of the premises (or, if none, give a description of the premises and their location):

Palace Adult Gaming Centre 3
First Floor, Elephant & Castle Shopping Centre,
Southwark
London

Postcode: SE1 6TE

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and floor(s) on which the premises are located.

First floor Unit in Shopping Centre

14(a) Are the premises situated in more than one licensing authority area?

~~Yes~~/No [*delete as appropriate*]

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

Part 4 - Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? Yes/No [*delete as appropriate*]
 [Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	10:00 <i>hh:mm</i>	0:00 <i>hh:mm</i>	
Tue	10:00	0:00	
Wed	10:00	0:00	
Thurs	10:00	0:00	
Fri	10:00	0:00	
Sat	10:00	0:00	
Sun	10:00	0:00	

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

N/A

Part 5 - Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? ~~Yes~~/No [delete as appropriate]

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority? Yes/~~No~~ [delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details:

(1) London Palace Bingo Club, Shopping Centre, Elephant & Castle Shopping Centre, London SE1 6TE.

(2) London Palace Adult Gaming Centre (as above)

20. Please set out any other matters which you consider to be relevant to your application:

(1) No under 18 year olds permitted onto the premises. Strict security procedures in place.

(2) No alcohol permitted in the Adult Gaming Centre.

(3) The Adult Gaming Centre will be fully supervised by staff and CCTV.

Part 6 - Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected.
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 - Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity.

Signature: 

Print Name: DRYSDALES

Date: 9/9/09 (dd/mm/yyyy) Capacity: Solicitors for the Applicant

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name: _____

Date: _____ (dd/mm/yyyy) Capacity: _____

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 - Contact Details

23(a) Please give the name of a person who can be contacted about the application.

Mr A.D.Murrell

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

01702 423400

24. Postal address for correspondence associated with this application:

Drysdales
Cumberland House
24-28 Baxter Avenue
Southend-on-Sea

Postcode: SS2 6HZ

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

MEMO: Licensing Unit

To Southwark Licensing **Date** 12 May 2009

Copies

From David Franklin **Telephone** 020 7525 5800 **Fax** 020 7525 5768

Email licensing@southwark.gov.uk

Subject Palace Adult Gaming Centre 3, First Floor, Elephant and Castle Shopping Centre SE1.

I make representation to the four applications under the Gambling Act 2005 for the premises known Palace Adult Gaming Centre 3, First Floor, Elephant and Castle Shopping Centre SE1 6TE under the grounds of protecting children and other vulnerable people from being harmed or exploited by gambling.

Firstly the application seeks to artificially separate the premises into five premises on the existing two premises, this is contrary to section 152 (1) (b) A premises licence - may not be issued in respect of premises if a premises licence already has effect in relation to the premises. Currently there are one Bingo premises and a Palace AGC1, one bowling premises that incorporates a Place AGC2 all on the same area of the Elephant and Castle Shopping Centre, there is a third AGC (Quicksilver) within the shopping Centre.

Secondly in the Gambling Commission Revised Guidance to Licensing Authorities 3rd Edition May 2009 Paragraph 7.13 states that the Commission does not consider that areas of a building that are artificially or temporarily separated can properly be regarded as different premises, some examples of temporary separation the guidance does not enter into guidance on artificial separation as is the case in this application.

7.14 states that the Commission recognise that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence with, for example, the machine entitlements that brings and are not an artificially created part of what is readily identifiable as a single premises.

Paragraph 7.18 of the guidance states that In determining whether two or more proposed premises are truly separate, the licensing authority should be aware of factors which could assist them in making their decision. Depending on all the circumstances of the case these may include:

7.17 Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

Licensing Unit - Environment & Housing, Chaplin Centre, Thurlow Street, London SE17 2DG
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Gill Davies
Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

Customers should be able to participate in the activity named on the premises licence.

7.18 In determining whether two or more proposed premises are truly separate, the licensing authority should be aware of factors which could assist them in making their decision. Depending on all the circumstances of the case, these may include:

Is a separate registration for business rates in place for the premises?

Is the premises' neighbouring premises owned by the same person or someone else?

Can each of the premises be accessed from the street or a public passageway?

Can the premises only be accessed from any other gambling premises?

There is an address listing currently in the Post Office database online search only for the Palace Bingo Club at this address.

Currently there are only two listing for business rates from the Valuation Office Agency which lists the premises as "PALATIAL LEISURE LTD 1ST FLR, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE" and "SUPERBOWL PT 1ST FLR, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE"

From the applications it can be seen that the proposed premises are all owned by the same person, indeed the applications were sent by the same company at the same time with one covering letter.

Other indicators are open to the committee to determine if these are indeed separate premises, for instance is there separate planning consent for each of the premises, while planning consent is not a requirement for grant of a premises licence it can be an indicator to show if there is one or four separate premises.

Paragraph 7.21 says that Licensing authorities will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available. Licensing authorities should, in particular, remember that where they have concerns about the use of premises for gambling, these may be addressed through licence conditions..

Licensing Unit - Environment & Housing, Chaplin Centre, Thurlow Street, London SE17 2DG

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Gill Davies

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

Under the Gambling Act 2005 a premises is entitled to;

1. an unlimited number of category D gaming machines,
2. an unlimited number of category C gaming machines,
3. a maximum of **four (4)** category B3 or B4 gaming machines for an AGC or **eight (8)** for a Bingo premises

It is my opinion that it is the provision of category B3 gaming machines which is at issue in this particular case, as these can provide a £500 jackpot payment. The table below sets out the key differences between the relevant categories:

Machine Category	Maximum Charge For Use	Maximum Prize
Category D	10p 30p	£5 cash/ £8 non money prize
Category C	50p	£35
Category B3	£1	£500
Category B4	£1	£250

Thirdly the Gambling Commission gave recent advice on the definition of premises 28 April 2008 and letters dated 12 and 26 March 2008 which considers the Governments intention on the number of category B3 machines that premises allow (4 in the case of adult gaming centres, 8 in bingo premises) and seeks to curb unscrupulous operators from circumventing the law relating to the number of machines by artificially separating premises.

Fourthly I put forward that the Southwark statement of gambling licensing policy section 92 which looks at the location of the premises, it states that "The authority will give special consideration in relation to the proximity of premises to ... Areas where there is considered to be an over concentration of similar existing licensed operations." I put forward that splitting the premises into four effectively increases the amount of high payment category B3 machines from 4 to 16 and will produce an area of over concentration of high stake gaming machines to attract vulnerable persons to play.

Fifthly in a letter from Minister for Sport, Gerry Sutcliffe MP, it says that the Government is considering increasing the number of B3 machines legally available in bingo premises from 4 to 8 however he goes on to state "I have also considered whether AGCs should benefit from the increased machine entitlement I am proposing for bingo clubs. However, I am not persuaded on the basis of the evidence that has been presented to me that the same exceptional and special circumstances apply. For instance, no evidence has been presented of closures on the scale of those experienced in the bingo industry. In AGCs, gaming machine play is not an ancillary activity, nor is there any clear evidence of unmet demand for such machines. "

Sixthly there is a recent appeal at a Magistrate's Court (Luxury Leisure and South Tyneside Council) by an AGC operator on the refusal by the licensing authority to grant the splitting of their premises under the Gambling Act 2005, the decision by the authority was upheld and

Licensing Unit - Environment & Housing, Chaplin Centre, Thurlow Street, London SE17 2DG

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Gill Davies

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

the appeal dismissed. While this case is not binding on this licensing authority members may consider the circumstances of the case in determining these current applications.

I therefore conclude that these applications seek to artificially separate an existing premises that contains an adult gaming premises into two to circumvent restrictions on the number of B3 machines that the premises are allowed against the intentions of Government and the Act and that, as a premises cannot have more than one licence, members should consider that the applications should be rejected and that matters regarding the number of machines on a premises be left to the consideration of the Government.

Copies of the documents mentioned in this representation are attached and form part of this representation, I reserve the right to submit additional supporting evidence on the definition of premises and under the objective of protecting children and other vulnerable people from being harmed or exploited by gambling to support this representation.



Access keys

Home

Council Tax

DV Services

Media Centre

Recruitment

Publications

2005 Rating List - Search Results

2005 Rating List Search Results

Do you

These are the properties in the Rating List that match the search criteria you have entered:

List Year: 2005
PostCode: SE1 6TE

If these results do not contain the property you are looking for, you may want to return to the [rating list homepage](#) to chan

If there are too many search results, you may want to [view all results](#)

To view the summary valuation and other details about the property(s) that you are interested in, select them by checking right hand column and then click on the 'View Details' button.

To make a proposal to alter the rating list to appeal against the assessments that you are interested in, select them by ch the right hand column and then click on the 'Make Appeals' button.

You can also move your mouse over each column heading for an explanation of its contents.

These are results 1 to 20 from a total of 73

Pre 50

Pre 20

View Details

Make Appeals

Billing Authority Reference	Description	SCat	Address	£ RV	C	Effective Date	All
25540021900039	SHOP	249	219 SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	6,400	N	01 Apr 2005	
2554003530000A	SHOP	249	353 SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	2,750	N	01 Apr 2005	
25540030000025	OFFICES AND PREMISES	203	HANNIBAL HOUSE (EXCL 1ST FL), ELEPHANT & CASTLE, LONDON, SE1 6TE	Deleted	N	29 Sep 2005	10
25540999910072	OFFICES AND PREMISES	203	PART BST SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	2,350	N	01 Apr 2005	
31110000120013	OFFICES AND PREMISES	203	PT 12TH FL HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	39,250	N	18 Aug 2006	26
2552099991004A	COMMUNICATION STATION AND PREMISES	066	ROOF TOP (1616) AT HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	15,500	N	01 Apr 2005	30
25520999910001	COMMUNICATION STATION AND PREMISES	066	ROOF TOP (5445) AT SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	13,000	N	01 Apr 2005	26
25520999910035	COMMUNICATION STATION AND PREMISES	066	ROOF TOP (90740) AT HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	15,500	N	01 Apr 2005	24
31110000200010	COMMUNICATION STATION AND PREMISES	066	ROOF TOP (GLN462) ROOF TOP AT HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	15,500	N	29 Oct 2006	26
25540061000002	COMMUNICATION STATION AND PREMISES	066	ROOF TOP SITE AT HANNIBAL HOUSE, ELEPHANT & CASTLE LONDON, SE1 6TE	8,750	N	01 Apr 2005	21
311100001200003	OFFICES AND PREMISES	203	SAVO PT 6TH FL HANNIBAL HOUSE, ELEPHANT & CASTLE LONDON, SE1 6TE	41,750	N	16 May 2006	17

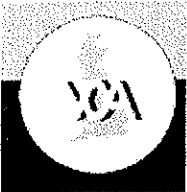
311100001200011	OFFICES AND PREMISES	203	SCCP PT 8TH FL HANNIBAL HOUSE, ELEPHANT & CASTLE LONDON, SE1 6TE	42,500	N	06 May 2006	17
25540021510003	SHOP AND PREMISES	249	UNIT 215-216 SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	8,900	N	01 Apr 2005	
31110000120014	OFFICES AND PREMISES	203	VICTORY CHURCH INTERNATIONAL PT 12TH FL HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	39,500	N	18 Aug 2006	26
31110000120002	OFFICES AND PREMISES	203	2ND FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	92,500	N	29 Sep 2005	10
31110000120003	OFFICES AND PREMISES	203	3RD FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	92,500	N	29 Sep 2005	10
31110000120004	OFFICES AND PREMISES	203	4TH FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	92,500	N	29 Sep 2005	10
31110000120005	OFFICES AND PREMISES	203	5TH FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	92,500	N	29 Sep 2005	10
31110000120006	OFFICES AND PREMISES	203	6TH FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	92,500	N	29 Sep 2005	10
31110000120007	OFFICES AND PREMISES	203	7TH FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	92,500	N	29 Sep 2005	10

Pre 50 **Pre 20**

[View Details](#)

[Make Appeals](#)

[Access Keys](#) | [Search](#) | [Site Map](#) | [News](#) | [About Us](#) | [Privacy Statement](#) | © Crown Copyright | [Feedback](#) |



Access keys

[Home](#) [Council Tax](#)

[DV Services](#)

[Media Centre](#)

[Recruitment](#)

[Publications](#)

2005 Rating List - Search Results

2005 Rating List Search Results

Do you

These are the properties in the Rating List that match the search criteria you have entered:

List Year: 2005
PostCode: SE1 6TE

If these results do not contain the property you are looking for, you may want to return to the [rating list homepage](#) to chan

If there are too many search results, you may want to [refine your search](#)

To view the summary valuation and other details about the property(s) that you are interested in, select them by checking right hand column and then click on the 'View Details' button.

To make a proposal to alter the rating list to appeal against the assessments that you are interested in, select them by ch the right hand column and then click on the 'Make Appeals' button.

You can also move your mouse over each column heading for an explanation of its contents.

These are results 21 to 40 from a total of 73

Pre 50

Page 20

[View Details](#)

[Make Appeals](#)

Billing Authority Reference	Description	SCat	Address	£ RV	C	Effective Date	Alter E
31110000120008	OFFICES AND PREMISES	203	8TH FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	Deleted	N	06 May 2006	17 /
31110000120009	OFFICES AND PREMISES	203	9TH FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	92,500	N	29 Sep 2005	10 C
31110000120010	OFFICES AND PREMISES	203	10TH FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	92,500	N	29 Sep 2005	10 C
31110000120011	OFFICES AND PREMISES	203	11TH FL, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	92,500	N	29 Sep 2005	10 C
31110000120012	OFFICES AND PREMISES	203	12TH FLR, HANNIBAL HOUSE, ELEPHANT & CASTLE, LONDON, SE1 6TE	Deleted	N	18 Aug 2005	26
25540020020002	SHOP AND PREMISES	249	200-201, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	12,500	N	01 Apr 2005	
25540020300001	SHOP AND PREMISES	249	203, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	5,800	N	01 Apr 2005	
25540020400002	SHOP AND PREMISES	249	204, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	5,100	N	01 Apr 2005	
25540020600003	SHOP AND PREMISES	249	205, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	5,000	N	01 Apr 2005	
25540020800004	SHOP AND PREMISES	249	206, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	3,600	N	01 Apr 2005	
25540020720000	SHOP AND PREMISES	249	207-208, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	4,000	N	01 Apr 2005	

25540020900007	SHOP AND PREMISES	249	209, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	3,950	N	01 Apr 2005	
25540021000007	SHOP AND PREMISES	249	210, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	3,000	N	01 Apr 2005	
25540021120016	SHOP AND PREMISES	249	211, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	6,200	N	01 Apr 2005	
25540021220002	SHOP AND PREMISES	249	212, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	5,800	N	01 Apr 2005	
25540021337057	SHOP AND PREMISES	249	213, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	8,300	N	01 Apr 2005	
2554002140000B	SHOP AND PREMISES	249	214, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	6,600	N	01 Apr 2005	
25540021800004	SHOP AND PREMISES	249	218, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	5,200	N	01 Apr 2005	
25540022010007	SHOP AND PREMISES	249	220-221, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	10,250	N	01 Apr 2005	
25540022200007	SHOP AND PREMISES	249	222-223, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	18,500	N	01 Apr 2005	

Page 50

[View Details](#)[Make Appeals](#)

[Access Keys](#) | [Search](#) | [Site Map](#) | [News](#) | [About Us](#) | [Privacy Statement](#) | [© Crown Copyright](#) | [Feedback](#) |



Access keys

- Home
- Council Tax
- DV Services
- Media Centre
- Recruitment
- Publications

2005 Rating List - Search Results

2005 Rating List Search Results

Do you

These are the properties in the Rating List that match the search criteria you have entered:

List Year: 2005
PostCode: SE1 6TE

If these results do not contain the property you are looking for, you may want to return to the [rating list homepage](#) to char

If there are too many search results, you may want to

To view the summary valuation and other details about the property(s) that you are interested in, select them by checking right hand column and then click on the 'View Details' button.

To make a proposal to alter the rating list to appeal against the assessments that you are interested in, select them by ch the right hand column and then click on the 'Make Appeals' button.

You can also move your mouse over each column heading for an explanation of its contents.

These are results 41 to 60 from a total of 73

Pre 50

Pre 23

View Details

Make Appeals

Billing Authority Reference	Description	SCat	Address	£ RV	C	Effective Date	Alter
25540022720005	SHOP AND PREMISES	152	224-230 & 326-328, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	124,000	N	01 Apr 2005	23 M
25540023220009	SHOP AND PREMISES	249	232-233, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	8,100	N	01 Apr 2005	
25540023400007	SHOP AND PREMISES	249	234, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	7,300	N	01 Apr 2005	
25540023500008	SHOP AND PREMISES	249	235, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	6,400	N	01 Apr 2005	
25540023600009	SHOP AND PREMISES	249	236, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	5,000	N	01 Apr 2005	
25540023820038	SHOP	249	237A, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	7,700	N	01 Apr 2005	
25540023900016	SHOP	249	237B, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	8,900	N	01 Apr 2005	
25540023820022	SHOP AND PREMISES	249	237C & D-238, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	26,750	N	16 Apr 2007	24 M
25540023720022	SHOP	249	237C & D-238, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	Deleted	N	16 Apr 2007	24 M
25540023820022	SHOP AND PREMISES	249	239, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	9,900	N	16 Apr 2007	24 M
25540024020008	OFFICES AND PREMISES	203	240, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	1,750	N	01 Apr 2005	

25540024100002	SHOP AND PREMISES	249	241, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	3,100	N	01 Apr 2005	
25540024220007	BANK AND PREMISES	021	242-245, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	20,250	N	01 Apr 2005	
25540025320006	SHOP	249	253-254, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	Deloted	N	01 Apr 2005	23 M
25540025300000	SHOP	249	253, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	2,000	N	01 Apr 2005	23 M
25540025400000	SHOP	249	254, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	2,000	N	01 Apr 2005	23 M
25540025620009	SHOP	249	256-257, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	4,050	N	01 Apr 2005	
2554003310002B	RESTAURANT AND PREMISES	234	331-332 & STORE G, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	44,500	N	01 Apr 2005	
25540033700007	SHOP AND PREMISES	249	337, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	49,000	N	01 Apr 2005	
25540033900009	SHOP AND PREMISES	249	339, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	27,750	N	01 Apr 2005	

Pre 50

Page 23

View Details

Make Appeals

Access Keys | Search | Site Map | News | About Us | Privacy Statement | © Crown Copyright | Feedback |



Access keys

[Home](#) [Council Tax](#)

[DV Services](#) [Media Centre](#) [Recruitment](#) [Publications](#)

2005 Rating List - Search Results

2005 Rating List Search Results

Do you

These are the properties in the Rating List that match the search criteria you have entered:

List Year: 2005
PostCode: SE1 6TE

If these results do not contain the property you are looking for, you may want to return to the [rating list homepage](#) to chan

If there are too many search results, you may want to

To view the summary valuation and other details about the property(s) that you are interested in, select them by checking right hand column and then click on the 'View Details' button.

To make a proposal to alter the rating list to appeal against the assessments that you are interested in, select them by ch the right hand column and then click on the 'Make Appeals' button.

You can also move your mouse over each column heading for an explanation of its contents.

These are results 61 to 73 from a total of 73

Page 50

Page 20

[View Details](#)

[Make Appeals](#)

Billing Authority Reference	Description	SCat	Address	£ RV	C	Effective Date	Alte
25540999630001	ADVERTISING RIGHT	003	ADVERTISING RIGHT 01280049 (BUS SHELTER) O/S E & C. SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	900	N	01 Apr 2005	
25540999730002	ADVERTISING RIGHT AND PREMISES	003	ADVERTISING RIGHT 01280153 (BUS SHELTER) O/S E & C. SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	500	N	01 Apr 2005	
25540034100033	OFFICES AND PREMISES	203	FARADAY SUITE PT 1ST FLR. SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	42,250	N	01 Apr 2005	
25540034100048	BINGO HALL AND PREMISES	025	PALATIAL LEISURE LTD 1ST FLR, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	318,750	N	01 Jul 2007	21 J
2554059973701B	STORE AND PREMISES	268	STORE 1 R/O 308-309, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	1,000	N	01 Apr 2005	
25540020000028	BOWLING ALLEY AND PREMISES	028	SUPERBOWL PT 1ST FLR, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	190,000	N	01 Apr 2005	
2554099991000B	MARKET AND PREMISES	165	THE MOAT, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	21,000	N	01 Apr 2005	
25540021700003	SHOP AND PREMISES	249	UNIT 217 SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	7,400	N	01 Apr 2005	
25540023100019	SHOP AND PREMISES	249	UNIT 231, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	8,500	N	01 Apr 2005	
2552002500000B	SHOP AND PREMISES	249	UNIT 250, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	3,250	N	01 Apr 2005	
			UNIT 252, SHOPPING CENTRE,				

25540025200001	SHOP AND PREMISES	240	ELEPHANT & CASTLE, LONDON, SE1 6TE	2.250	N	01 Apr 2005	
25540025500004	SHOP AND PREMISES	249	UNIT 255, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	2.150	N	01 Apr 2005	
2554003400014B	SHOP AND PREMISES	249	UNIT 352, SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON, SE1 6TE	9.300	N	01 Apr 2005	

[Previous](#)[Previous 20](#)[View Details](#)[Make Appeals](#)

[Access Keys](#) | [Search](#) | [Site Map](#) | [News](#) | [About Us](#) | [Privacy Statement](#) | © Crown Copyright | [Feedback](#) |

GAMBLING COMMISSION

25 April 2008

ADV 08/08

Definition of premises

The Gambling Commission (the Commission) intends to strengthen the guidance it issues to local authorities under section 25 of the Gambling Act 2005 (the Act) relating to the definition of premises. This will include changes to part seven of the 'Guidance to Licensing Authorities (2nd edition June 2007)' document. This has been prompted by increasing numbers of premises licence applications being made to licensing authorities which appear to be in conflict with the intentions of Parliament.

The intention of Parliament regarding the definition of premises

Parliament's intention relating to the number of higher category gaming machines available for use in gambling premises is set out on the face of the Act. In particular, section 172 the Act places restrictions on the number and categories of gaming machines that can be made available in casinos, bingo premises, betting premises and adult gaming centres.

Parliament's intention relating to access between different types of gambling premises is set down in regulations, through the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (SI 2007/1409) and the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007/266). The Government's intention behind restricting access between certain gambling premises in this way is set down in the Department for Culture, Media and Sports' document 'Explanatory Memorandum to the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007'. Paragraph 7.6 of this document reads:

"The Act provides that... a single premises may not have more than one premises licence authorising a type of gambling activity. There were concerns that some unscrupulous operators might seek to circumvent this by artificially subdividing their premises and securing separate premises licences for its composite parts, which would undermine the different categories of premises licence created by the Act... we wanted to ensure that operators do not circumvent the rules governing the maximum number of gaming machines of Category B and above permitted in different premises. And finally, we were determined to ensure that all gambling premises have publicly accessible entrances, and are not developed in the backrooms of other commercial premises. The department decided to address these concerns by proposing conditions which restricted the access between different types of gambling premises."

The full text of the Explanatory Memorandum can be found [here](#). It refers only to the regulations for England and Wales, however the Memorandum also reflects the policy intentions behind the equivalent Scottish regulations.

Victoria Square House
Victoria Square
Birmingham B2 4BP

T 0121 230 6500
F 0121 230 6720
www.gamblingcommission.gov.uk

Strengthening the guidance

Currently, the Commission's guidance at paragraphs 7.11 and 7.12 of the 'Guidance to Licensing Authorities (June 2007)' document describes what may be considered as a premises. Paragraph 7.1 states that:

"...there is no reason why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises."

However, this paragraph goes on to describe that this approach has been taken in order to allow large, multiple unit premises to obtain premises licences, as long as appropriate safeguards are in place. Any sub-division of an existing premises must of course comply with the mandatory conditions relating to access between premises. Paragraph 7.12 then suggests that whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances such as its location and the suitability of the separation. The guidance also states that the Commission does not consider that areas of a building that are artificially or temporarily separated can properly be regarded as different premises.

We intend to add a further section to this part of the 'Guidance to Licensing Authorities (June 2007)' document to further emphasise Parliament's intentions of the Act regarding the definition of premises, and to make clear that premises existing under the Act must be genuinely separate with the required access and supervision requirements in place.

The new section will also include guidance on providing the principal gambling activity in all premises licensed under the Act. This is to assist licensing authorities considering applications for multiple premises licences on a single site, where they need to be satisfied that the primary purpose of the premises licence is being fulfilled, ie betting facilities are provided in a betting shop, players can fully participate in bingo at all bingo premises, and so on.

This updated guidance will be based around our position as set out in our open letter to trade associations: [first letter](#), and our follow-up letter which confirms that there needs to be an acceptable balance between the provision of the principal gambling activity and the provision of gaming machines: [second letter](#).

Next steps

The Commission is committed to full consultation on any changes to the 'Guidance to Licensing Authorities (June 2007)' document. We expect to issue a consultation paper in May 2008 detailing our proposed revisions to our guidance, and will publish a final version during the summer.

The Commission will continue to monitor the way in which operators seek to use the provisions of the Act. If it becomes clear that operators are attempting to provide what are, in effect, higher category machine arcades under the guise of either a betting or bingo premises licence with only token betting or bingo provision we will not hesitate to introduce operating licence conditions and / or recommend to the Department for Culture, Media and Sports and Scottish Ministers that additional regulations are required to underpin the clear policy intentions of the Act.

Licensing authorities that are currently considering premises licence applications to divide an existing premises into multiple premises may wish to refer to the sections of the Explanatory Memorandum highlighted above, and to the Commission's draft revised guidance which we will shortly be consulting on. We will consider also the application of our updated guidance towards premises that have already been divided.

If the premises licence applications refer to bingo premises licences, licensing authorities are reminded that the Commission has published an information paper summarising some considerations, which is available [here](#).

GAMBLING COMMISSION

12 March 2008

LET08/03

Dear Colleague

Provision of facilities for gambling in premises licensed under the Gambling Act 2005

The Gambling Commission is aware that some operators (in particular existing AGC operators) may be considering applying for licences, even though they do not intend to provide the primary activity the licence is intended to authorise on their premises. The operators may be applying for betting or bingo operating and premises licences under the Gambling Act 2005 (the Act) because they believe that this will allow them to take advantage of the gaming machine entitlements which accrue from such licences.

Having carefully considered this matter, it is the Commission's view that such an arrangement is not permissible. In the Commission's opinion an operator must provide the principal activity authorised by their operating and premises licences, before they are able to take advantage of any additional entitlement to make gaming machines available for use on their premises. We have set out below some examples of the situation we are describing:

Betting premises

The Commission is aware that there may be operators who intend to apply to the local licensing authority for a betting premises licence on the basis that they intend to provide four category B2 gaming machines on the premises but do not intend to offer any facilities for betting on the premises. In the Commission's view, it is not permissible for an operator to provide gaming machines in this way without also offering facilities for betting.

A betting operating licence authorises its holder to '*provide facilities for betting*' (section 65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for '*the provision of facilities for betting...*' (section 150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (section 172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers facilities for betting it should not be making gaming machines available on the premises in question.

Bingo premises

The Commission is also aware that there may be operators who intend to apply for bingo premises licences on the basis that they intend to make gaming machines available but do not intend to offer facilities for bingo on the premises.

A bingo operating licence authorises its holder to '*provide facilities for playing bingo*' (section 65(2)(b) of the Act). Likewise, a bingo premises licence authorises premises to be used for '*the provision of facilities for the playing of bingo*' (section 150(1)(b) of the Act). It follows that a bingo premises should not make gaming machines available for use without also offering facilities for playing bingo.

Victoria Square House
Victoria Square
Birmingham B2 4BP

T 0121 230 6500
F 0121 230 6720
www.gamblingcommission.gov.uk

Thus, while the Commission acknowledges that gaming machines at bingo premises can be made available for use at times when bingo is not being played at the premises, the fact remains that the operator must provide facilities for the playing of bingo at the premises in order to enjoy the machine entitlement.

Consideration of applications for operating licences

In order to avoid operators applying for licences on the basis of a misunderstanding about what the licence authorises them to do, the Commission may, when it receives an application for an operating licence, contact the applicant to check that they do intend to offer the primary gambling activity for which the category of licence is intended before going on to consider the application in detail.

The Commission also intends to inform licensing authorities of its position in order that they can be aware of any implications for their local licensing activity and we are considering the nature of guidance that should be issued to licensing authorities on this matter under section 25 of the Act.

Existing licence holders

The Commission is aware that there may be gambling premises, which are already in existence, that do not provide the primary licensed activity covered by their licences but do make gaming machines available on the premises. The Commission is also aware that some of these premises may have been in existence under previous legislation and may, as a result, have been entitled to convert their old permissions into operating and premises licences. However, as you will know, the gaming machine regime under previous legislation and that under the 2005 Act differ in material respects.

In such cases the Commission intends, over the coming months, to contact any such operators and the relevant licensing authorities as part of our wider compliance programme, with a view to agreeing a suitable approach for achieving compliance with the requirements of the Act.

I hope that this letter clarifies the Commission's position. If you have any questions please call 0121 230 6666.

Yours sincerely

Hazel Canter
Director of Licensing and Compliance
Gambling Commission

GAMBLING COMMISSION

26 March 2008

LET08/05

The provision of betting facilities in licensed betting premises

I refer to the Commission's recent letter regarding the circumstances under which gaming machines are made available for use on licensed betting premises.

The Commission is aware that some commentators have questioned whether the Commission's interpretation of the legal position is correct. The Commission is also aware that some operators may be considering making minimal facilities available for betting, as a means of addressing the issue. For example, the Commission has been asked whether it would be sufficient to offer a single betting terminal, on the basis that the single betting terminal would amount to providing facilities for betting on the premises in question.

The Commission recognises that ultimately it is for the Courts to decide how statutes should be interpreted. However, having further considered matters in the light of the representations we have received on this issue, the Commission remains of the view that an operator must offer the primary activity of betting facilities in order to take advantage of the additional gaming machines entitlement which is conferred upon licensees of premises providing betting facilities. There can be little doubt that this was what Parliament intended and what we consider the Act to have achieved.

The Commission is concerned, therefore, by the prospect that some operators of licensed betting premises may be considering making available only the barest minimum of betting facilities. As a result, we thought that we should alert you to our concerns and to the steps open to the Commission if it considers it necessary to take further steps to control the circumstances under which gaming machines are made available for use.

Maintaining an appropriate balance between the availability of gaming machines and the provision of facilities for betting

In the Commission's view it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises. Thus, whilst the Commission recognises that betting premises are permitted to offer gaming machines, including B2 gaming machines, the Commission considers that betting should be a core element of the gambling facilities being offered to customers in such premises.

The Commission thinks that such an approach supports the delivery of the licensing objectives of the Gambling Act 2005, as it means that customers are able to make a choice whether to place bets or play machines, which are more repetitive in nature and have a relatively quicker speed of play.

Licence Conditions

For the reasons outlined above, the Commission considers that it would be undesirable for betting premises to offer only or predominantly gaming machines.

Victoria Square House
Victoria Square
Birmingham B2 4BP

T 0121 230 6500
F 0121 230 6720
www.gamblingcommission.gov.uk

As such, if it became necessary the Commission would consider whether it should impose a condition on licences to prevent the use of betting premises for the provision of gaming machines as the principal or only activity.

In monitoring operators' continued suitability to provide facilities for gambling, the Commission may also review an operating licence if it appears to the Commission that an operator is not offering betting facilities in a manner which supports the pursuit of the licensing objectives.

Regulations

If necessary too, the Commission will consider recommending to the Secretary of State that further Regulations should be made under section 240 of the Gambling Act 2005 to control the circumstances in which gaming machines are made available for use.

I hope this clarifies the Commission's position on this matter. As I have indicated we continue to consider that the way the Act is constructed requires betting facilities to be provided in premises with a betting licence and furthermore that those facilities must not be merely ancillary to any machines provided. You should be aware that if the courts were to take another view, we would consider the introduction of conditions as a matter of urgency to achieve the same policy outcome.

If you would like to discuss the implications of this for your business please email me with contact details or phone my office on 0121 230 6570 or our enquiry line on 0121 230 6666 and we can arrange for someone from the Commission to call you.

Hazel Canter
Director of Licensing and Compliance
Gambling Commission

*EXTRACT FROM THE SOUTH AFRICAN STATEMENT OF GAMBLING
LICENSING POLICY.*

Definition of “premises”

88. Premises are defined in the Act as “any place”. A single premises cannot have multiple premises licences allowing different types of gambling at different times. However, a single building can be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being different premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
89. This licensing authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that
- Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
 - Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
90. It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” are to the premises in which gambling may now take place. Thus a licence to use a premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete is necessary to ensure that the authority and other responsible authorities with inspection rights can inspect the premises fully.

Location

91. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

92. In pursuit of these objectives, when determining applications for premises licences, this authority will have regard to the location of the premises. The authority will give special consideration in relation to the proximity of premises to

- **Local schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families**
- **Places where vulnerable people are housed or treated, including clinics, recovery centres, outpatients clinics and homes**
- **Residential areas where there is a high concentration of children and young people or vulnerable people**
- **Areas where there is a high level of organised crime**
- **Places of worship, community facilities or public buildings**
- **Areas where there is considered to be an over concentration of similar existing licensed operations**

93. This list is not exhaustive and, as stated, each case will be considered upon its own merits. If an applicant can show how they can overcome licensing objective concerns this must be taken into account.

94. Although this authority recognises that nuisance is not one of the three stated licensing objectives and that the guidance to the Act states that disorder is intended to mean activity that is more serious than nuisance, this authority will receive information from the Council's environmental health noise team on nuisance issues as being relevant to matters of location of premises.

Duplication with other regimes

95. This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including **planning**.

96. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.

97. However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of

Written Ministerial Statement

Gaming Machines

Minister for Sport (Gerry Sutcliffe MP):

In recent months I have received a range of representations from trade bodies in the gambling industry seeking changes to the regulatory regime for gaming machines established by the Gambling Act 2005 ("the Act"), and implemented by secondary legislation from 1 September 2007.

Through the Act, we have established a comprehensive new system of regulation for gaming machines, with consumer protection at its heart. Our number one priority remains to protect the public, and I have considered the representations we have received with this uppermost in mind.

A number of Hon Members have expressed support for the campaigns led by the Bingo Association and the British Amusement Catering Trades Association (BACTA). I have also received representations from the British Beer and Pub Association, the British Association of Leisure Parks, Piers and Attractions and the British Casino Association. I wish now to report to the House the government's response.

While the evidence that has been presented from across the industry is mixed, the government recognises that many operators have found trading conditions difficult.

There are likely to be a range of reasons for the current downturn. While the evidence presented to me concentrates almost exclusively on regulatory factors, it attaches lesser or no weight to a range of other plausible factors such as levels of investment in product development, longer term structural and technological changes and wider economic factors. Whilst it is open to government to take action within the framework of the Act, the industry must recognise and find its own solutions to some of these problems.

Representations have also been made to me concerning what were dubbed under the previous legislation Section 16 and Section 21 machines. Whatever the view in some sections of the industry of what earlier legislation permitted, there seems little value in prolonging that debate now. The current legal position is beyond doubt.

The new system of regulation established by the Act, and the strict limits it imposes, were set only after lengthy debate during pre-legislative scrutiny, the passage of the Gambling Bill, and on the relevant secondary legislation. The principal trade bodies, including the Bingo Association and BACTA, played a full role throughout the passage of this legislation, and in the public consultation that preceded it.

I must consider the requests for changes within the new framework established by the Act and agreed recently by Parliament. That framework gives Parliament the final say; it is for the government to decide what proposals should be put to public consultation and then presented to Parliament for consideration.

I have concluded that there is strong evidence that the situation in the bingo industry has been particularly acute. Between 31 March 2004 and 31 March 2007 the number of bingo clubs operating fell from 696 to 634. A further 37 clubs closed during 2007/08, around 6% of the industry.

Colleagues in the House will recognise that bingo clubs fulfil an important social function in many communities. The 2007 Henley Report commissioned by the Bingo Association found that for many people, especially older and retired women, bingo is the main or sole leisure pursuit outside of the home. Despite the range of deregulatory measures that we have already introduced to assist the industry, it is clear that the future of bingo clubs in many communities is under threat.

I am persuaded that a number of other special circumstances apply to bingo. These include the fact that under the industry's business model there is high demand for machines during short periods of the day, which may impair the fair and open conduct of gambling.

I have also noted two additional points made by the Bingo Association that:

- while in recognition of the enhanced social responsibilities imposed by the Act, casinos, betting shops and adult gaming centres (AGCs) received an enhanced gaming machine entitlement, bingo halls retained the same machine entitlement as under the Gaming Act 1968; and,
- bingo halls provide a softer gambling environment in which gaming machines are ancillary to bingo.

The Bingo Association has argued that, to help arrest the decline, the number of Category B3 machines (£1 maximum stake, £500 maximum prize) which bingo halls are permitted should increase from four currently to as many as 16. In my view this goes too far. An increase of this proportion would be inconsistent with the precautionary approach that the government has taken to gambling regulation.

Nevertheless I am persuaded that the situation facing the bingo industry is sufficiently grave, and the circumstances surrounding bingo sufficiently distinct, to justify considering whether a smaller increase might be appropriate without jeopardising our principal priority, which remains to protect the public.

For this reason, I have decided to consult on a proposal to increase to eight the number of Category B3 machines which bingo clubs may offer. This enhanced entitlement will only apply to bingo halls which operate a strict over 18s entry policy. If in the light of public consultation we decide to proceed, we will bring forward the necessary Order. This will be for Parliament to approve by means of an affirmative resolution.

I have also been struck by the representations I have received from Hon Members on all sides in support of seaside arcades. Family entertainment centres, which are not permitted to offer high stake, high prize Category B gaming machines, form an integral part of many families' seaside holidays or day trips. I want to see that continue.

The government has already taken steps to help seaside arcades. In October 2006, in response to requests for assistance from the industry and a year earlier than planned, we increased the stake and prize levels for Category C gaming machines to 50p and £35 respectively. These changes benefited not only seaside arcades, but also pubs, bingo clubs and AGCs, as well as gaming machine manufacturers and suppliers.

To give the industry certainty and to enable it to plan properly, we made a commitment to review stakes and prizes again in 2009. However, in view of the difficult trading conditions which many operators are now reporting, I have decided on an exceptional basis to bring forward the planned review by one year for the lowest categories of gaming machine --

Categories C and D. Category D machines include 10p stake and £5 prize fruit machines, as well as traditional seaside amusements like penny falls and crane grabs.

The industry must recognise that this is a one off. I am mindful of the risk that, coming so soon after the 2006 changes, an early review could perpetuate a view in some sections of the industry that ever increasing stake and prize levels are the only answer to the pressures it faces. This may lead to tensions in terms of the licensing objectives, and act as a disincentive to the industry to explore other ways to freshen its appeal. At the same time, I understand the need for certainty among manufacturers and operators alike on the date of future reviews.

In addition, I am therefore announcing today that I have decided to reinstitute the system of triennial reviews that grew up by custom and practice under the previous legislation. This will mean that, after the 2009 review (part of which I am bringing forward to this year), the next review will take place in 2012.

In view of the priority which the industry attaches to an early review, I am adopting a fast track process. We are writing today to trade bodies, faith groups and others with an interest in problem gambling, to invite submissions on what stake and prize levels should apply for machines in Categories C and D during the period until 2012.

Having carefully considered these submissions, I will formulate proposals and, prior to formal consultation, seek advice from the Gambling Commission on whether any of these proposals raise concerns in terms of the licensing objectives. There will then be a formal three month consultation before any legislation is brought forward. Any changes will be for Parliament to approve, again by means of an affirmative resolution. I intend to complete the consultation with a view to returning to Parliament with any necessary Order in the autumn.

There is no guarantee that this review process will result in increases. It will be for the industry to make that case, and for wider stakeholders to state their views.

I have considered carefully whether the evidence that has been presented would justify extending this early review to high stake, high prize gaming machines in Categories B1, B2, B3, B3A and B4. In particular, I have carefully considered BACTA's call for an immediate doubling in the maximum stake on Category B3 machines, found in AGCs and bingo halls, from £1 to £2.

A key element of BACTA's case is that customers have found the Category B3 machine with its £1 stake and £500 prize unattractive, and that this has led in turn to customers migrating from AGCs to play Category B2 machines (commonly known as fixed odds betting terminals) in betting shops. Little in the way of convincing evidence has been submitted to substantiate this claimed migration.

I have consistently made it clear that I view the growing popularity of Category B2 machines and other high stake, high prize gaming machines with concern. That is why in March I asked the Gambling Commission to prioritise research in this area. The aim is to explore the available research which assesses whether there is any evidence:

- of causal links between the availability of high stake, high prize gaming machines and the development of problem gambling;
- regarding the attraction of these machines to existing problem gamblers;
- that existing gambling problems are exacerbated by access to these machines.

Work is already underway and, by the end of July 2008, the Commission will recommend what, if any, further research is needed. The Commission expects to publish the findings from any further work in June 2009.

If evidence emerges that Category B2 machines are a particular problem, I will not hesitate to use the extensive powers under the Act to regulate them more stringently. In the meantime, I have concluded that it would not be appropriate to review stake and prize levels for Category B machines, or to agree to BACTA's specific proposal, before the Commission's work is complete and Ministers and Parliament can consider any new findings which emerge. The government has committed to review stake and prize levels on all categories of machine in 2009, and we will make good on this commitment in respect of Category B machines once the Commission has reported.

I have also considered carefully a proposal by BACTA that adult gaming centres – arcades restricted to over 18s found on many high streets – should be permitted to make available Category B3 machines on a ratio of 20% to the total number of gaming machines provided, in place of the current limit of four machines per premises.

I have, however, concluded that this proposal would not provide sufficient certainty about the total number of B3 machines in individual AGC premises, or across the AGC estate as a whole. It could create the potential for larger machine sheds with significant concentrations of high stake, high prize gaming machines in easily accessible high street locations. I am concerned that this could have an adverse impact in terms of the licensing objectives.

I have also considered whether AGCs should benefit from the increased machine entitlement I am proposing for bingo clubs. However, I am not persuaded on the basis of the evidence that has been presented to me that the same exceptional and special circumstances apply. For instance, no evidence has been presented of closures on the scale of those experienced in the bingo industry. In AGCs, gaming machine play is not an ancillary activity, nor is there any clear evidence of unmet demand for such machines.

While I understand that this will come as a disappointment to AGCs, they will of course benefit from any increases to stake and prize levels of Category C machines, which form the bulk of their machine offer.

[Ends]

IN THE SOUTH TYNESIDE MAGISTRATES' COURT

DISTRICT JUDGE ELSEY

24TH JULY 2008

BETWEEN:-

LUXURY LEISURE

Complainant

- and -

SOUTH TYNESIDE COUNCIL

Respondent

AGREED NOTE OF JUDGMENT
(for approval by the Judge)

1. I have been hearing a complaint by which Luxury Leisure appeals against a decision of the Respondent's Licensing Sub-Committee regarding applications for Adult Gaming Centres ("AGCs") licences.
2. Applications have been submitted regarding the complainant's premises at 11-12 King Street; 58-62 Ocean Road, 527-529 Stanhope Road and 295-297 Prince Edward Road. All these addresses are in South Shields. The complainant already holds AGC licences regarding these premises but sought to subdivide and to licence in relation to the subdivided parts. If the licences were granted then Luxury Leisure would be permitted to install a further 4 B3 gaming machines in each newly created area.
3. In reaching my conclusions I have taken into consideration oral submissions by Mr Michael Fordham QC for Luxury Leisure and Mr James Findlay QC for the Respondent and have also been assisted by helpful skeleton arguments by both parties, bundles of plans and photographs and documentary evidence. Most importantly, I have been able to view all the properties which has enabled me to envisage how the applications would effect the alteration of the properties.
4. In essence the issue is whether the law permits Luxury Leisure to hold separate AGC licences for different areas in the same building. It is clear it is possible that a number of different licences can be held regarding the same building. In this case, more specifically the question is can you get two or more licences for premises which previously had one licence? Deciding that, I have to decide whether the proposed subdivisions create separate premises.

5. Section 37 of the Gambling Act 2005 is the starting point of the legal analysis. It provides that a premises licence is required to make gaming machines lawfully available for use. Section 152(1)(b) provides that a premises licence cannot be issued regarding premises if a premises licence already has effect regarding the premises. Section 353(1) provides that, for the purposes of the Act, "premises" "includes any place and, in particular – (a) a vessel, and (b) a vehicle". A substantial part of Mr Fordham's submissions rests on that definition and he very strongly urges me to consider that it is a helpful definition. Indeed, he submits that the Licensing Sub-Committee fell into error when they stated that they did not find it helpful.

6. Mr Fordham drew attention to the Gambling Commission's Guidance to Local Authorities, dated June 2007, where at §7.11 the meaning of the word "premises" is considered. The paragraph reads:

"'premises' is defined as including 'any place'. Section 152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed."

7. That there have been difficulties in considering how the statute ought to be applied is illustrated by the Gambling Commission consultation on "split premises", dated June 2008. §2.1 reads:

"While the definition of premises in the Act is ostensibly unrestricted, in the context of premises licences and the entitlement to machines (which varies with the type of premises licence), the Commission takes the view that the Act clearly envisages premises that are distinct entities and recognizable as such. If this were not the case, the different machine entitlement provisions would be meaningless. The policy intention built into the Act is to restrict the number of high value machines per premises. It appears to the Commission that some operators are adopting an approach to the meaning of 'premises' which departs from common sense with a view to encouraging local authorities to grant more than one licence for adjoining 'units' and thereby increase the number of high value machines available in what is, in reality (and, we believe, in law) a single premises."

8. In my judgment it would be wrong of me not to accept that the policy intention of the Act is as set out in §2.1 and I should bear that in mind in giving a purposive interpretation to "premises". Such an interpretation is

not inconsistent with *Daniel Thwaites v Wirral Borough Magistrates Court* [2008] EWHC 838 (Admin): that licensing activities should be restrained only where necessary to restrain something which would be contrary to the licensing objectives. This is also consistent with *Majorstake Limited v Curtis* [2008] UKHL 10.

9. Taking all of these factors into consideration, the question to ask is if Luxury Leisure's proposals, if implemented, would create objectively recognisable separate places within the buildings which are the subject of the applications. I can take into account the matters the Secretary of State sets out in the mandatory conditions in the Gambling Act (Mandatory and Default Conditions) (England and Wales) Regulations SI 2007/1409. But in themselves they do not provide the answer whether in a particular building premises will be created by implementing the plans.
10. I regret to say that having viewed the buildings I do not consider that new places would be created. The effect would be to create further subdivisions in an existing area; rather like creating a breakfast bar between the kitchen and living area in a studio flat.
11. I am not saying that it is never possible to reconfigure these buildings as separate premises, especially since they used to be made up of separate postal addresses.
12. I am conscious that the conclusion I have reached is different to a preponderance of licensing authorities. It is however significant that my opinion is congruent with the Gambling Commission and I would adopt §7.19 of their proposed amended Guidance regarding the appropriate factors to be taken into account. In my judgment these factors are already implicit in the words in the legislation and do not constitute new guidance.
13. It follows that the appeal is to be dismissed.
14. And I therefore do not have to rule on the technical issue or the direct access issue. However, in so far as it is relevant, I agree with the Respondent's case regarding direct access but not on the technical issue. The refreshment areas do not in reality prevent direct access and would not in reality be accessed by members of the public for purposes other than gambling. I agree with Luxury Leisure regarding the technical issue, that the licence could be surrendered and replaced with new licences.
15. Since I have no doubt that plans could be drawn which could effect the creation of new premises at these addresses, I have considered remitting the applications to the licensing committee. The direction I would have to give would be for the committee to consider revised plans which would in effect need to be agreed with the respondents. I will discuss this with Counsel.

[submissions on remittal]

16. I have had to consider whether to exercise my discretion to remit to the Sub-Committee with a direction to consider revised plans. The Respondent authority is perfectly justified in seeking to protect the public purse but I am persuaded that the balance of proportionality is in the complainant's favour and I therefore remit.

[submissions on costs]

17. Being generous, the technical issue was probably around 15%. The Respondent is to get its costs with a 15% deduction. There should be agreement on what the costs are and 15% deducted, to be taxed if necessary.

Michael Fordham QC
Shaheed Fatima
Counsel for the Complainant

James Findlay Q.C.
Counsel for the Respondent

Approved

Russ Elsey

RJ(m)

25/9/08

LEISURE WORLD (UK) LTD

Appellant

v

LONDON BOROUGH OF ISLINGTON

Respondent

This appeal is brought by Leisure World (UK) Ltd (Agora) against the refusal by London Borough of Islington (Islington) to, in essence, permit Agora to divide the area for which it has been granted an AGC Licence into 3 units, each to hold a separate AGC Licence, thereby enabling each to provide up to 4 type B3 gaming machines, they being the most popular type for customers and apparently most profitable for providers. I am not aware of any wish by Agora to divide its premises without that outcome arising.

Agora has been frank in stating that the sole purpose of the proposed division is to maximise the commercial possibilities provided by the law. It seeks to distinguish between this approach and what may be characterised as getting round the limitations imposed by that same law. Islington sees the proposal as just such a device and argues that it constitutes the sort of artificial sub-division of premises that, in reality, does not create three premises, each of which falls to be considered as eligible for a grant of an AGC Licence.

Even if that argument fails, Islington argues that this court should reject the appeal on the basis that the creation of three premises where previously there was just one, with the consequent tripling of the number of class B3 machine available, would be contrary to the spirit of the Act and to Parliament's intention in limiting the number of such machines to 4 per premises. In the materials provided before the hearing and in the course of that hearing, nobody was able to explain the reasoning of Parliament in creating that particular numerical limit. Nevertheless, the existence of the limit and acceptance that Parliament must have had a reason for imposing it, must be the starting point for any consideration of the issues raised in this appeal.

It has been pointed out that the Act does not contain any provision enabling an authority to limit the number of licensed premises. Nevertheless, when deciding any application, the authority is entitled to take into account all relevant considerations. If the appellants had applied originally for licences in the way they now seek to do, Islington, in its various capacities, the Planning Inspector and the Crown Court would all have been dealing with applications for amusement centres, then AGCs from 3 premises, next door to each other, all owned and operated by the same company. In essence, if the argument about the division of the premises were to succeed, that is the nature of the current application and appeal.

Islington refused the application on three grounds: that the application was contrary to the spirit of the Act; that the proposal would be harmful to, or fail to protect vulnerable people; that the smaller premises created by sub-division would be unsuitable for use because of congestion and over-crowding.

At the appeal hearing, it was argued that the first, and most important ground of refusal encompassed several specific points found in the explanatory memorandum. In particular, paragraph 7.6 says, as far as is material, "a single premises may not have

more than one premises licence authorising a type of gambling activity. There were concerns that some unscrupulous operators might seek to circumvent this by artificially subdividing their premises and securing separate premises licences for its composite parts." It is perhaps unfortunate that the pejorative term "unscrupulous" was contained in this description of an action the nature and outcome of which are what is significant, not any judgment of the operators.

In this case, Islington argues that the division proposed is just such an artifice as the memorandum suggests should be resisted. Islington further argues that the proposed sub-divided units cannot "reasonably be regarded as being different premises." It argues that, each being owned and operated by the same company, under the same logo, albeit with variety of machines and décor between the units, they do not constitute separate premises as envisaged by the Act and regulations. Success with this argument would be determinative of the appeal.

Agora argues that the erection of permanent walls between and separate entrances to each of the proposed units makes each into separate premises capable of being licensed individually. The modifications made since the original application, whatever the reason for them, clearly produce an outcome from which it can more easily be argued, looking at the physical lay-out, that the premises "can reasonably be regarded as being different premises."

In determining which of these arguments succeeds, I am mindful of the balance that needs to be struck between the essentially permissive aim of the statute and the need to prevent the avoidance of restrictions contained within the law by a device that may be argued to comply with the letter of the law but is no more than a device for getting around those restrictions.

I am also mindful of the guidance that

"licensing authorities should pay particular attention if there are issues about sub-division of a single building"

"Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances"

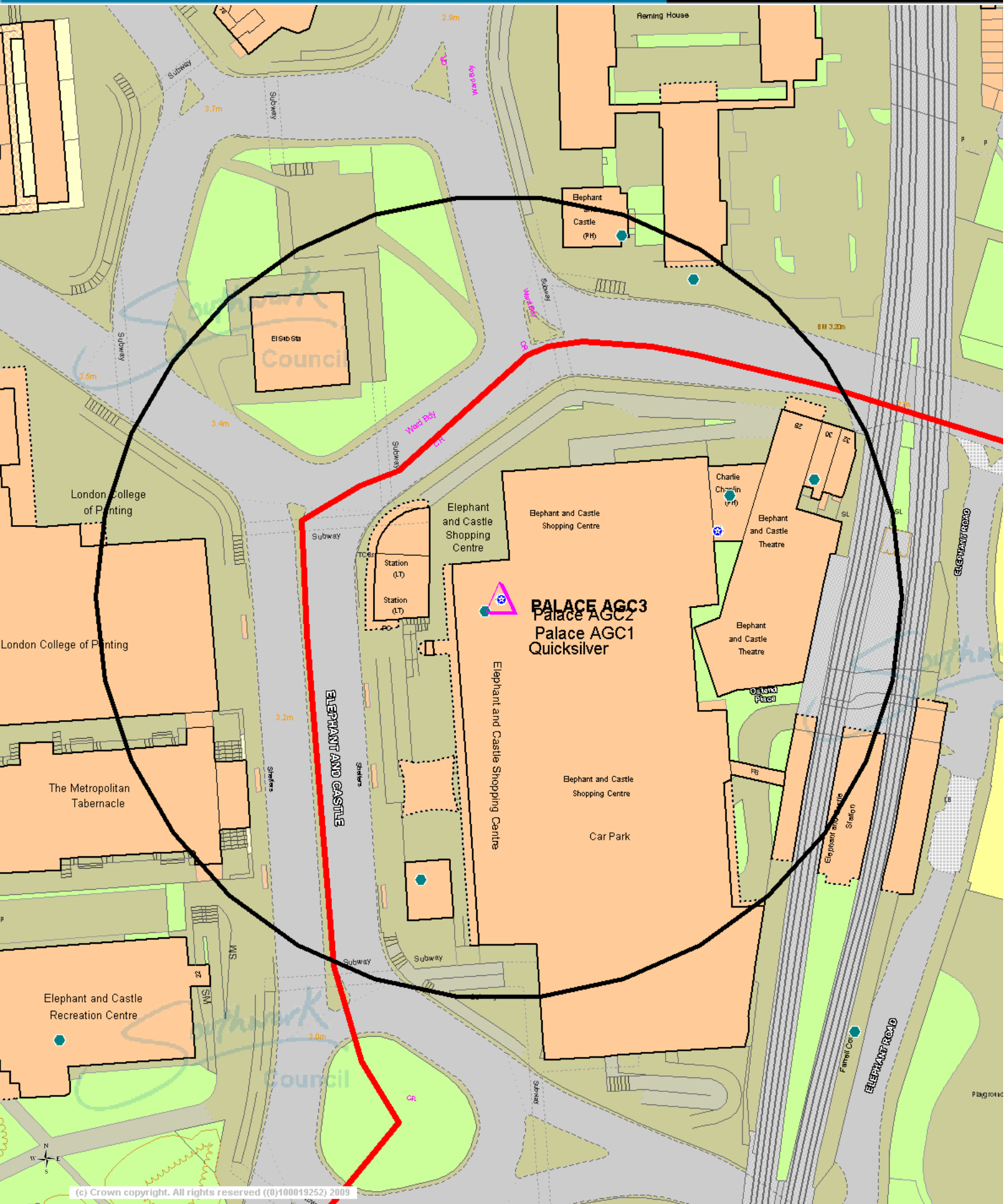
"...the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence with, for example, the machine entitlements that brings and are not artificially created part of what is readily identifiable as a single premises".

The guidance sets out various factors to be considered when determining this issue. In some respects, the proposal satisfies the tests set out in these questions. In others, it does not. The questions are clearly aimed at meeting different circumstances and cannot be regarded as either exhaustive or necessarily determinative of the issue in any particular case. Examples are given which may or may not be helpfully adopted in individual cases. The overall aim is clearly to ensure that the limitations included in the Act are not avoided by devices that are nothing more than that.

Islington argues that the term "artificial" can relate to the artifice of the device itself rather than merely to the physical manner of division. I agree with this broader interpretation of

the word, both because it chimes more easily with the context in which it is found and because it corresponds with the natural meaning as found in the Shorter Oxford Dictionary where "artificial" is defined as "made by or resulting from artifice" and "artifice" is defined as having the ordinary sense of "an ingenious expedient, a manoeuvre, device, trick." I consider Agora's proposed division of the premises into three, for the sole purpose of getting around the limitation on type B3 machines, to be just such an ingenious expedient or device.

I consider that the artificial division of the premises into three units would not result in the creation of three sets of premises, each entitled to its own licence. All would be contained within the area for which the original application was made and for which, on appeal, a single AGC licence was granted. All would be run by Agora, to whom all profits would go. On this basis, I reject the appeal.



Item No. 6	Classification: Open	Date: 06 JULY 2009	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – TAS RESTAURANT, 33 THE CUT, LONDON SE1 8LF	
Ward(s) or groups affected:		Premises are within: CATHEDRALS	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Two Men & A Lady Limited to vary a Premises Licence granted under the Licensing Act 2003 in respect of the premises known as: Tas Restaurant, 33 The Cut, London SE1 8LF.
2. **Notes:**
 - a) *The application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Tas Restaurant under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from interested parties and is therefore referred to the Sub-Committee for determination;*
 - b) *Paragraphs 12 to 15 of this report provide a summary of the application under consideration by the Sub-Committee (A copy of the full application is provided as Appendix A1).*
 - c) *Paragraphs 17 to 20 of this report deals with the representations and comments received to the application. (copies of relevant representations and letters of support are attached as Appendices B & C).*

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new licensing regime for:
 - a) The sale of and supply of alcohol
 - b) The provision of regulated entertainment
 - c) The provision of late night refreshment
4. Within Southwark, this Council wholly administers the licensing responsibility.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are
 - a) The prevention of crime and disorder;
 - b) The promotion of public safety
 - c) The prevention of nuisance; and

- d) The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
- a. The Act itself;
 - b. The Guidance to the act issued under Section 182 of the Act;
 - c. Secondary regulations issued under the Act;
 - d. The Licensing Authority's own Statement of Licensing Policy
 - e. The application, including the operating schedule submitted as part of the application
 - f. Relevant representations
7. The Act established a transitional period between 7 February 2005 and 6 August 2005 under which holders of existing Justices Licences, Public Entertainment Licences and Night café Licences were able to apply to the local licensing authority for "grandfather rights" conversion of those existing licences into the relevant licences under the new system. Licences that were so converted were converted on existing terms, conditions and restrictions. The 6 August date having now passed operators are still able to apply to secure the new licences before the date upon which the new licensing regime comes into being – 24 November 2005 – but must now apply for new licences.
8. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.
9. Although applications submitted after 6 August 2005 no longer carry "grandfather" conversion rights, licensing authorities are directed that applicants do have an "added protection" under the law. Where an applicant seeks a Premises Licence intended to cover the retail sale of alcohol and that premises operation is currently covered by a Justices Licence, the licensing authority concerned cannot apply conditions restricting the hours at which alcohol is sold at present unless there has been a material change in the circumstances since the Justices Licence was granted, or the Police have made representations in connection with the prevention of crime.

MATTERS FOR CONSIDERATION

The current Premises Licence

10. The existing licence in respect of the premises known as Tas Restaurant, 33 The Cut, London SE1 8LF was granted to the applicant on 3 October 2005. It allows the following licensable activities:
- Live music - indoors;
 - Mon– Sun; 19.00hrs - 23.00hrs,
 - Recorded music - indoors;
 - Mon– Sun; 11.00hrs - 01.00hrs,
 - The sale by retail of alcohol to be consumed on the premises;
 - Mon– Sun; 11.00hrs - 01.00hrs,
 - The provision of Late Night refreshment
 - Mon - Sun 23.00hrs – 01.00hrs

T

he Variation Application

11. On 29 April 2009, Two Men & A Lady Limited applied to this Council to vary the Premises Licence issued in respect of the premises known as Tas Restaurant, 33 The Cut, London SE1 8LF under section 34 of the Licensing Act 2003.

Details of the Variation Application

12. The application is to add off sales to enable service of alcohol to tables outside. A copy of the application to vary the existing Premises Licence is attached to the report as Appendix A1.
13. A copy of the current Premises Licence is attached as Appendix A2.
14. The variation application form provides the applicant's operating schedule. Parts M, N and O set out the proposed operating hours in full.
15. Part P of the variation application provides any additional steps that might be proposed by the applicant to promote the four licensing objectives as set out in the Licensing Act 2003. In the event that the Sub-Committee should approve the application any proposals stated here must become licence conditions.

Designated Premises Supervisor

16. The designated premises supervisor under the existing Premises Licence is Jaklin Jewell, she holds a Personal Licence issued by London Borough of Sutton.

Representations From Interested Parties

17. There are 19 representations lodged by interested parties. The representations are primarily concerned with noise nuisance and public safety.
18. A copy of the representations are attached as Appendix B.

Representations From Responsible Authorities

19. There were no representations received from responsible authorities.

Letters of Support

20. There was a letter of support received from a local resident, attached as Appendix C.

Conciliation

21. A conciliation meeting was not organised and the application has been put forward to the Licensing Sub-Committee to decide.

The Local Vicinity

22. A map of the local vicinity is attached as Appendix D.
23. The premises located within 100m radius of Tas Restaurant include:
- **Meson Don Felipe**, 53 The Cut – licensed for making music, live music, recorded music, late night refreshment and sale of alcohol on and off the premises. Opening hours: Monday – Saturday: 10.00 – 00.30, Sunday: 12.00 – 00.00

- **Calder Books**, 51 The Cut – licensed for plays and recorded music, 19.00 – 20.15; 7 days a week
- **Livebait**, 41 – 45 The Cut – licensed for late night refreshment and sale of alcohol on and off the premises; Monday to Saturday 10.00 – 23.00, Sunday 12.00 – 22.30.
- **Southbank Tandoori**, 39 The Cut – licensed for late night refreshment and sale of alcohol on the premises; Monday to Saturday 11.00 – 00.00, Sunday 12.00 – 23.30
- **Baltic**, 74 Blackfriars Rd – licensed for late night refreshment and sale of alcohol on and off the premises; open Monday – Saturday 10.00 – 00.00, Sunday 12.00 – 23.30

Southwark Council Statement of Licensing Policy

24. Council Assembly approved the Southwark Statement of Licensing Policy on 8 December 2004. Sections of the Statement that are considered to be of particular relevance to this application are

- a. Section 3 which sets out the purpose and scope of the policy and re-inforces the four licensing objectives
- b. Section 5 which sets out the Council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
- c. Section 6 details other relevant Council and Government policies, strategies, responsibilities and guidance, including the relevant Articles under the Human Rights Act 1998
- d. Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
- e. Section 8 provides general guidance on ensuring public safety including safe capacities
- f. Section 9 provides general guidance on the prevention of nuisance
- g. Section 10 provides general guidance on the protection of children from harm.

25. The purpose of Southwark's Statement of Licensing Policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the Sub-Committee when considering the applications. However, the Sub-Committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

RESOURCE IMPLICATIONS

26. A fee of £190 has been paid by the applicant in respect of this application being the statutory fee payable for a premises within non-domestic rateable value Band A.

CONSULTATIONS

27. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was placed in the South London Press on 1st May 2009 and a similar notice exhibited outside of the premises.

EQUAL OPPORTUNITIES IMPLICATIONS

28. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

CONCURRENT REPORT BY THE STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE – LEGAL ISSUES

29. The Sub-Committee is asked to determine the application for a variation of a converted premises licence. The converted licence was itself granted automatically under the new Licensing Act 2003, without need for a hearing, as no relevant objections were received from the Police, on crime and disorder grounds, to the conversion.
30. It is important to distinguish the application for variation of a converted licence under the Licensing Act 2003 from the type of applications previously heard by the Sub-Committee, where a licence was renewed or an applicant sought to vary. The principles that apply are significantly different in many respects (although the requirement to give all parties a fair, unbiased hearing remains).
31. The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested Parties must live in the vicinity of the premises. This will be decided on a case-by-case basis.
32. Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The Sub-Committee has a duty under Section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent and crime and disorder in the Borough.
33. Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with day on which the applicant was notified by the licensing authority of the decision to be appealed against.
34. The principles that Sub-Committee members must apply are set out below.

Principles for making the determination

35. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
36. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
37. Relevant representations are those which
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn (in this case, the initial objections from the Fire Service have been withdrawn).
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
38. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to

- Add to, omit, and/or alter the conditions of the licence or,
- Reject the whole or part of the application for variation

Conditions

39. The Sub-Committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
40. The four licensing objectives are
- a. The prevention of crime and disorder;
 - b. Public safety;
 - c. The prevention of nuisance; and
 - d. The protection of children from harm.
41. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
42. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
43. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.
44. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

45. If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for variation, it must give reasons for its decision.

Hearing Procedures

46. Subject to the Licensing Hearing regulations, the Licensing Committee may determine its own procedures. Key elements of the regulations are that
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.

- The committee shall disregard any information given by a party which is not relevant
 - to the particular application before the committee, and
 - the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

47. As this matter relates to the determination of an application to vary under section 34 of the Licensing Act 2003, regulation 26(1)(a) requires the Sub-Committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the Licensing Sub-Committee

48. Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
49. Members should note that the Licensing Sub-Committee is meeting on this occasion solely to perform the role of licensing authority. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.
50. As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.
51. The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
52. Members will be aware of the Council's Code of Conduct that requires them to declare personal and prejudicial interests. The Code applies to Members when considering licensing applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.

Guidance

53. Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long

as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premise file.	The Chaplin Centre, Thurlow Street, SE17 2DG	Mrs Kirty Read at the Chaplin Centre Telephone 0207 525 5748

APPENDICES

No.	Title
Appendix A1	Copy of the application
Appendix A2	Copy of the existing premises
Appendix B	Copy of the representation from interested parties
Appendix C	Copy of the letter of support
Appendix D	Copy of the local area map

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing
Report Author	Kristie Ashenden, Principal Licensing Officer
Version	Final
Dated	22 June 2009
Key Decision?	No

CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER

Officer Title	Comments Sought	Comments included
Strategic Director for Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	25 June 2009	

55
APPENDIX A1

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

~~W~~**We** TWO MEN & A LADY LIMITED

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 828053
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description TAS RESTAURANT GROUND FLOOR AND BASEMENT 33 THE CUT WATERLOO			
Post town	LONDON	Post code	SE1 8LF

Telephone number at premises (if any)	0207928 1444
Non-domestic rateable value of premises	£23000

Part 2 – Applicant details

Daytime contact telephone number	02079281444		
E-mail address (optional)			
Current postal address if different from premises address	11 AVON HOUSE CLISSOLD CRESCENT		
Post Town	LONDON	Postcode	N16 9LH

RECEIVED

29 APR 2009



Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
TO ADD OFF SALES TO RETAIL SALE OF ALCOHOL

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment**Please tick yes**

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)**Sale by retail of alcohol** (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed				
Thur			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>				
			Please give a description of the facilities for dancing you will be providing							
Day	Start	Finish	Please give further details here (please read guidance note 3)							
Mon										
Tue										
Wed							State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur										
Fri							Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat										
Sun										

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish			
Mon			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		
Tue					
Wed			Please give further details here (please read guidance note 3)		
Thur					
Fri			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)					
Mon	11:00	01:00						
Tue	11:00	01:00						
Wed	11:00	01:00						
Thur	11:00	01:00				<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	11:00	01:00						
Sat	11:00	01:00						
Sun	11:00	01:00						

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE</p>
--

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	01:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	11:00	01:30	
Wed	11:00	01:30	
Thur	11:00	01:30	
Fri	11:00	01:30	
Sat	11:00	01:30	
Sun	11:00	01:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
THE ORIGINAL LICENCE SEEMS TO HAVE BEEN MISPLACED BUT A CERTIFIED COPY
OF THE LICENCE IS ENCLOSED HEREWITH.

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

AS EXISTING LICENCE

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	17.04.09 28.04.09
Capacity	SOLICITOR

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

HUGH-JONES & CO SOLICITORS
137 BALLARDS LANE
FINCHLEY

Post town	LONDON	Post code	N3 1LJ
-----------	--------	-----------	--------

Telephone number (if any)	02083462236
---------------------------	-------------

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
s.sawyer@hugh-jones.co.uk

APPENDIX A2

Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

828053

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
TAS RESTAURANT 33 The Cut London SE1 8LF	
Ordnance survey map reference (if applicable), 179949531524	
Post town London	Post code SE1 8LF
Telephone number 020 7928 1444	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Live Music - Indoors
Recorded Music - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

For any non standard timings see Annex 2

Monday	11:00 - 01:30
Tuesday	11:00 - 01:30
Wednesday	11:00 - 01:30
Thursday	11:00 - 01:30
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 01:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Live Music - Indoors

Monday	19:00 - 23:00
Tuesday	19:00 - 23:00
Wednesday	19:00 - 23:00
Thursday	19:00 - 23:00
Friday	19:00 - 23:00
Saturday	19:00 - 23:00
Sunday	19:00 - 23:00

Recorded Music - Indoors

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 01:00

Late Night Refreshment - Indoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 01:00
Saturday	23:00 - 01:00
Sunday	23:00 - 01:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 01:00

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.


101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Two Men and a Lady Limited
 11 Avon House
 Clissold Crescent
 London
 N16 9LH
 020 7928 1444

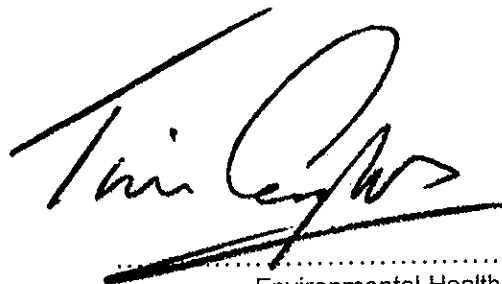
Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Jaklin Jewell


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. 5870/05/01777/LAPERS
 Authority L B Sutton

Licence Issue date 22/08/2008



.....
 Environmental Health and
 Trading Standards Manager
 Chaplin Centre
 Thurlow Street
 London SE17 2DG
 020 7525 5748
 licensing@southwark.gov.uk

Annex 2 - Conditions consistent with the operating Schedule

110 No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only which is produced solely by the reproduction of recorded sound is permitted.

111 This licence provides for the provision of private music and dancing entertainment that is promoted for private gain;

127 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

134 Alcohol may be sold or supplied as stated on this licence and

- a. On New Year's eve, except on a Sunday, 11.00.a.m. to midnight
- b. On New Year's Eve on a Sunday, 12 noon to 11.30.p.m.
- c. 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 (or, if there are no permitted hours on the following day, midnight on 31st December).

135 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

136 Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals supplied in the premises.

172 a. The Licensee / Duty Manager shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises.

b. If required, at least one suitably trained first aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

311 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner

340 No unaccompanied children will be allowed on the premises

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No.	828053
Plan No.	013
Plan Date	February 1999

APPENDIX B

Omojomolo, Alex

From: John Thewlis [john@]
Sent: 27 May 2009 16:21
To: Regen, Licensing
Subject: Licence number 829686 - applicant Two Men and a Lady Ltd - Objection

Ladies and Gentlemen of the Licensing Committee,

I write in objection to licensing application 829686 - Tas Restaurant on the grounds of the prevention of public nuisance

A residential block sits roughly opposite the restaurant
 I live at flat that block
 Southwark Council has consistently failed to meet decent homes standard
 The block is without double-glazing or any other noise pollution reducing technology
 Sleep is nigh impossible at times and several residents suffer severely - myself included - and are under the doctor
 Severe infrasound reverberation exists between the block and buildings opposite
 This significantly amplifies noise from late night taxis and large commercial vehicles
 We presently have just 4 - 5 quiet hours overnight and relatively quiet weekends except and particularly later at night
 Television viewing and relaxation are perennially disturbed
 I do not wish to be a NIMBY - Not In My Back Yard - but I am extremely distressed
 We are already woken regularly by bottle-emptying early-hours from the Anchor & Hope
 We are entitled, I believe, to undisturbed sleep; but seldom is this granted
 Southwark Council optimistically might find themselves liable for consistent

May I request or suggest simply deferral of further licences at least until Southwark Council has itself fulfilled its obligations to its residents in late 2010?

I would thus ask at this time whether a decision to grant said licence might not be considered simply somewhat imprudent.
 The residents of this block have been subjugated to the factless whims of a Council from Hell for nigh on twenty years.
 There is currently very, very much malcontent to the extent of swearing from the previously nil-expletive by mouth.

This represents a very serious issue to the residents. Perhaps we should beg? I think no more!

With best regards

John Thewlis
 Styles House
 Hatfields
 London
 SE1 8DF

07958 [REDACTED]

Omojomolo, Alex

From: Jugal Vansia [jvansia@]
Sent: 20 May 2009 18:41
To: Regen, Licensing
Subject: Tas restaurant application for off sales alcohol license

Dear Sir/Madam,

I have been made aware that Tas restaurant on The Cut, SE1 is applying for an off sales alcohol license. I, along with three others are resident at The Cut, a few meters away from Tas restaurant and we are very concerned about the noise and disturbance this will bring to the area during the week when we are all working full time and sleeping by 10/11pm. The Cut is a wonderful area and this would really disrupt the peace at late hours during the week and this is totally unacceptable. I hereby object in writing to this application and sincerely hope this is not granted.

Kind Regards,

Jugal Vansia
The Cut
Waterloo
SE1 8LF

MIKE TUPPEN

UFFORD STREET,
LONDON SE1 8QD

TELEPHONE 020 7928

Mobile 07813

Mike@

Southwark Council Licensing
Chaplin Centre
Thurlow Street
London SE17

21st May 2009

Dear Sirs

Re TAS Restaurant, 33 The Cut, London SE1 Application 829686

I would like to object the granting of a license to these premises to sell alcohol to be consumed off premises – outdoors.

My reason for this is twofold

- 1) These premises have not acted responsibly and have since last year had tables (as many as 9) outside their premises and have had waiters on the pavement serving drinks. I have evidenced this to Southwark Council last year and they had tables removed.

This year I again witnessed tables outside and waiters running about serving trays of drinks to the tables and after a few complaints from some of our members (Octavia Hill Residents Association) I made a Freedom of Information request and received information that they did not have license for tables. I was informed by Streetcare in writing that that they would put a stop to this. But it continued.

After a committee meeting I was nominated to make an approach to the manager to meet with our committee but they refused. When talking with manager she at first said she had a license and when I asked to see it she showed me the blue licensing application which was facing inwards and not viable to the passing public. She advised me that her legal people had told her that she could use half the pavement outside with 9 tables and serve alcohol because they had applied for license.

- 2) My 2nd objection is on public nuisance. The matter of pavement and outside drinking has been discussed at many local forums and meetings as the Cathedral Ward Councilors as well as Bishops Ward Councilors will be aware. At all these meetings, there has been a call for a complete ban on all further late licenses but especially for licenses that encourage people to be on our pavements drinking till the early hours. These premises are situated underneath residential flats and right opposite Tait, Benson and Styles Houses who are already suffering great nuisance and anti social behavior from the 3 large licensed premises in Isabell Street.

I do not want to be a spoil sport and realize that because of smoking ban, some people would prefer to sit outside and would like to suggest the following :-

Allow 3 tables and 6 chairs outside with service of alcohol till 23.00

I will be on holiday on 6th July, so I will pass any documents that I have concerning infringements by these premises to one of the other objectors

Yours Sincerely

Mike Tuppen

Omojomolo, Alex

From: kenneth collard [ken@]
Sent: 21 May 2009 22:28
To: Regen, Licensing
Subject: Licence number 829686 - applicant Two Men and a Lady Ltd

I understand that the above company has applied to extend their drinking licence at Tas Restaurant to run until 1.30am and that it should include the serving of drinks on the pavement.

I would like to object to the proposed changes in licensing at Tas Restaurant on the grounds that the restaurant is very close to residential accommodation and it is located in an open space with little, or no noise insulation. The noise that would be generated as a result of street drinking would cause a great deal of stress, inconvenience and nuisance to the residents. The area is already overwhelmed with bars that have little concern for local residents and we have already witnessed the noise and anti social behaviour that can emanate from these restaurants. In addition to this, there is legislation in this part of Southwark that allows the police to remove alcohol from 'street drinkers' and I would oppose any ruling that prevented equality of opportunity

Incidentally, Tas Restaurant currently do not have a licence to have tables and chairs outside on the pavement but this does not stop them from doing so. In addition to this, they displayed their application on the windows of their premises but with the writing facing the inside of the building. They have now, after intervention, turned this around so that it can be read from the outside.

Kenneth Collard
`Styles House
The Cut
London
SE1 8DF

Kenneth Collard

e: ken@
m: +44(0)7774
w:

CONFIDENTIALITY NOTICE: This e-mail and any attachments hereto may contain legally privileged and confidential information intended solely for use by the addressee's named herein. If you are not the intended recipient of this e-mail, you are hereby notified any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately via electronic mail and delete this message and all copies and backups thereof. Thank you.

RECEIVED
17 MAY 2009

Miss R Clark
Ufford Street
Waterloo, SE1 8Qd

To The Licensing Officer
Southwark Council
Chaplin Centre
Thurlow Street
London SE17 2DG

20th May 09

Dear Sirs,

I write in regards to the application for excessive outside drinking of alcohol made by the TAs in The Cut.

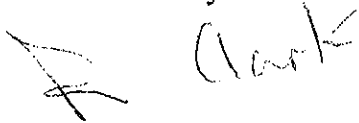
I have to pass this restaurant on the way to my doctors to use the crossing and in the summer months there are waiters flying about on the pavement with trays of drinks.

This is of course very dangerous especially as all their tables are blocking pavements meant for pedestrians.

To allow drinking of alcohol on the pavement till 1.30 am would cause nuisance and noise in an area which is already blighted by an excess of licensed premises.

I hope that Southwark Council will not grant this license

Yours Sincerely



Miss R Clark

Ray Keavey

Flat 1 Tait House, Greet Street, London SE1 8NA
 Tel: 020 Mob: 07909
 email: raymond.keavey@

Southwark Council Licensing
 Chaplin Centre Centre
 Thurlow Street
 London SE17 2DG

RECEIVED
 26 MAY 2009

21st May 2009

Dear Sir or Madam,

Re: Licence Application Number 829686, TAS Restaurant 33 The Cut, SE1 8LF

I write to object to the granting of a licence to sell alcohol for consumption off the premises – outdoors.

I detail below my reasons for objection:

- (a) In my opinion the premises management has not acted in a responsible or reasonable manner by placing tables and chairs outside the premises and serving alcohol at these tables when they **do not have a licence for tables and chairs to be placed outside the premises,** neither **do they have a licence to serve alcohol outside the premises.** A representative of our residents association visited the restaurant to invite the manager to attend a meeting with the purpose of pursuing and reaching an amicable compromise agreement. The invitation was declined.
- (b) **Public Nuisance.** I have attended many meetings and forums over the past 2 years hosted by both Southwark and Lambeth Councils to discuss problems created by outside drinking. These included inter alia noise pollution, anti – social behaviour and a fear of increasing crime such as handbag theft, muggings and aggressive street begging.

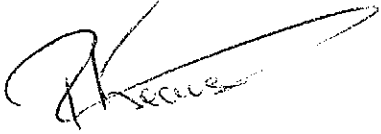
The number of bars and restaurants issued with late-night / early morning outside alcohol licenses have reached saturation point. The Cut and surrounding streets, Hatfields, Greet Street, Short Street, Ufford Street, Mitre Road and Windmill Walk are totally residential and living here is becoming unbearable and sleeping sometimes impossible. I am not anti-business or anti-alcohol. I have lived in Greet Street for 35years and have seen the results empty business premises have caused such as squatting, drug dealing, vandalism and increased crime, plus loss of local shop for residents.

The smoking ban has created most of the problem with pavement obstruction and late night noise pollution. I therefore would be prepared to discuss a compromise agreement of a limited number of tables and six chairs on the pavement. Having discussed this with another resident the limit would be three tables and chairs. This would permit outside service from Monday to Saturday until 23:00 and

Sunday until 22:30 this must be vigorously adhered to by their management and the tables and chairs removed from the pavement at deadline.

I look forward to receiving confirmation of my objection in due course.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ray Keavey', with a large, sweeping flourish extending to the right.

Ray Keavey.

Octavia Hill Residents' Association

Chairman: Ray Keavey

Flat: Tait House, Greet Street, London SE1 8NA

Tel: 020 7 401 1111 Mob: 07909 401111 raymond.keavey@octaviahillresidents.org.uk

Southwark Council Licensing
Chaplin Centre
Thurlow Street
London
SE17 2DG

RECEIVED

21 MAY 2009

21st May 2009

Dear Sirs,

Re: TAS Restaurant 33, The Cut, London SE1 8LF

Licence Application Number 828686

I write on behalf of the Octavia Hill Residents' Association to object to the granting of a licence to sell alcohol off the premises – Outdoors. Prior to submitting this objection, Mr Mike Tuppen the association's vice-chairman visited the restaurant and invited the manager to our committee meeting to discuss their application. Our invitation was declined.

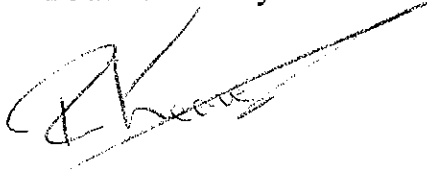
The association agreed unanimously to object to the granting of a licence. They have not acted in a responsible or reasonable manner. Despite not having a licence to place tables and chairs outside of the premises they continue to do so. They are serving alcohol outside of the premises when they are not legally entitled to do so. The application for licence hasn't been heard yet and we expect further violations of condition if granted.

Our second objection is public nuisance. Residents will suffer unbearable noise pollution by having people sitting and drinking outside the restaurant until 01:30 seven days per week. Residents would suffer from increased anti-social behaviour, fear of increasing crime such as handbag theft, muggings and aggressive street begging.

We are still prepared to meet with their management to explore if we can find an avenue for a compromise agreement. A signed copy of the

minutes of our committee meeting of 11th May 2009 is enclosed with this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ray Keavey', written over a horizontal line.

Ray Keavey
Chairman Octavia Hill Residents' Association

CC Cllr Adele Morris
Cllr Danny McCarthy
Zoe Bulmer SHTRA
Julian Smith WHTRA
Cllr Peter Truesdale Bishops Ward (Lambeth)
Kate Hoey MP

M Tuppen D Mills A Keavey K Willitts A Mills D Smith.

Octavia Hill Residents' Association

Minutes

Minutes of the committee meeting held on Monday 11th May 2009.

The meeting was held in the meeting room of St. Andrew's Church, Short Street.

Those present were:

RECEIVED

25 MAY 2009

Ray Keavey
Mike Tuppen
David Mills
Karen Willits
Allan Keavey
Anthony Mills

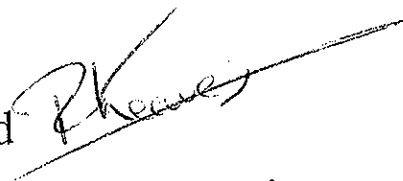
The chairman opened the meeting at 18:00.

He thanked members for attending at short notice and stated that there would be one item for discussion, the licence application for off sales – outside by TAS restaurant: The Secretary distributed copies of the application. The vice- chairman had visited the restaurant early last week to invite a representative of TAS to attend the meeting which had been declined. After long discussion it was agreed unanimously to object to the granting of the licence. The wording of the association's letter was agreed for submission. The chairman felt we


should include a compromise suggestion in the letter and this was agreed unanimously.

The Chairman said the second item on the original agenda would be carried over until the meeting on Monday 18th May after the on site visit between Network Rail, Valerie Shawcross AM and OHRA.

The chairman closed the meeting at 19:35

Signed 

Chairman

Signed 

Vice-Chairman

Dated: 11th May 2009.

Allan R Keavey

Flat 7, Tait House, Greet Street, London SE1 8NA
 Tel: 020 7261 1197 Mob: 07909
 email: strt1593@

Southwark Council Licensing
 Chaplin Centre Centre
 Thurlow Street
 London SE17 2DG

RECEIVED

26 MAY 2009

21st May 2009

Dear Sir or Madam,

Re: Licence Application Number 829686, TAS Restaurant 33 The Cut, SE1 8LF

I write to object to the granting of a licence to sell alcohol for consumption off the premises – outdoors. Having discussed this with my neighbour and my father we have agreed the reasons for objection and the format and contents of our letters are identical. Had we signed a joint letter it would have counted as one objection as opposed to three objections, therefore we are forwarding individual letters.

I detail below my reasons for objection:

- (a) In my opinion the premises management has not acted in a responsible or reasonable manner by placing tables and chairs outside the premises and serving alcohol at these tables when they **do not have a licence for tables and chairs to be placed outside the premises,** neither **do they have a licence to serve alcohol outside the premises.** A representative of our residents association visited the restaurant to invite the manager to attend a meeting with the purpose of pursuing and reaching an amicable compromise agreement. The invitation was declined.
- (b) **Public Nuisance.** I have attended many meetings and forums over the past 2 years hosted by both Southwark and Lambeth Councils to discuss problems created by outside drinking. These included inter alia noise pollution, anti – social behaviour and a fear of increasing crime such as handbag theft, muggings and aggressive street begging.

The number of bars and restaurants issued with late-night / early morning outside alcohol licenses have reached saturation point. The Cut and surrounding streets, Hatfields, Greet Street, Short Street, Ufford Street, Mitre Road and Windmill Walk are totally residential and living here is becoming unbearable and sleeping sometimes impossible. I am not anti-business or anti-alcohol. I have lived in Greet Street for 35years and have seen the results empty business premises have caused such as squatting, drug dealing, vandalism and increased crime, plus loss of local shop for residents.

The smoking ban has created most of the problem with pavement obstruction and late night noise pollution. I therefore would be prepared to discuss a compromise

agreement of a limited number of tables and six chairs on the pavement. Having discussed this with another resident the limit would be three tables and chairs. This would permit outside service from Monday to Saturday until 23:00 and Sunday until 22:30 this must be vigorously adhered to by their management and the tables and chairs removed from the pavement at deadline.

I look forward to receiving confirmation of my objection in due course.

Yours faithfully

A handwritten signature in black ink, appearing to read "A. Keavey". The signature is written in a cursive style with a large, sweeping flourish at the end.

Allan R Keavey.

David Smith

*London House
Notfield
London
SE1 8LQ*

RECEIVED

26 MAY 2009

23 May 2009

*Application to change
License 829686*

*Southwark Licensing Team
Chaplin Centre
Thurlow Street
London, SE17 "DG*

Dear Sir/Madam

*I wish to object to the application made by the holder of License 829868,
TAS Restaurant of 33 The Cut, SE1 8LF.*

*The council is currently conducting a survey into the residents' opinions
regarding a saturation policy in the area, the very existence of such a
survey indicates that the council is aware of the problems we already have
which it seems it is unable, or unwilling, to control.*

*We have problems with excessive noise unruly abusive behaviour, shouting,
screaming, foul language, urinating in public and vandalism (I am
currently facing a repair cost for a broken electric wing mirror of over £200
caused by drunken idiots late at night). The aggravation we as residents
suffer doesn't end at a reasonable hour - before midnight- it continues
until after 1 a.m., the customers of EV, Jack's Bar and Thai Silk in Isabella
Street seem to think it is a great idea to make as much noise as possible
whilst they wait for their horn honking door slamming cabs. Their false
bonhomie accompanied by hysterical screams and laughter only bring out
murderous thoughts in me, impotent rage is a terrible thing.*

*I identify the above as typical of what we suffer already and the owner of
TAS owns EV which is one of the culprits so I cannot see them controlling
customers outside TAS any better than they do with EV.*

*I believe that the owners and employees treat the council and its' rulings
with complete and utter contempt, as proof I enclose photo's that I took
earlier this evening, customers being served wine outside the premises at
eight o'clock, customers blocking the footpath, and all this before they have
an altered license. How bad will it be if you legitimise them?*

Added to this we have the considerable problem of mini-supermarkets in The Cut being the magnet for alcoholics and drug addicts throughout the night because of twentyfour hour trading, the drug dealers know where to find their customers and the shops know their customers are not going to report them for illegal trading. Because Southwark council either do not have the resources or the will to enforce their own rules and regulations, for whatever reason, I must, and will, object to every attempted encroachment upon my right to enjoy a relatively quiet life at night. Granting extensions to the licensing hours of any establishment in the area will make my life, at night, more miserable and unbearable than it already is because of lack of enforcement by Southwark Council of its own rules, regulations and licensing restrictions.

Sincerely,

Signature

David Smith.

Southwark Licensing Team,
Chaplin Centre,
Thurlon Street,
SE17 2DG

RECORDED
26 MAY 2009

Tait House
Greet Street,
London,
SE1 8NA

22 May 2009

Reference; Application 82968 – Cathedrals Ward.

I wish to lodge an objection to the above application.

My objections are based on the following –

- a) **Prevention of nuisance – the application premises are situated in an area where numerous other licensed premises exist which are allowing outside late drinking. This application is directly opposite licensed premises that have a record of blocking the pavement and drunken rowdy behaviour. This application would exasperate an already unacceptable problem in the adjacent area. The application premises are situated below residential properties and opposite a large bloke of residential properties. The applicant is already showing disregard of licensing rules by placing tables outside the premises, serving drinks to the public outside the premises and using adjacent communal seating for their own purposes.**
- b) **Public safety – due to the proximity of the premises off sale facilities that are allowed on the pavement will cause pedestrians to use the busy road to pass by. The area around these premises is already established as an area used by members of the street population, drug abusers and street criminals. The general public would be at risk from these elements because they would have to pass the premises.**
- c) **Prevention of nuisance – off sale activity would encourage undesirable elements of the population to hang around and cause nuisance to the resident population.**
- d) **Protection of children – children and their cares would have to negotiate drinkers on the pavement. This is not a suitable environment for young children.**

Yours sincerely



David E Mills

William Smith

Flat 1, Tait House, Greet Street, London SE1 8NA
Tel: 020 7 463 1111 Mob: 07972 111111

Southwark Council Licensing
Chaplin Centre Centre
Thurlow Street
London SE17 2DG

RECEIVED

28 MAY 2009

21st May 2009

Dear Sir or Madam,

Re: Licence Application Number 829686, TAS Restaurant 33 The Cut, SE1 8LF

I write to object to the granting of a licence to sell alcohol for consumption off the premises – outdoors. Having discussed this with my neighbours we have agreed the reasons for objection and the format and contents of our letters are identical. Had we signed a joint letter it would have counted as one objection as opposed to three objections, therefore we are forwarding individual letters.

I detail below my reasons for objection:

- (a) In my opinion the premises management has not acted in a responsible or reasonable manner by placing tables and chairs outside the premises and serving alcohol at these tables when they **do not have a licence for tables and chairs to be placed outside the premises,** neither **do they have a licence to serve alcohol outside the premises.** A representative of our residents association visited the restaurant to invite the manager to attend a meeting with the purpose of pursuing and reaching an amicable compromise agreement. The invitation was declined.
- (b) **Public Nuisance.** I have attended many meetings and forums over the past 2 years hosted by both Southwark and Lambeth Councils to discuss problems created by outside drinking. These included inter alia noise pollution, anti-social behaviour and a fear of increasing crime such as handbag theft, muggings and aggressive street begging.

The number of bars and restaurants issued with late-night / early morning outside alcohol licenses have reached saturation point. The Cut and surrounding streets, Hatfields, Greet Street, Short Street, Ufford Street, Mitre Road and Windmill Walk are totally residential and living here is becoming unbearable and sleeping sometimes impossible. I am not anti-business or anti-alcohol. I have lived in Greet Street for 35 years and have seen the results empty business premises have caused such as squatting, drug dealing, vandalism and increased crime, plus loss of local shop for residents.

The smoking ban has created most of the problem with pavement obstruction and late night noise pollution. I therefore would be prepared to discuss a compromise

agreement of a limited number of tables and six chairs on the pavement. Having discussed this with another resident the limit would be three tables and chairs. This would permit outside service from Monday to Saturday until 23:00 and Sunday until 22:30 this must be vigorously adhered to by their management and the tables and chairs removed from the pavement at deadline.

I look forward to receiving confirmation of my objection in due course.

Yours faithfully

A handwritten signature in black ink, appearing to read 'W. Smith', written in a cursive style.

William Smith.

From: James Hoy [JamesHoy@]
Sent: 27 May 2009 10:40
To: Regen, Licensing
Subject: Licence Number 829686

Dear Sir or Madam,

I'm writing to you to register my objection to the license application above; To Add off Sales to Retail of Alcohol.

Tas restaurants span a large area opposite my flat and noise from these premises is extremely bothersome—interfering with my rights as a resident of the area, to have peaceful night's sleep. Currently, noise and nuisance from this area disrupts me quite considerably. There is a constant through fare of visitors to the premises, in various stage of inebriation. It seems pointless to me to report the nuisance when it happens due to the fact they are just passing though from the restaurant to the Cut and surrounding areas. This does not mitigate the fact that it disturbs me on an almost nightly basis.

Also, noise from the courtyard space outside the restaurant is constantly annoying and the only saving grace at present is that it must stop at 11pm. I can only see this getting worse if the license extension is given and I will be kept up to a later and later hour. I also imagine the levels of inebriation will increase with a longer time period to sell alcohol, and therefore the number times the public are disturbed. Towards the end of the night at present, drunk people coming from Taz feel the need to urinate outside my flat and around the surrounding buildings – if a later license to sell alcohol is granted this will increase too. An outcome I am far from happy about.

I hope that you understand my and my neighbours' objections and refuse this license application.

Kind regards

James Hoy

Benson House

Hatfields

London

Se1 8DQ



please consider the environment before printing this e-mail.

THE CUT,
LONDON,
SE1 8LF
020
21/05/2009.

Dear Sir/Madam,

I am writing to strongly object to the granting of an off-sales addition to the present Tas alcohol License.

As it is I have problems sleeping/listening to the Radio And watching the Television, this is caused by the noise From the Young Vic. The local Public Houses seem to adhere to the rules, but the Young Vic seems to have its own rules, and don't seem at all concerned about the Residents. I feel that the extra noise coming from Tas Would severely impede my quality of life.

Yours Faithfully.



Mr B. J. Summerford

RECEIVED

7 MAY 2009

Southwark Licensing Team
Chaplin Centre
Thurlon St
London
SE17 2DG

Residents at
The Cut
London
SE1 8LF

25th May 2009

RE: Objection to 'Tas' Restaurant Licence Application

Dear Southwark Licensing Team

We have become aware of the application to add off sales to a present alcohol licence by the following applicant:

Applicant's name: TWO MEN AND A LADY LTD

Trading name and address:

Tas Restaurant

33 The Cut

SE1 8LF

Licence number: 829686

As residents of the area, living in very close proximity to these premises, we would like to lodge an objection to this licence based on the predominantly residential occupancy of this neighbourhood. The extended licence, allowing the serving of alcoholic drinks until 1.30am, would result in excessive noise at a very late hour, and on occasion undoubtedly lead to an increase in anti-social behaviour. These extended hours proposed for seven days a week would be very disruptive to residents, in particular during the week nights when work and other obligations must be addressed the following morning.

A number of the older residences above the shops and restaurants along The Cut still maintain single glazing. Therefore any external disturbance is even more pronounced within these properties. If the licence were to be granted the requirement for double-glazing would need to be addressed in these properties. This could prove difficult for tenants leasing the properties to negotiate, and expensive work for the property owners.

In addition to these points we believe granting the licence to this property would incite other restaurants and bars in this area to further their applications to include the same extensions. The only result could be a further increase in the disruptions outlined above.

We believe it to be an unreasonable request on local residents and would prove to be detrimental to our quality of living. We would like to suggest that the local council consider strongly the already unacceptable levels of disorder and anti-social behaviour brought about by the number of 24-hour stores, and understand the increase in such activity the extension of licences would bring.

We would greatly appreciate your careful consideration of the impact on local residents and request that it be rejected in order for the prevention of nuisance to those that would undoubtedly be directly affected by the granting of such a licence. Many thanks for your attention.

Yours sincerely,
The residents at The Cut

Ciara Langley
Ciara Langley

25/05/09
Date

Helena Ivins
Helena Ivins

25/05/09
Date

Sarah Fitzpatrick
Sarah Fitzpatrick

25th May 09
Date

From: Daniela Zitta [dzitta@
 Sent: 27 May 2009 21:52
 To: Omojomolo, Alex
 Subject: Re: RE: Objection TAS off-sales license

HELLO,

address is Benson House, Hatfields. SE18DQ.

Regards,
 Daniela

----- Original-Nachricht -----

> Datum: Tue, 26 May 2009 09:32:52 +0100
 > Von: [redacted]@southwark.gov.uk
 > An: "Daniela Zitta" <dzitta@
 > Betreff: RE: Objection TAS off-sales license

>
 > Daniela,
 >
 > Thanks for yours of 24/05/2009, but for me to be able to progress with
 > your letter I will need you to supply me with your address and full post code.
 >
 > As soon as I receive this I will be making a reply to your letter.

> Regards

>
 > Alex Omojomolo
 > Licensing Support Officer
 > London Borough of Southwark
 > Email: Alex.Omojomolo@southwark.gov.uk
 > General: licensing@southwark.gov.uk
 > Phone: 020 7525 5718
 > Fax: 020 7525 5705

>
 > For information on licenced premises
 > visit:-<http://licensing.southwarksites.com/>

>
 > For information on Personal licence
 > visit:-<http://licensing.southwarksites.com/licencepersonal.asp>

>
 > To download application forms click on the link
 > <http://www.southwark.gov.uk/businesscentre/licensing/applyforlicence>

> -----Original Message-----

> From: Daniela Zitta [mailto:dzitta@
 > Sent: 24 May 2009 18:31
 > To: Regen, Licensing
 > Subject: Objection TAS off-sales license

> Dear Sir or madam,

>
 > I would like to object to the recent application of TAS Restaurant on
 > the Cut to add off sales to their present alcohol license (License
 > number 829686). If the application were granted, TAS would be able to
 > add tables and chairs outside of the restaurant on the pavement and
 > serving alcoholic drinks from 11.00am to 1.30am seven days a week.

>
 > I live in the neighborhood. I'm female, single and living on my own.
 > Any time I come home later in the evening (after 10pm) I am
 > encountering drunk people in the streets. I feel harrassed. I have
 > witnessed anti-csocial behaviour before from customers of EV, Thai
 > Silk and Jack's Bar on Isabella Street well into the early hours of

> morning. Also, I can hear people shouting in the night, especially on the weekends.
 > The noise level is excessive.

> This is a residential area. If TAS would be allowed to add off sales
 > on seven days a week it would increase the amount of drunken people
 > around, increase the amount of anti-social behaviour, increase the
 > noise levels and would also mean that my sleep would be disturbed not
 > only on the weekends, but also during the week. I am often working long hours so
 > sleep is crucial.

> I therefore strongly object to this license being granted.

> Sincerely
 > Daniela Zitta

> --
 > Neu: GMX FreeDSL Komplettanschluss mit DSL 6.000 Flatrate +
 > Telefonanschluss für nur 17,95 Euro/mtl.!*
 > <http://portal.gmx.net/de/go/dsl02>

> To help create a sustainable environment please think carefully before
 > you print this e-mail. Do not print it unless it is really necessary.
 > *****
 > ***** Southwark Council does not accept
 > liability for loss or damage resulting from software viruses.

> The views expressed in this e-mail may be personal to the sender and
 > should not be taken as necessarily representing those of Southwark Council.

> The information in this e-mail and any attached files is confidential
 > and may be covered by legal and/or professional privilege or be
 > subject to privacy legislation. It is intended solely for the
 > individual or entity to which it is addressed. If you are not the
 > intended recipient, the retaining, distribution or other use of any
 > transmitted information is strictly prohibited.

> E-mails are transmitted over a public network and Southwark Council
 > cannot accept any responsibility for the accuracy of a message that
 > may have sustained changes in transmission

> This footnote also confirms that this email message has been swept by
 > MIMESweeper for the presence of computer viruses.

> *****
 > *****

--
 > Neu: GMX FreeDSL Komplettanschluss mit DSL 6.000 Flatrate + Telefonanschluss für nur
 > 17,95 Euro/mtl.!* <http://portal.gmx.net/de/go/dsl02>

From: on behalf of Regen, Licensing
Subject: FW: Licence number 829686 - applicant Two Men and a Lady Ltd

From: Karen Illingworth [mailto:mail@]
Sent: 15 May 2009 22:33
To: Regen, Licensing
Cc:
Subject: Licence number 829686 - applicant Two Men and a Lady Ltd

I understand that the above company has applied to extend their drinking licence at Tas Restaurant to run until 1.30am and that it should include the serving of drinks on the pavement.

I would like to object to the proposed changes in licencing at Tas Restaurant on the grounds that the restaurant is very close to residential accommodation and it is located in an open space with little, or no noise insulation. The noise that would be generated as a result of street drinking would cause a great deal of stress, inconvenience and nuisance to the residents. The area is already overwhelmed with bars that have little concern for local residents and we have already witnessed the noise that can emanate from these restaurants. In addition to this, there is legislation in this part of Southwark that allows the police to remove alcohol from 'street drinkers' and I would oppose any ruling that prevented equality of opportunity (some would consider it one law for the rich - those who can afford Tas prices, and one for the poor - those who buy in the local supermarket).

Incidentally, Tas Restaurant currently do not have a licence to have tables and chairs outside on the pavement but this does not stop them from doing so. In addition to this, they displayed their application on the windows of their premises but with the writing facing the inside of the building. They have now, after intervention, turned this around so that it can be read from the outside.

Karen Illingworth
Styles House
The Cut
London
SE1 8DF

From: on behalf of Regen, Licensing
Subject: FW: Licence number 829686 - applicant Two Men and a Lady Ltd

From: philippe chery [mailto:flipandflop@...]
Sent: 15 May 2009 22:59
To: Regen, Licensing
Subject: Licence number 829686 - applicant Two Men and a Lady Ltd

I understand that the above company has applied to extend their drinking licence at Tas Restaurant to run until 1.30am and that it should include the serving of drinks on the pavement.

I would like to object to the proposed changes in licencing at Tas Restaurant on the grounds that the restaurant is very close to residential accommodation and it is located in an open space with little, or no noise insulation. The noise that would be generated as a result of street drinking would cause a great deal of stress, inconvenience and nuisance to the residents. The area is already overwhelmed with bars that have little concern for local residents and we have already witnessed the noise that can emanate from these restaurants. In addition to this, there is legislation in this part of Southwark that allows the police to remove alcohol from 'street drinkers' and I would oppose any ruling that prevented equality of opportunity (some would consider it one law for the rich - those who can afford Tas prices, and one for the poor - those who buy in the local supermarket).

Incidentally, Tas Restaurant currently do not have a licence to have tables and chairs outside on the pavement but this does not stop them from doing so. In addition to this, they displayed their application on the windows of their premises but with the writing facing the inside of the building. They have now, after intervention, turned this around so that it can be read from the outside.

philippe chery
;styles house
the cut
SE1 8DF london

" Upgrade to Internet Explorer 8 Optimised for MSN. " [Download Now](#)

From: on behalf of Regen, Licensing
Subject: FW: Licence number 829686 - applicant Two Men and a Lady Ltd

From: PATRA MING [mailto:patramingo@]
Sent: 18 May 2009 09:05
To: Regen, Licensing
Subject: FW: Licence number 829686 - applicant Two Men and a Lady Ltd

I understand that the above company has applied to extend their drinking licence at Tas Restaurant to run until 1.30am and that it should include the serving of drinks on the pavement.

I would like to object to the proposed changes in licencing at Tas Restaurant on the grounds that the restaurant is very close to residential accommodation and it is located in an open space with little, or no noise insulation. The noise that would be generated as a result of street drinking would cause a great deal of stress, inconvenience and nuisance to the residents. The area is already overwhelmed with bars that have little concern and respect for local residents and we have already witnessed the noise that can emanate from these restaurants. In addition to this, there is legislation in this part of Southwark that allows the police to remove alcohol from 'street drinkers' and I would oppose any ruling that prevented equality of opportunity (some would consider it one law for the rich - those who can afford Tas prices, and one for the poor - those who buy in the local supermarket).

Incidentally, Tas Restaurant currently do not have a licence to have tables and chairs outside on the pavement but this does not stop them from doing so. In addition to this, they displayed their application on the windows of their premises but with the writing facing the inside of the building. They have now, after intervention, turned this around so that it can be read from the outside.
Also if this goes ahead it will encourage others business around the area to follow suit especially EV which is part of TAS.

Patra Ming
'Styles House
Hatfields
London
SE1 8DF

Share your photos with Windows Live Photos - Free. Try it Now!

APPENDIX C

Ashenden, Kristie

From: Regen, Licensing
Sent: 29 May 2009 16:26
To: Ashenden, Kristie
Cc: Stowell, Joanne
Subject: FW: Tas Restaurant, The Cut

From: Jane Whistler [mailto:jwhistler@...] [mailto:jwhistler@...]
Sent: 29 May 2009 15:58
To: Regen, Licensing
Subject: Tas Restaurant, The Cut

I am at The Cut, almost next door to Tas and have been in the area over 20 years. During that time the street has changed from a run down but friendly residential centre and is now taking its rightful place as a vibrant central London up market area with trees, cafe culture, theatres, music, museums and tourist facilities. I liked the old but time moves on and I really like the present vitality and possibilities of the area now.

I am happy for Tas to have a license and enjoy the current cafe culture on my doorstep.

Please allow the license



(c) Crown copyright. All rights reserved ((0)100019252) 2009

