

Licensing Sub-Committee

August 24 2009

10.00 am

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor David Hubber
Councillor Eliza Mann
Councillor Dominic Thorncroft

Reserves

Councillor Sandra Rhule

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Sean Usher on 0207 525 7222 or email: sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: August 14 2009



Licensing Sub-Committee

Monday August 24 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.	LICENSING ACT 2003 - BIAGO RESTAURANT - SOUTHWARK BRIDGE ROAD, LONDON SE1 9EU	1 - 40
6.	LICENSING ACT 2003 - LOVAGE INDIAN RESTAURANT, UNITS 13-15, THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JE	41 - 117
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.	

Item No. 5	Classification: Open	Date: August 24 2009	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – BIAGIO BANKSIDE, 32 SOUTHWARK BRIDGE ROAD, LONDON, SE1 9EU.	
Ward(s) or groups affected:		Premises are within: Cathedral Ward	
From:		Director of Environment and Housing	

RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Mr. Biagio Caroleo for a Premises Licence to be granted under the Licensing Act 2003 in respect of the premises known as Biagio Bankside, 32 Southwark Bridge Road, London, SE1 8EU.

Notes:

- a) *This application forms a new application for a premises licence, under Section 17 of the Licensing Act 2003. The application is subject to representations from a responsible authority (which was conciliated) and interested parties and is therefore referred to the Sub-Committee for determination;*
- b) *Paragraphs 7 to 9 of this report provide a summary of the application the Premises Licence under consideration by the Sub-Committee (A copy of the full application is provided at Appendix A).*
- c) *Paragraphs 11 to 13 of this report deal with the representations received to the Premises Licence application. (Copies of the relevant representations are attached as appendix B).*

BACKGROUND INFORMATION

The Licensing Act 2003

2. 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

Within Southwark, this Council wholly administers the licensing responsibility.

3. 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.

4. 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

5. The Act established a transitional period between 7 February 2005 and 6 August 2005 under which holders of existing Justices Licenses, Public Entertainment Licenses and Night Café Licenses were able to apply to the local licensing authority for "grandfather rights" conversion of those existing licenses into the relevant licenses under the new system. Licenses that were so converted were converted on existing terms, conditions and restrictions. The 6 August date having passed, operators must now apply for new licenses.

6. The premises licence application 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.

MATTERS FOR CONSIDERATION

The Premises Licence Application

7. On the 8th of June 2009, Mr. Biagio Caroleo applied to this Council for the grant of a new Premises Licence in respect of the premises known as Biagio Bankside, 32 Southwark Bridge Road, London, SE1 9EU.

8. The application is summarized as follows
 - Regulated entertainment (recorded music): between 09.00 and 00.30 the following day Monday to Saturday & between 12.00 (midday) and 00.00 (midnight) on Sundays.
 - Late night refreshment: Between 23.00 and 00.30 the following day Monday to Saturday & between 23.00 and 00.00 (midnight) on Sundays.
 - The supply of alcohol (for consumption on & off of the premises): between 10.00 and 00.00 Monday to Saturday & between 12.00 (midday) and 23.30 on Sundays.
 - Opening hours: between 09.00 and 00.30 the following day Monday to Saturday & between 12.00 (midday) and 00.00 (midnight) on Sundays.

9. The Premises Licence application form provides the applicant operating schedule. Parts F, L, M, O and P set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part P of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as appendix A.

Designated Premises Supervisor

10. The designated premises supervisor listed is Mr. Biagio Caroleo who has obtained a personal licence from London Borough of Westminster.

Representations from Interested Parties

11. Three representations have been submitted by local residents. The representations relate to the possibility of public nuisance arising as a consequence of the operation of the business. After corresponding with the applicant via the Licensing Unit one of the interested parties retracted their representation (please see paragraph 14 below – ‘Conciliation’). Copies of the representations submitted by interested parties are attached to this report as appendix B.

Representations from Responsible Authorities

12. No responsible authorities have submitted representations in regards to the application.

Disability Discrimination Act

13. The Southwark Disablement Association has no comments regarding this application.

Conciliation

14. The applicant contacted the interested parties via the Licensing Unit in regards to the representations submitted by the interested parties in an attempt to conciliate. Further correspondence was exchanged between the applicant and interested parties via the Licensing Unit. In the correspondence the applicant offered assurances that the proposed operation of the premises would not give rise to public nuisance. The applicant has also proffered conditions that would be added to the operating schedule of the application should the interested parties retract their representations. In respect of the conditions proffered by the applicant one of the interested parties retracted their representation. The conditions proffered by the applicant are as follows:

1. "That clearly legible signs are prominently displayed to the satisfaction of the council requesting that customers smoking and / or congregating outside of the premises do so in a quiet and orderly manner and are considerate of local residents"
2. "That a direct line telephone number will be made available to local residents should local residents be caused any nuisance by the operation of the premises"
3. "That there shall be no 'bottling up' or movement of goods and / or refuse into or out of the premises between 23.30 to 07.00"
4. "If at any time after 23.30 local residents are disturbed by recorded music emanating from the premises the volume of recorded music will be reduced on request."

Copies of the correspondence between the applicant and the interested parties are attached to this report as appendix C

Additional information on the past operating history of the premises.

15. A premises licence was previously held in respect of the premises by Bankside Restaurants Limited between the 4th of October 2005 & the 18th of February 2009. The licence was automatically rescinded as Bankside Restaurants Limited went into administration. The premises licence held by Bankside Restaurants Limited in regards allowed for licensable activities identical to those sought by the application that is the subject of this report (please refer to paragraph 8 above). Usually premises licences can be transferred between parties, however in the case of the licence holder becoming bankrupt, or if the licence holder is a company, going into administration, there is a limited time (7 days) in which the transfer can be applied for. As this period had elapsed, rendering the previous premises licence defunct,

it was not possible to transfer the previous premises licence between Bankside Restaurants Limited and Mr. Biagio Caroleo, thus an application for a new premises licence had to be made by Mr. Biagio Caroleo which is the subject of this report.

The Local Vicinity

16. A map of the vicinity is attached to this report as Appendix D. The premises is identified by a square & its name at the centre of the map. For purposes of scale-only the circle on the map has a 100-metre radius. The following licensed premises are also shown on the map;

- **Southwark Rose:** 43-47 Southwark Bridge Road SE1 9HH - Licenced for:

Regulated entertainment: Monday to Thursday between 11.00 & 01.00 the following day, Friday & Saturday between 11.00 & 02.00 the following day & on Sunday between 11.00 & 00.30 the following day

Supply of alcohol: As above

Late night refreshment: Monday to Thursday between 23.00 & 01.00 the following day, Friday & Saturday between 23.00 & 02.00 the following day & on Sunday between 23.00 & 00.30 the following day.

- **Southwark Rooms:** Shakespeare Tavern, 60 Southwark Street, London, SE1 1UN – licenced for:

Regulated entertainment: Monday to Wednesday between 12.00 (midday) & 00.00 (midnight), Thursday 12.00 & 01.00 the following day, Friday & Saturday 19.00 & 02.30 the following day & on Sunday between 19.00 & 23.00.

Supply of alcohol: Monday to Wednesday between 12.00 (midday) & 00.00 (midnight), Thursday 12.00 & 01.00 the following day, Friday & Saturday 19.00 & 02.00 the following day & on Sunday between 12.00 & 22.30.

Late night refreshment: Thursday between 23.00 & 01.00 and on Friday & Saturday between 23.00 and 02.00 the following day.

Southwark Council Statement of Licensing Policy

17. 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

- g. Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
- h. 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
- i. Section 6 details other relevant Council and Government policies, strategies, responsibilities and guidance, including the relevant Articles under the Human Rights Act 1998
- j. Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
- k. Section 8 provides general guidance on ensuring public safety including safe capacities
- l. Section 9 provides general guidance on the prevention of nuisance

- m. Section 10 provides general guidance on the protection of children from harm.
18. 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

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

CONSULTATIONS

20. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper on the 2nd of July 2009 and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

EQUAL OPPORTUNITIES IMPLICATIONS

21. 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 THE STRATEGIC DIRECTOR OF COMMUNITIES, LAW AND GOVERNANCE

22. The Sub-Committee is asked to determine the application for a Premises Licence under Section 17 of the Licensing Act 2003.
23. The principles which Sub-Committee members must apply are set out below.

Principles for making the determination

24. The general principle is that applications for Premises Licence applications 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.
25. 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.
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
26. 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
- (a) to grant the licence subject to-
 - (i) The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives, and

- (ii) Any condition which must under section 19, 20 or 21 be included in the licence
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application.

Conditions

27. The Sub-Committee's discretion is thus limited. It can only modify the Conditions put forward by the applicant, or refuse the application, 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.
28. The four licensing objectives are
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of nuisance; and
 - The protection of children from harm.
29. 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.
30. 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.
31. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

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

Hearing Procedures

33. 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.
34. This matter relates to the determination of an application for a Premises Licence under section 17 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

35. 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.
36. 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.
37. 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.
38. 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.
39. 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 licensing applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.

40. 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 to case basis.
41. 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 crime and disorder in the Borough.
42. 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.

Guidance

43. 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 DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Name: Mrs Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Application form
Appendix B	Representations from local residents
Appendix C	Correspondence between the applicant and the interested parties
Appendix D	Map of local vicinity

AUDIT TRAIL

Lead Officer	Jonathon Toy, Head of Community Safety and Enforcement
Report Author	Wesley McArthur, Licensing Enforcement Officer
Version	FINAL
Dated	10 th August 2009

Key Decision	No	
Consultation with other Officers / Directorates		
Officer Title	Comments sought	Comments included
Strategic Director Communities Law and Governance	Yes	Yes



Application for a premises licence to be granted 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.

I/We BIAGIO CARLED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
32 SOUTHWARK BRIDGE ROAD			
Post town	LONDON	Post code	SE1 9EU

Telephone number at premises (if any)	NA
Non-domestic rateable value of premises	£ 53,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname CARLEO			First names BIAGIO		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		45 WARDOUR STREET LONDON			
Post Town	LONDON		Postcode	W1D 6PZ	
Daytime contact telephone number		0207 287 4218			
E-mail address (optional)	XXXXXXXXXXXX@XXXXXX				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
0	1	0	7	2	0
0	9				

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note 1)

RESTAURANT AND BAR
 LARGE RESTAURANT WITH BAR AREA.
 BASEMENT PREMISES BELOW OFFICES
 CATERING TO LOCAL OFFICES WILL BE PROVIDED

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply 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)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
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)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	09-00	00-30	Please give further details here (please read guidance note 3)		
Tue	09-00	00-30			
Wed	09-00	00-30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	09-00	00-30			
Fri	09-00	00-30	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	09-00	00-30			
Sun	12-00	00-00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance 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"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (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					
Fri			<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)		
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					

1

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			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
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"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (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)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	00.30	Please give further details here (please read guidance note 3) ALL FOOD IS SERVED INDOORS MONDAY – SUNDAY		
Tue	23.00	00.30			
Wed	23.00	00.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) N/A		
Thur	23.00	00.30			
Fri	23.00	00.30	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) N/A.		
Sat	23.00	00.30			
Sun	23.00	00.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for <u>consumption (Please tick box)</u> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	10.00 10.00	00.00 00.00				N/A		
Tue	10.00 10.00	00.00 00.00						
Wed	10.00 10.00	00.00 00.00						
Thur	10.00 10.00	00.00 00.00						
Fri	10.00 10.00	00.00 00.00						
Sat	10.00 10.00	00.00 00.00						
Sun	12.00 12.00	23.30 23.30						
			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 (please read guidance note 5)					
			N/A					

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	ANTHONY BIAGIO CARLEO
Address	45 WARDOUR STREET LONDON
Postcode	W1D 6PZ
Personal Licence number (if known)	05 03 276 / LAPECS
Issuing licensing authority (if known)	

N

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)

N/A.

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	09.00	00.30	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	09.00	00.30	
Wed	09.00	00.30	
Thur	09.00	00.30	
Fri	09.00	00.30	
Sat	09.00	00.30	
Sun	12.00	00.00	

P Describe the steps you intend to take to promote the four licensing objectives:

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

The Operator of the premises will ensure that all staff receive training to a high standard. The owner is aware of the 4 licensing objectives as he owns several licensed restaurants in the west end of London.
He will comply fully with the health and safety requirements and adopt any reasonable recommendations.

b) The prevention of crime and disorder

The operator of the premises will liaise with the licensing authority when required to do so. CCTV is installed throughout the premises in the public areas and is monitored. The premises will be fully alarmed. The staff will be trained to deal with rowdy customers and if required the Police will be asked to attend.

c) Public safety

All fire escapes will be clearly marked and a full health and safety/fire risk assessment will be carried out and monitored. Ample fire extinguishing equipment will be installed in all areas. The staff will be trained to deal with emergencies and there will be adequate first aid equipment and materials on site and available to staff and the public.

d) The prevention of public nuisance

Signs will be clearly displayed warning customers to leave the premises quietly particularly at night. Drunk or unruly customers will be refused admission or asked leave the premises.

The forecourt will be kept clean and free of litter. Only background music will be played.

e) The protection of children from harm

All staff who work at the premises are specifically briefed on the importance of their responsibilities to ensure the protection of children. They will insist on proper I.D. for people who appear under 21 years of age.

Children and young people will not be served alcohol.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

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

Signature	Smithfield Partners
Date	29/5/2009
Capacity	SOLICITOR

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

PETER TILLY SMITHFIELD PARTNERS SOLICITORS 16 ST MARTINS LE GRAND, LONDON			
Post town	LONDON	Post code	EC1A 4EN
Telephone number (if any)	0207 397 8718		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) peter.tilly@smithfieldpartners.com.			

32 Southwark Bridge Road

30

RECEIVED

01 JUL 2009

72 Sumner Buildings
Sumner Street
London SE1 9JY
29/6/09

To Whom It May Concern:

Re: licensing application 829955

I am writing to express my concerns about the licensing application made by Mr Biagio Caroleo for a late drinks licence and a regulated entertainment licence at 32 Southwark Bridge Road.

I live in the flats on Sumner Street adjacent to this establishment and my flat, which is on the ground floor, faces onto the street where the entrance to 32 Southwark Bridge Road is.

The reason that I am concerned is that I fear that this late licence will cause a noise nuisance. The reason I say this is that the previous business at these premises, Bankside Restaurant, used occasionally to have late night events, with music. When this occurred, which was usually around Christmas time and perhaps twice monthly on other occasions, I was disturbed by the noise of music and the people who would gather outside to smoke.

Sumner Street at this point (where it joins Southwark Bridge Road) is hemmed in as there is a brick wall opposite (the Volkswagon garage) and noise reverberates.

I have no objection to noise until 11pm, but do not want to be subject to noise after this time, which I fear would be inevitable if this licence was granted.

I trust that you will consider my concerns.

Yours faithfully,

David Welch

David Welch

KZA WELCH

85 Sumner Buildings
Sumner Street
London
SE1 9JY

Wednesday 1 July 2009

Licensing application number: 829955
Applicant: Mr Biagio Caroleo
Address: 32 Southwark Bridge Road

Dear Sir or Madam,

I am concerned about the licensing application for 32 Southwark Road, mainly due to issues of noise, particularly as the application seems to be for an entertainment and drinks licence until after midnight every day of the week. The entrance to this bar is right next door to the block of Sumner Buildings where I live.

The previous bar at that location was a persistent noise issue. Never such that I ever made a formal complaint about it, but I frequently felt that I should have done. The main issues were music from inside the bar and noise from people standing around outside.

The music previously was loud enough to keep me awake until it ended, just from the bass leakage from the bar. It was even worse if the doors were left open, as they often were, especially during the summer. The music used to end at midnight, at which point I could get to sleep. If such noise is allowed to continue until after midnight, it would be an extreme inconvenience for those of us who live next door to the bar.

The other problem is from people standing around outside the bar. This was often a problem before but given the current smoking ban and the lack of anywhere else for people to smoke other than on the street outside the bar, I can only assume that this would be an even greater problem than it used to be.

All of this is exacerbated because Sumner Street is generally a very quiet street so any persistent source of noise such as this is even more bothersome and out of place. I hope that you will consider these issues in coming to a decision about the granting of any such licence for this location.

Yours faithfully,



Conrad Scott

RECEIVED
06 JUL 2009

Paul Murphy
65 Sumner Buildings
Sumner Street
LONDON SE1 9JY

RECEIVED

27 JUN 2009

Licensing Unit
Southwark Council
Chaplin Centre
Thurlow Street
LONDON SE17 2DG
27th June 2009

Dear Sir/Madam

Re: Planning Application for a restaurant at basement of 32 Southwark Bridge Road.

I am writing to declare my opposition to this planning application of Biagio Caroleo in its current format.

Firstly may I emphasise one major designation issue. Despite having the address of 32 Southwark Bridge Road – the entire restaurant site is on Sumner Street. In particular regard to this is that the entrance is some 40 metres into Sumner Street. The entrance is on the same side of the road as Sumner Buildings.

The end wall (west side) of the Bankside restaurant is only about 6 metres from the beginning wall of the nearest block of flats of Sumner Buildings. The only entrance and exit door of the restaurant is an additional 10 metres distant.

Because of the close proximity of the entrance to the first block of flats the granting of a licence with such late opening hours is completely unreasonable. Residents should be entitled to a quiet environment by 23.00 every night of the week. I personally go to sleep at this hour as I get up at 06.10 to get ready to go to work.

I live in a flat in the block behind the first adjacent block. We are able to hear loud music from the restaurant – especially when the door is open. We can also hear street noise from people using or leaving the restaurant. Smokers need to come outside on to the street to smoke.

The restaurant is in a location with very little available parking. So when users arrive and depart by car or taxi they will be dropped off at this entrance area. Particularly at departure time the exodus of people is a potential source of noise and disturbance for us local residents. The noise travels in via the six metre gap between the restaurant building and our buildings.

In principle I am not against a restaurant in the building. Unfortunately its close proximity to 50 of the 100 flats in Sumner Buildings is a big dilemma for this applicant site as a restaurant. People have been living in these flats for 78 years and hopefully the flats will last another 78 years. The use of the basement of 32 Southwark Bridge Road as a restaurant came many years later. Biagio may want to have another go at making this restaurant economically successful. I wish them luck. But I am opposed to anything in the licence that will make difficulties to our domestic rights and entitlements.

Yours Faithfully

Paul Murphy

SmithfieldPartners

16 St Martin's le Grand London EC1A 4EN Tel: 0845 539 1000 Email: Solicitors@smithfieldpartners.com

FAO: Wesley McArthur
Southwark Licensing Dept

Date: 7/7/ 2009

Our Ref: PJT/BIAGIO/0002

BY EMAIL

Tel: 0207 397 8752

Fax: 0207 397 8753

E-mail: Peter.Tilly@smithfieldpartners.com

Dear Sirs

Premises Licence Application at 32 Southwark Bridge Road

Thank you for the emailed copies of the two representations. Our client obviously does not wish to cause any nuisance or annoyance to the surrounding local occupants and would hope that they in turn frequent his new restaurant. Biagio Caroleo is a very experienced restaurateur owning many businesses in the West End and out as far as Bromley and runs extremely professional businesses.

This new venture is to be run purely as a restaurant which also has a bar like most other restaurants where patrons may drink before or after their meal. Mr Caroleo has considered the representations and it appears that the local objectors have reached the conclusion that there will be loud music playing until after midnight.

Mr Caroleo wishes to emphasize that any music played will be purely low volume background music for his restaurant which is the principal business at the premises. Mr Caroleo expects the restaurant to be busiest on weekday lunchtimes catering for the local office trade.

Further, early evenings up to around 10pm will be the next busiest time. Late evenings and weekends it is envisaged will be the quiet period as office staff need to travel home.

Mr Caroleo is prepared to turn the background music down to a very low level or even off at 11.30pm if the objections are removed.

Further with regard to the smoking/external noise issues. Mr Caroleo will not allow patrons to congregate in Sumner Street to smoke; they will be urged to either move to the front of the building in Southwark Bridge Road or stand across the road in the adjacent car park. This he believes will negate the possibility of nuisance from any smokers. He will also erect signs asking patrons and smokers to be quiet and to consider the local residents.

As the premises is a restaurant, patrons will leave at varying times so that when the premises closes, there will not be large numbers of people leaving at once and because of

the location and parking restrictions in the area, there should not be any noise from car doors slamming at night.

Please will you pass these concessions on to the two people who have taken the trouble to voice their concerns and please convey that Mr Caroleo wishes his business to enhance the local area rather than becoming a nuisance to the local residents.

Yours sincerely

**Peter Tilly LLB(Hons) Notary Public
Smithfield Partners**

RECEIVED

21 JUL 2009

72 Sumner Buildings
Sumner Street
London SE1 9JY

17/7/09

Dear Mr McArthur,

Re: Application for licence at 32 Southwark Bridge Rd (Ref 172178)

Thank you for passing on to me the reply from Mr Caroleo, and could you thank him for taking the trouble to consider my concerns re his licence application?

I have a number of comments to make.

Could I ask if there is an intention to put on live music, or will the music played be purely background music?

I appreciate the offer to turn the music down at 11:30, but will a noise level be imposed on this music as a condition of the licence?

Mr Caroleo acknowledges that there may be a possible nuisance posed by patrons smoking outside the premises and that some noise is likely. He suggests that they will be asked to move to Southwark Bride Rd, or the car park opposite the restaurant on Sumner St.

Can I ask how he intends to enforce this?

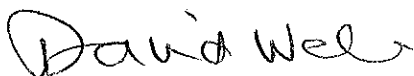
Also, it is likely, in my view, that smokers will be likely to gravitate away from Southwark Br Rd, as there is more traffic noise here, and are more likely to prefer Sumner St which is a quiet residential street.

As for the car park, can I ask if Mr Caroleo has permission from the owners or does he own this land?

I must say that the car park is on Sumner St and noise will still carry.

I remain concerned, and will make further suggestions following clarification of the above.

Yours sincerely,



David Welch

SmithfieldPartners

16 St Martin's le Grand London EC1A 4EN Tel: 0845 539 1000 Email: Solicitors@smithfieldpartners.com

FAO: Wesley McArthur
Southwark Licensing Dept

Date: 22/7/ 2009

Our Ref: PJT/BIAGIO/0002

BY EMAIL

Tel: 0207 397 8752

Fax: 0207 397 8753

E-mail: Peter.Tilly@smithfieldpartners.com

Dear Sirs

Premises Licence Application at 32 Southwark Bridge Road

Thank you for the emailed copy of the letter received from your concerned resident.

I can confirm on behalf of Mr Biagio that the premises is a restaurant not a night club.

It is not expected that live music will be played as it is not a condition of the licence.

As regards limiting the sound of the premises, the Councils own noise enforcement department will very quickly act if there are reports of noisy businesses. I would not consider sound level to be an issue thus warranting any conditions as it has been stated before, this is a restaurant.

Regarding the nuisance that could be caused by smokers, as previously mentioned there will be adequate signage asking patrons to consider local residents and that if at any time you feel a nuisance is being caused which we hope will not be the case, we will provide a direct line telephone number that you may call to report such activities.

I cannot stress enough that Mr Caroleo is a very experienced and long established restaurateur and runs many other establishments in central London without problems.

Peter Tilly LLB(Hons) Notary Public
Smithfield Partners

McArthur, Wesley

Subject: FW: Response to premises licence application for 32 Southwark Bridge Road

-----Original Message-----

From: Conrad Scott

Sent: 26 July 2009 16:31

To: McArthur, Wesley

Subject: Response to premises licence application for 32 Southwark Bridge Road

Dear Wesley,

I spoke to you briefly on Friday about the premises licence application for 32 Southwark Bridge Road (Biagio Bankside).

First, could you pass my apologies to Mr Carleo for the delay in my response to his proposal of July 7. I have been away on holiday and haven't had a chance to respond before now.

On his behalf, his agents (Smithfield Partners) made two suggestions in their response: a time limit on the music and some comments on the positions of people smoking outside the bar.

On the second one, I'm not too worried about people smoking outside as long as there are not large numbers of them, and that people don't congregate outside drinking and smoking, as happens with some bars in the summer for example. Could there perhaps be a limit on the numbers of customers who could be standing around outside the bar or if the customers could not drink outside the bar? If the licence is for a restaurant, rather than primarily for a bar, I don't see that there would be too much problem with this from the licensee's perspective.

On the issue of noise, if the music is just as background music then I would not see anything to complain about. The previous owners used to play extremely loud music some evenings, especially when they were running private parties. Could there perhaps be a limit on the volume of the music or else a limit on the time that music could be played? Mr Carleo suggests that the music could be turned down or off at 11.30pm, which seems a very reasonable proposal to me. Then again, if the music was limited to just reasonably quiet background music then I could see no reason that it couldn't continue until closing time. If it was meant to be loud, then 11.30pm would be acceptable to me as a limit.

One last comment is on the issue of putting out the rubbish and bottles at the close of business. I believe that the last owner was meant to do this inside the shuttered area to the side of the bar if they were doing so late at night. Emptying bottles into the bins late at night is particularly obnoxious. If done within the shuttered area, it would be much better. Otherwise could there be a time limit on this, say 11.30pm at latest, and 7am at earliest, or something like that?

I hope that some agreement can be reached on these matters and I would be sorry if my objection caused any problems for the applicant. I can only apologise again for my delay in responding to his proposals.

All the best,
Conrad Scott

SmithfieldPartners

16 St Martin's le Grand London EC1A 4EN Tel: 0845 539 1000 Email: Solicitors@smithfieldpartners.com

FAO: Wesley McArthur
Southwark Licensing Dept

Date: 29/7/ 2009

Our Ref: PJT/BIAGIO/0002

BY EMAIL

Tel: 0207 397 8752

Fax: 0207 397 8753

E-mail: Peter.Tilly@smithfieldpartners.com

Dear Sirs

Premises Licence Application at 32 Southwark Bridge Road

With regard to the two local resident objectors, my client Mr Caroleo is happy to provide the following conditions with respect to his application for a premises licence for his restaurant.

1. "That clearly legible signs are prominently displayed to the satisfaction of the council requesting that customers smoking and / or congregating outside of the premises do so in a quiet and orderly manner and are considerate of local residents"
2. "That a direct line telephone number will be made available to local residents should local residents be caused any nuisance by the operation of the premises"
3. "That there shall be no 'bottling up' or movement of goods and / or refuse into or out of the premises between 23.30 to 07.00"
4. "If at any time after 23.30 local residents are disturbed by recorded music emanating from the premises the volume of recorded music will be reduced on request."

Peter Tilly LLB(Hons) Notary Public
Smithfield Partners

McArthur, Wesley

Subject: FW: Biagio, 32 Southwark Bridge Road, SE1 9EU.

From: David Welch
Sent: 30 July 2009 17:00
To: McArthur, Wesley
Subject: RE: Biagio, 32 Southwark Bridge Road, SE1 9EU.
Dear Mr McArthur,

Thank you for keeping me in touch with correspondence etc.
Could you let Mr Caroleo know that I am grateful for his efforts to accommodate my objections and that I accept his assurances that any noise and other nuisances will be kept to a minimum. I am pleased that he will give us a number to call if we experience noise nuisance after 11:30 and that he will turn the music down after this time.
I can confirm that I wish to lift my objections and do not see any necessity for a formal hearing.

Regards

David Welch

From: McArthur, Wesley [mailto:Wesley.McArthur@southwark.gov.uk]
Sent: 30 July 2009 13:41
To: David Welch
Subject: Biagio, 32 Southwark Bridge Road, SE1 9EU.

Dear Mr. Welch,

Please find attached correspondence from the applicant's agent in respect of the application for a premises licence submitted in regards to the above premises. Please return any comments you may have in regards to the correspondence to me as soon as possible.

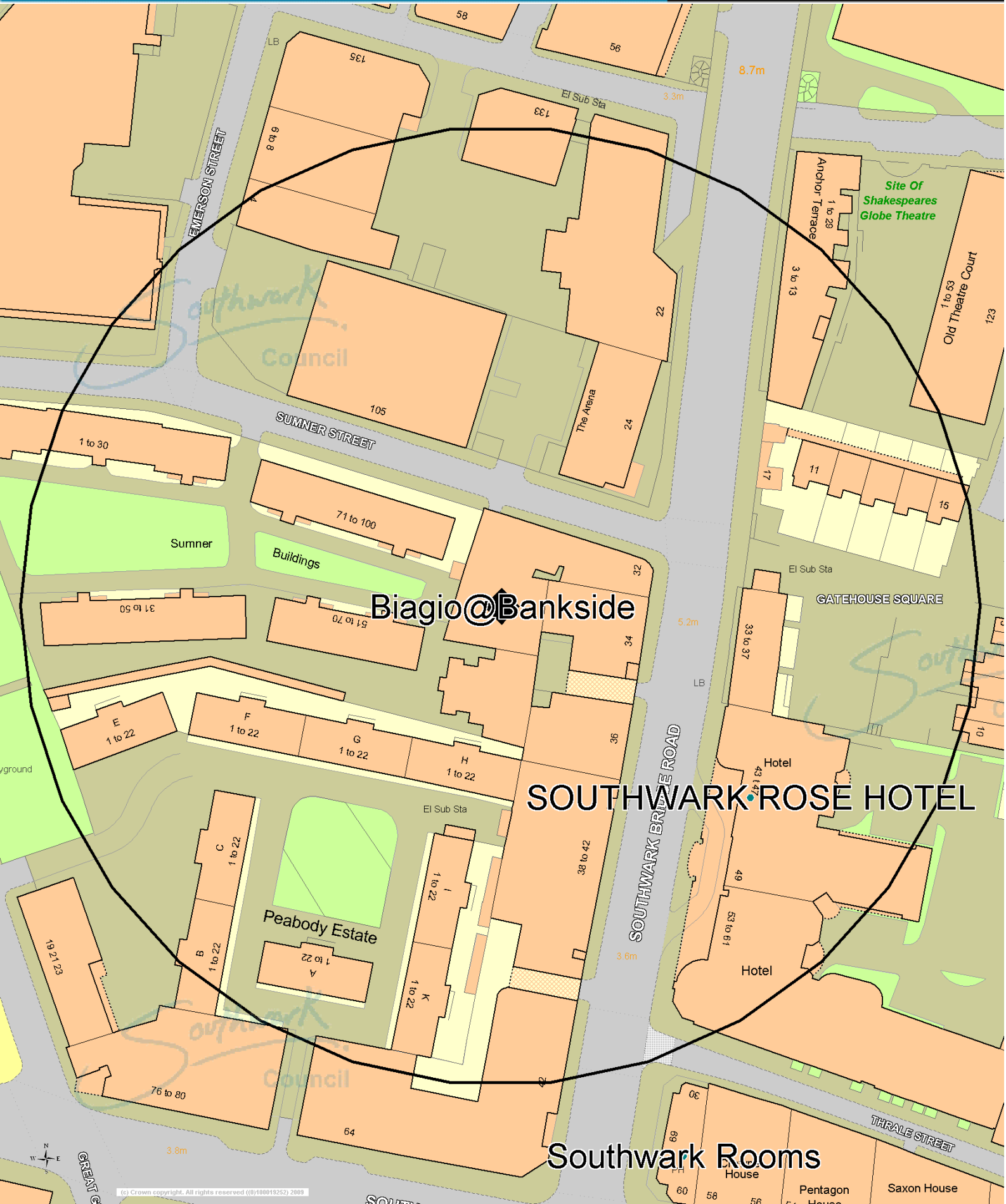
Regards,

Wesley McArthur

Licensing Enforcement Officer
London Borough of Southwark
E-mail: wesley.mcarthur@southwark.gov.uk
General: licensing@southwark.gov.uk
Phone: 020 7525 5779
Fax: 020 7525 5705

<<letter to Southwark re objections 30 7 09 (2) (2) (2).doc>>

Date 7/8/2009



Biagio@Bankside

SOUTHWARK ROSE HOTEL

Southwark Rooms

Item No. 6	Classification: Open	Date: 24th August 2009	MEETING NAME Licensing Sub-Committee
Report title:		LICENSING ACT 2003 – Lovage Indian Restaurant, Units 13-15 The Circle, Queen Elizabeth Street, SE1 2JE	
Ward(s) or groups affected:		Premises are within: Riverside	
From:		Director of Environment and Housing	

RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Mohammed Shafiqur Chowdhury for the variation of the Premises Licence granted under the Licensing Act 2003 in respect of the premises known as Lovage Indian Restaurant, Units 13-15 The Circle, Queen Elizabeth Street, London, SE1 2JE.
2. **Notes:**
 - a) *This application forms an application for the variation of a Premises Licence, under Section 34 of the Licensing Act 2003 (A copy of the Premises Licence is attached as Appendix A). The application is subject to representations from Interested Parties and Responsible Authorities and is therefore referred to the Sub-Committee for determination;*
 - b) *Paragraphs 9-12 of this report provide a summary of the application to vary the Premises Licence under consideration by the Sub-Committee (A copy of the full application is provided at Appendix B)*
 - c) *Paragraphs 13 to 16 of this report outline the representations received in respect of the Premises Licence variation application. (Copies of the relevant representations are attached as appendices C to E)*

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received Royal Assent on 10 July 2003 and came into effect on 24 November 2005. The Act established a new licensing regime for
 - a) The sale of and supply of alcohol;
 - b) The provision of regulated entertainment; and
 - 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.
8. It was also open to existing operators to simultaneously vary their converted licences and to new operators to apply for new licences under the system. In both cases, the applications process requires the applicant to provide all relevant information under the Act to the licensing authority with copies to the relevant responsible bodies. 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.

MATTERS FOR CONSIDERATION

The Application Under Consideration

9. On the 26th September 2006 a licence was granted to Mr A for the premises now known as Lovage Indian Restaurant, Units 13-15 The Circle, Queen Elizabeth Street, London SE1 2JE. On 15th July 2008 the licence was transferred to Mr Mohamed Shafique Chowdhury. A copy of the licence is attached as appendix A to this report.
10. On the 25th June 2009 Mr Chowdhury submitted an application to vary the premises licence issued in respect of the premises known as Lovage Indian Restaurant, Units 13-15 The Circle, Queen Elizabeth Street, SE1 2JE. The application to vary the Premises Licence is made in accordance with Schedule 34 to the Licensing Act 2003, which is attached to the report as appendix B.
11. The application is to remove conditions 109, 122, 139, 340, 341, 840, 841 and 842. There is no application to amend the hours of operation. Listed below are the conditions that this application refers to:

109 Alcohol shall not be sold or supplied except during permitted hours and the hours stated below.

- a. On Good Friday, 12 noon to 10.30.p.m.
- b. On Christmas Day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- c. On New Year's Eve, except on a Sunday, 10.00 .a.m. to 11.00.p.m.
- d. On New Year's Eve on a Sunday, 12 noon to 10.30.p.m.

The above restrictions do not prohibit;

- i) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- ii) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- iii) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption

as ancillary to the meals;

iv) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

v) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;

vi) The sale of alcohol to a trader or club for the purposes of the trade or club;

vii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

viii) The taking of alcohol from the premises by a person residing there; or

ix) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or

x) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises.

122 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies

a. He is the child of the holder of the premises licence

b. He resides in the premises, but is not employed there

c. He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient means of access or egress

d. The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as ancillary to their table meals.

139 No temporary event notice shall be made with relation to this premises.

340 That all door and windows are to be kept closed except for egress (where there are licensable activities).

341 That a SIA registered door supervisor will be employed to control admissions to and from the premises.

840 That CCTV will be installed to the satisfaction of the Metropolitan Police.

841 That no glasses or bottles are allowed outside of the premises.

842 That no patrons are allowed outside of the premises after 22:00 each night.

12. The Premises Licence variation application form provides the applicant company's operating schedule. Part P sets out additional measures with reference to the four licensing objectives, that Mr Chowdhury is prepared to undertake in accordance with this variation.

Representations from Responsible Authorities

13. Southwark Police Licensing Office submitted a representation in respect of the application on the 7th July 2009. The representation confirms that the police would agree to condition 109, 122,

139 and 341 being removed. However, they state that condition 340, 840, 841 and 842 should remain in force. A copy of their representation is attached as appendix C.

14. The Environmental Protection Team submitted a representation in respect of the application on the 1st July 2009. The representation states that they would request condition 340, 841 and 842 remain on the licence as the removal of the conditions would likely cause complaints from residential properties. A copy of the representation is attached as appendix D.
15. There were no representations submitted by any other responsible authorities.

Representations from Interested Parties

16. Representations have been received from 19 interested parties, including the Shad Thames Residents Association. Copies of these representations are attached in appendix E. The representations submitted by interested parties are primarily concerned with the possibility that removing the conditions of the premises licence would result in increased disturbance and anti social behaviour to the area.

Additional information on the past operating history of the premises (*for information only*)

17. During the transition period, the previous licensee Mr A applied to vary the licence to increase the hours of operation. The application received opposition from the Police and fifty local residents, and the matter was considered by members of the Licensing Committee in September 2006, who granted the application in part. Members also imposed additional conditions to the premises licence.
18. During the period of September 2006 and May 2007 a total of 35 complaints were made to the licensing unit from local residents, concerning amongst other things anti social behaviour from customers of the premises.
19. In March 2007 an application requesting a review of the premises licence was made by the Council's Environmental Protection Team. A further nine letters from interested parties and one from the police were received supporting the review. Members considered the review in May 2007 and removed the embedded right to private entertainment and the right to provided recorded sound. They also added a condition that Mr A would be removed as the designated premises supervisor with effect from 1 July 2007. Mr A appeal against this decision to the magistrates court, however this was not successful.
20. An application to vary the designated premises supervisor was made to transfer the licence from Mr A to Mrs A in August 2007. As stated above the licence was transferred to Mr Chowdhury in July 2008. No further complaints have been made to the licensing unit regarding the operation of the premises since the transfer of the licence to Mr Chowdhury.

Operating History

21. The premises were last inspected on 16th May 2009. During the course of the inspection it was noted that there was no registered door supervisor working. Mr Chowdhury was issued with a warning letter advising him that this was a breach of condition 341 of the premises licence. As stated, an application to vary the licence was made on the 25th June 2009 to remove several conditions of the premises licence and one of them being 341. The police have stated that they are happy for this condition to be removed (see appendix c).

Map

22. A map of the local vicinity is attached as appendix F. Other licensed premises identified within 100 metres of the premises are;

- Tentazioni Fine Foods, Unit 19, The Circle, Queen Elizabeth Street, SE1 2LP
Licensed for alcohol sales off the premises on Monday to Friday from 07.00 to 20.00; on Saturday from 08.00 to 20.00 and on Sunday from 09.00 to 20.00.
- Hing Lee, 32 Curlew Street, SE1 2ND
Licensed for alcohol sales on and off the premises and late night refreshment on Monday to Saturday from 11.00 to 00.30 and on Sundays from 12.00 to 00.00.
- The Circle Store, Unit 22 the Circle, Queen Elizabeth Street, SE1 2JE
Licensed for alcohol sales off the premises on Monday to Sunday from 07.00 to 23.00.
- The Kings Arms, 251 Tooley Street, SE1 2JX
Licensed for late night refreshment and alcohol sales on and off the premises on Monday to Sunday from 10.00 to 01.30.

Southwark Council Statement of Licensing Policy

23. Council Assembly approved the second revision of Southwark's Statement of Licensing Policy on 2nd April 2008; this policy represents the Council's policy or 2008-2011. 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.

24. 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

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

CONSULTATIONS

26. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

EQUAL OPPORTUNITIES IMPLICATIONS

27. 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

28. The Sub-Committee is asked to determine the application for a Premises Licence variation under Section 35 of the Licensing Act 2003. The principles, which Sub-Committee members must apply, are set out below.

Principles for making the determination

29. The general principle is that applications for Premises Licence variations 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.

30. 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.
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

31. 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

32. The Sub-Committee's discretion is thus limited. It can grant the application with or without modifications to the conditions, or it can refuse all or part of the application, 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.

33. 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.

34. 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.

35. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night cafe and take away aspect of the licence 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 operations.

36. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

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

Hearing Procedures

38. 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.

39. This matter relates to the determination of an application for a Premises Licence variation 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

40. 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.

41. 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.

42. 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.

43. 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.

44. 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 licensing applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.

45. 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-to-case basis.

46. 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 crime and disorder in the Borough.

47. 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.

Guidance

48. 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.

APPENDICES

No.	Title
Appendix A	Premises licence
Appendix B	Variation application
Appendix C	Police representation
Appendix D	Environmental Protection Team representation
Appendix E	Interested parties' representations
Appendix F	Local vicinity map

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	The Chaplin Centre, Thurlow Street, SE17 2DG	Mrs Kirty Read at the Chaplin Centre Telephone 0207 525 5748
Lead Officer	Jonathan Toy, Head of Community Safety and Enforcement	
Report Author	Rosanna Keogh, Principal Licensing Officer	
Version	Final	
Dated	6 th August 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Executive Member	No	No
Date final report sent to Constitutional Support Services	6 th August 2009	

Licensing Act 2003 Premises Licence

50 APPENDIX A
RECEIVED

30 JUN 2009

Southwark
Council

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

Premises licence number

827859

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Lovage Indian Restaurant Units 13 To 15, The Circle Queen Elizabeth Street London SE1 2JE	
Ordnance survey map reference (if applicable), 179838533778	
Post town London	Post code SE1 2JE
Telephone number 0207 403 8886	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Late Night Refreshment
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	08:00 - 00:30
Tuesday	08:00 - 00:30
Wednesday	08:00 - 00:30
Thursday	08:00 - 00:30
Friday	08:00 - 01:00
Saturday	08:00 - 01:00
Sunday	08:00 - 00:00

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

Late Night Refreshment

Monday	23:00 - 00:30
Tuesday	23:00 - 00:30
Wednesday	23:00 - 00:30
Thursday	23:00 - 00:30
Friday	23:00 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:30
Saturday	10:00 - 00:30
Sunday	10:00 - 00:00

Part 2

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

Mohammed Shafiqur Chowdhury
 Units 13 To 15
 The Circle, Queen Elizabeth
 Street
 London
 SE1 2JE
 07940 514592

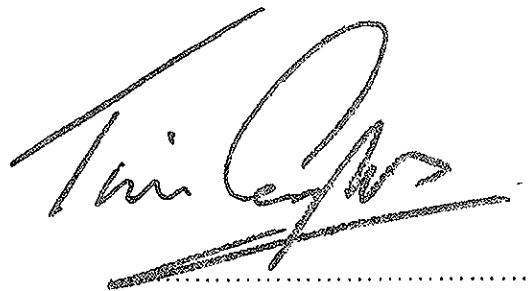
Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mohammed Shafiqur Chowdhury
 4 Kinsham House
 Ramsey Street
 London
 E2 6HS

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. 11975
 Authority L B Tower Hamlets

Licence Issue date 28/07/2008



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

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.

107 Any individual carrying out security activities at the premises must be licensed by the Security Industry Authority. This does not apply where the premises are being used primarily as a Qualifying Club under a Club Premises Certificate, under a Temporary Event Notice, or primarily as a cinema, restaurant or theatre.

Annex 2 - Conditions consistent with the operating Schedule

109 Alcohol shall not be sold or supplied except during permitted hours and the hours stated below.

- a. On Good Friday, 12 noon to 10.30.p.m.
- b. On Christmas Day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- c. On New Year's Eve, except on a Sunday, 10.00 .a.m. to 11.00.p.m.
- d. On New Year's Eve on a Sunday, 12 noon to 10.30.p.m.
- e. 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).

The above restrictions do not prohibit;

- i) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- ii) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- iii) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- iv) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- v) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- vi) The sale of alcohol to a trader or club for the purposes of the trade or club;
- vii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- viii) The taking of alcohol from the premises by a person residing there; or
- ix) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or
- x) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the

holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises.

116 a.Alcohol may be sold or supplied until midnight to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes, or in other parts of the premises, the hours set out above shall continue to apply.

b.Alcohol may be sold or supplied on

Christmas Day from 3.00pm to 7.00pm to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes, or in other parts of the premises, the hours set out above shall continue to apply.

122 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies

a.He is the child of the holder of the premises licence

b.He resides in the premises, but is not employed there

c.He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient means of access or egress

d.The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as ancillary to their table meals.

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.

138 Substantial food and non intoxicating beverages other than intoxicating liquor (including free drinking water) shall be available during the whole of the permitted hours.

139 No temporary event notice shall be made with relation to this premises.

288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of twenty-eight days.

318 The premises shall have air conditioning installed and maintained in good working condition.

340 That all door and windows are to be kept closed except for egress (where there are licensable activities).

341 That a SIA registered door supervisor will be employed to control admissions to and from the premises.

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

840 That CCTV will be installed to the satisfaction of the Metropolitan Police.

841 That no glasses or bottles are allowed outside of the premises.

842 That no patrons are allowed outside of the premises after 22:00 each night.

843 To install sound containment measures to deal with the extractor fan and either renew or replace to the satisfaction of the council's Noise Team.

Annex 4 - Plans - Attached

Licence No.	827859
Plan No.	CB/01/FFP/03
Plan Date	Nov 2003

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.

~~IVE~~ MOHAMMED SHAFIQUR CHOWDHURY
(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	827859
-------------------------	--------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
LOVAGE INDIAN RESTAURANT 13-15 THE CIRCLE QUEEN ELIZABETH STREET			
Post town	LONDON	Post code	SE7 2JE

Telephone number at premises (if any)	0207 403 8886
Non-domestic rateable value of premises	£ 4,301 - 33,000 BAND B

Part 2 – Applicant details

Daytime contact telephone number	07940 514592		
E-mail address (optional)	shafiq@lovagerestaurant.com		
Current postal address if different from premises address	/		
Post Town		Postcode	

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 Remove conditions;

- ✓ 341 - That a SIA registered door Supervisor will be employed
- ✓ 122 - No person under fourteen shall be in the bar, ... ect
- ✓ 139 - No temporary event notice shall be made with relation to this premises.
- 340 - That all door and windows are to be kept closed except for egress.
- ✓ 841 - That no glasses or bottles are allowed outside of the premises
- 842 - That no patrons are allowed outside of the premises after 22:00 each night
- 840 - That CCTV will be installed to the satisfaction of Metropolitan Police.
- ✓ 109 - Condition 109 except point "e" that Alcohol shall not be sold or supplied except during permitted hours and hours stated below. ect ...
Remove conditions: a, b, c, d, i, ii, iii, iv, v, vi, vii, viii, ix, - and x.

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)			Will the performance of a play 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 performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)	
Thur				
Fri				
Sat			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 (please read guidance note 5)	
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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 (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 indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				Please give further details here (please read guidance note 3)	
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur			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)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded 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 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)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
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>		
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)		Indoors
			Outdoors		<input type="checkbox"/>
			Both		<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
			<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)		

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"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed				
Thur			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Fri				
Sat			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)	
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)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed						
Thur						
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Fri			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)			
Sat						
Sun						

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 type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			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 (please read guidance note 5)	

N

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)

None.

0

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	0800	0030	<p>None.</p> <p>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)</p> <p>None.</p>
Tue	0800	0030	
Wed	0800	0030	
Thur	0800	0030	
Fri	0800	0100	
Sat	0800	0100	
Sun	0800	00:00	

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

341, 122, 139, 340, 841, 842, 840 and 109.

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

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)

Please see attached.

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	<i>Ramy</i>
Date	4/6/09
Capacity	Proprietor

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)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

The protection of children from harm

Lovage Restaurant recognises the importance of protecting children from harm and this is supported by our approach to managing the risk of under age drinking, our commitment to health & safety of premises as outlined below.

Lovage Restaurant will at all times observe the legal and social obligations and ensure that alcohol is not served to people who are under 18 years old, an age identification scheme shall be established and maintained.

If a guest appears to be under 21 then we require proof that he/she is over 18. As a matter of course, In these circumstances all team members, are made aware on there ongoing training and training manual of Lovage Restaurants legal and social obligations, and of the need for proof of age.

Members of staff are required to:-

- Ask for identification. Only three types are acceptable:-
 - Proof of age card with 'PASS' accredited hologram
 - International Passport.
 - UK photograph driving license.
- Explain that it is against the law to serve alcohol to Under 18's.
- If a guest does not have identification, suggest they return with some and they will be served when they do.

Lovage Restaurant will also have a policy were no unaccompanied children will be allowed on the premises and understands its reasonability in protecting children from harm.

The prevention of public nuisance

Lovage Restaurant recognises the importance of respecting the local neighborhood where our restaurant operates and a policy exists to support our intentions.

We understand our operations can cause a range of nuisances impacting on people living, working in the vicinity of the premises and the day to day operations of the restaurant should not adversely affect local neighbors, and we will take all reasonable / practical steps to minimise disturbance.

Lovage Restaurant has a policy were staff escort the customers to and from the table to prevent disturbance by staff following some simple practices

- Greeting at the door to prevent disturbance or obstruction
- Advising customers to the nearest public transport
- Arranging licensed taxis
- Escorting customer to the door/taxi when leaving the restaurant
- Smoking customers are always asked not to cause disturbance to our neighbors. It has been seen over the last 9 months of the restaurant operating; smoking customers go out in small numbers ie 2 at any one time.
- Staffs are advised to leave the premises quietly

In addition to the above Lovage Restaurant will use notices on exits doors requesting customers to leave the area quietly and carry out regular parameter checks around the premises for noise escape or noisy customers outside.

The Management at Lovage Restaurant will be active members of the community and deal directly with neighbors quickly and amicably to resolve any issues that may arise.

Public safety

Lovage Restaurant complies fully with the Health and Safety at Work etc Act 1974 as amended and associated legislation. Lovage Restaurant uses risk assessments as the key means of identifying risks to both staff and customers and then introduces safe working practices to remove the risk or reduce it to an acceptable level.

Crime and disorder

Lovage Restaurant takes its responsibility in relation to sensible drinking very seriously.

We support regional Crime and Disorder partnerships and are committed to the four prime objectives of the Licensing Act 2003.

Lovage Restaurant will at all times observe the law with regard to the sale of alcohol and all other products by:

- Responsible Pricing and Promotions
- Not serving customers who are intoxicated;
- Not serving alcohol to people who are under 18 years old.
- Providing staff training on alcohol and social responsibility
- Keeping up-to-date by licensing information reference guide

Your reference: .



Our reference: MD/21/1793/09

Date: 7th July 2009

The Licensing Unit
The Chaplin Centre
Thurlow Street
London SE17 2DG

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Dear Sir/Madam

Lovage 13/15 The Circle Queen Elizabeth Street SE1 2JE

I write in respect of the above premises for which I have received an application to vary the current Premises Licence by the removal of a number of existing conditions imposed on the Premises Licence.

The premises are located in a densely populated area and historically the premises has caused issues for local residents. I fully appreciate that there are now new owners operating the premises, but in order to negate any possible detrimental effect upon local residents some of the existing conditions should remain and/ or be amended to be more suitable for the current operators.

I agree the following conditions can be removed: 109; 122; 139; 341.

However the following conditions should remain in force as per the existing premises licence or amended to reflect the following:

- 340: That all doors and windows are to be kept closed except for ingress & egress after 22.00hrs.
- 840: CCTV is installed & maintained at all times that members of the public are permitted access with a 31 day record facility.
- 841: That no glasses, including bottles, are to be permitted outside of the premises after 22.00hrs
- 842: That no patrons are allowed outside the premises after 22.00hrs with the exception of those who temporarily leave to smoke and then numbers are limited to no more than 10 at any one time.

I respectfully submit this representation in order that it is given consideration by your Licensing Committee and would be obliged if you could acknowledge receipt.

Paul Compton PC294MD
Licensing Officer (Southwark North)

☎ Phone: 0207 232 6210

☎ Mobile: 07990901483

Working for a safer Southwark

MEMO: Environmental Protection Team

To	Regen Licensing	Date	01 July 2009	
Copies	File			
From	Debbie Lawless	Telephone	020 7525 5759	Fax 020 7525 5768
Email	debra.lawless@southwark.gov.uk			

Subject **Licensing Act 2003-Lovage Indian Restaurant, 13-15 The Circle**
Queen Elizabeth Street London SE1 2JE Ref: 378088

I have reviewed the above application and I have visited the site. In line with the Environmental Protection Team's role as the responsible authority for the Prevention of Public Nuisance we make representations that conditions 340, 841, 842 remain as conditions of the License.

The removal of the above conditions are likely to cause complaints from residential properties.

Debbie Lawless
Enforcement Officer
Environmental Protection Team

**Caraway Apartments
Cayenne Court
LONDON
SE1 2PP
020-7403-6090**

btinternet.com

RECEIVED

17 JUL 2009

12 July 2009

Southwark Licensing Team
Chaplin Centre
Thurlon Street
London
SE17 2DG

Dear Southwark Licensing Team,

Re:

Licence number:

827859

Trading name and address:

Lovage Indian

Restaurant

Units 13 To 15, The

Circle Queen

Elizabeth Street

SE1 2JE

Ward:

Riverside

Applicant and Designated Premises Supervisor details

Applicant's name:	Mohammed Shafiqur Chowdhury
Designated Premises Supervisor name:	Mohammed Shafiqur Chowdhury

Licence details

Licence type:	Premises
Date granted:	July 28 2008

I wish to object to the following proposed changes in the licensing conditions of this licence on the grounds of the nuisance such changes will cause to the residents and visitors in the area.

The proposed changes are to remove the following conditions:

122 - No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies a.He is the child of the holder of the premises licence b.He resides in the premises, but is not employed there c.He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient

means of access or egress d. The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancilla. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as ancillary to their table meals.

109 - Alcohol shall not be sold or supplied except during permitted hours and the hours stated below. a. On Good Friday, 12 noon to 10.30.p.m. b. On Christmas Day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m. c. On New Year's Eve, except on a Sunday, 10.00 .a.m. to 11.00.p.m. d. On New Year's Eve on a Sunday, 12 noon to 10.30.p.m. e. 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). The above restrictions do not prohibit; i) During the first twenty minutes after the above hours the consumption of the alcohol on the premises; ii) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; iii) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals; iv) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises; v) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered; vi) The sale of alcohol to a trader or club for the purposes of the trade or club; vii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; viii) The taking of alcohol from the premises by a person residing there; or ix) The supply of alcohol for consumption on the premises to

any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or x) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises.

139 - No temporary (sic) event notice shall be made with relation to this premises.

340 - That all door and windows are to be kept closed except for egress (where there are licensable activities).

341 - That a SIA registered door supervisor will be employed to control admissions to and from the premises.

840 - That CCTV will be installed to the satisfaction of the Metropolitan Police.

841 - That no glasses or bottles are allowed outside of the premises.

842 - That no patrons are allowed outside of the premises after 22:00 each night.

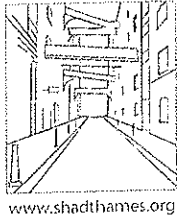
Please acknowledge receipt of this objection

Yours sincerely



Michael P. Jones

OBJECTION 099733



Shad Thames Residents' Association

"Giving residents a voice"

14 June 2009

Southwark Licensing Team
Chaplin Centre
Thurlow Street
London SE17 2DG

RECEIVED
16 JUL 2009

Dear Sirs,

**Licensing Application 827859 –
Lovage Indian Restaurant, The Circle, Queen Elizabeth Street, London SE1 2JE**

At its meeting on 13 June 2009 the Core Group of the Shad Thames Residents' Association discussed the above licensing application. It was decided to object to the application on the grounds of prevention of nuisance. The proposal to remove conditions from the current licence would cause a great deal noise and disturbance to local residents.

While we are objecting to the proposal to remove all the mentioned conditions, we would particularly wish to comment on the request that doors and windows are no longer required to be kept closed, that patrons would be permitted to take glasses and bottles outside of the premises, and that patrons are allowed outside after 2200 hours each night. The removal of even just these three conditions will cause tremendous disturbance and noise, no doubt frequently at night, to local residents.

The other major issue is the request to remove the condition that does not allow a temporary event notice to be issued. This would give the premises a more-or-less free hand to hold events in a residential area. This will be a further cause of noise and disturbance to local residents

As the premises were the subject of the license review two or three years ago we believe these conditions were imposed to protect local residents, we would like to, once again, request that the lives of local residents are respected.

Yours sincerely,

Jilly Frisch
Secretary, STRA
c/o The Cooperage
6 Gainsford Street
London SE1 2NG
secretary@shadthames.org

RECEIVED

26 JUL 2009

.....

Mrs P. S. [unclear],

254, The Circle,

Queen Elizabeth Street,

London SE1 2JW

15th July, 2009

Dear Sir/Madam,

Re:- The Leverage - The Circle

I write to strongly object to any of the conditions being lifted. Living here was hell before these conditions were in place + thus should remain in place. The Circle acts as an amphitheatre + hence when people are outside the noise is dreadful. Also it is horrible having to walk through a load of drunks to get to your home!

Yours sincerely
P. [unclear]

RECEIVED

20 JUL 2009

P. J. [unclear]

178 The Circle

Queen Elizabeth Street

London

SE1 2 JL

0207 403 9049

07738 583 078 mob

muf@cc-pl.demon.co.uk

16 July 2009.

Licence Application 830112

Proposed changes to condition of licence for the Lovage Restaurant, Queen Elizabeth Street.

I am most unhappy at the prospect of the Lovage restaurant attempting to have the conditions of its licence changed. The reasons I object are as follows :-

1. The very poor record of this establishment prior to the changes made in the licence (2007) that have curtailed noise and nuisance in the street outside the premises. If we go back to the situation prior to the changes in licence then the amount of noise will increase , especially if conditions 340 and 341 are removed. Customers from these premises made a great noise , especially at weekends , and on occasions came in to the street with musical instruments and singing and shouting. I do not think that the neighbours of the premises of the Lovage should have to put up with this. So on the grounds of prevention of public nuisance I object.
2. I do not see why patrons of the premises should be encouraged to be outside the premises after 10 pm with glasses and bottles which may well happen if conditions 841 and 842 are lifted. There is very little room for patrons to be outside with glasses and bottles and this is a potential issue of public safety. I also think there is a heightened risk of disorder with customers having glass in the street. I object on the grounds of prevention of disorder and the likelihood of greater public nuisance and also to protect public safety. Previously drunken customers , with staff from the premises , milled around in the street making a lot of noise. Rubbish bins were turned over and the contents kicked about the street. I am afraid to say I witnessed this behaviour from close quarters.


3. I also object to the premises having a TEN. Temporary events will be occasions of disorder at these premises as the owner will attempt to pack the temporary event with as many customers as he can get and there is no doubt that they will spill into the street and make a noise. This happened prior to 2007 with "parties" encouraged on to the streets from the premises.

Queen Elizabeth Street is a mix of businesses and residential and for the most part these co-exist reasonably well. However the proprietors of the Lovage (and its previous name - Ha Ra Bar) showed a complete disregard for the peace and quiet of the area and for people wishing to use the street for normal purposes – ie, not playing instruments and drinking on the pavement. I really do not think we should go back to pre 2007 times.

At the end of the day we cannot say that the area is short of places to eat and drink and make a noise and I do not think it at all reasonable that the Lovage should become yet another centre of racket and disturbance as it surely will.

Thank you for taking my views into consideration in this matter.

Yours faithfully,



Paul McGregor

RECEIVED

21 JUL 2009

J A Jarratt

197 The Circle
Queen Elizabeth Street
London SE1 2JN
tel: 0777-935-6655

Ms Rosanna Keogh
The Licensing Service
c/o Southwark Environmental Health and Trading Standards
The Chaplin Centre
Thurlow Street
London, SE17 2DG

17th July 2009

Dear Ms Keogh

re Lovage Restaurant, The Circle, Queen Elizabeth Street

I understand that the owners of Lovage Restaurant have applied to have the restrictive conditions removed from their existing licence.

I should like to object to this in the strongest possible terms.

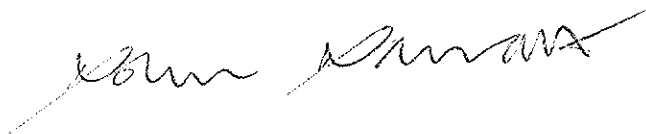
You will be familiar with the previous problems we had with the Hara Bar. Since these conditions were imposed we have, once again, enjoyed a normal lifestyle in The Circle. The prospect of a return of the atrocious and intimidating behaviour of feral youths outside our window until the early hours of the morning is nothing short of a nightmare. Large numbers would congregate in Curlew Street until 3am or even later. They were extremely noisy. It was impossible to sleep. So much so, that we opted to be away from London at the weekends if at all possible. On at least 2 occasions my wife telephoned the Noise Abatement Officer, with negligible effect.

We consider all of the restrictions to be reasonable and consistent with our entitlement to a peaceful existence. We particularly resent the fact that, should they be lifted, the inevitable return of this antisocial behaviour will cause us anxiety and insomnia or drive us out of our flat.

We beseech the Licensing Authority to deny this application.

With many thanks for your help

Yours sincerely



RECEIVED

✓ 22 JUL 2009

243 The Circle, Queen Elizabeth Street, London SE1 2JN

20th July 2009

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

Dear Sir or Madam

Objection to Licence Application 830112

We write to object to the application made by the Lovage Restaurant and Bar ("Lovage"), Units 13-15 Queen Elizabeth Street, London SE1 to remove the following conditions from their licence – 109, 139, 340, 341, 840, 841 and 842.

We variously object based on three of the council's licensing objectives:

- Prevention of public nuisance,
- Public safety, and
- Prevention of crime and disorder

109: allowing alcohol to be sold or supplied other than during permitted hours (prevention of public nuisance and prevention of crime and disorder).

139: allowing temporary event notices will lead to noise pollution and therefore create a public nuisance, as well as potential anti-social behaviour.

340: allowing all doors and windows to be open (where there are licensable activities) will lead to noise pollution and therefore create a public nuisance. The doors are directly under residents' bedrooms and can cause significant disturbance.

341: SIA registered door supervisors controlling admissions to and from the premises ensure public safety and prevention of public nuisance, mainly as they direct patrons to leave the premises quietly and not to linger outside the premises. They also deal with any problems which may arise.

840: having CCTV which meets the satisfaction of the Metropolitan Police will assist in the prevention of crime and disorder and prevention of public nuisance, given that anti-social behaviour or crimes will be captured on these tapes and retained as evidence of such events.

841: allowing glasses and bottles outside of the premises will lead to the congregation of patrons outside the premises, causing a public nuisance, blocking the pavement and create the potential for anti-social behaviour.

842: allowing patrons outside of the premises after 22:00 will create a public nuisance. The noise level can be significant when patrons are outside on their mobile phones, holding conversations, particularly as the areas in which they congregate are directly under people's bedrooms.

We have no objection to the removal of condition 122.

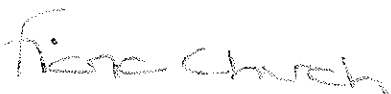
As a general comment, we believe that allowing the removal of these conditions will have an adverse impact for the residents of Queen Elizabeth Street and the surrounding area. Although I am not aware of, nor have experienced any significant problems since the premises became Lovage (as opposed to the Hara), the Circle residents did spend two years bringing about the above conditions being attached to the licence which have enabled us to live without the disturbances and anti-social behaviour associated for so long with the premises. I would argue that this abatement is due to the existence of the above conditions, and that their removal will be a retrospective step that would encourage the anti-social behaviour previously witnessed and which is a matter of record.

Southwark Council's website indicates that 'defining our customers' requirements' are key and states as aims,

- listening to Southwark residents
- tackling crime and building safer communities
- making Southwark cleaner and greener
- improving the health of Southwark people

Please listen to the residents of the Circle and surrounding area and help us maintain the improved environment in which we live by not allowing the removal of the above licence conditions.

Yours faithfully



M and F Church

RECEIVED

22 JUL 2009

**Caraway Apartments
Cayenne Court
LONDON
SE1 2PP
020-7403-6090**

Tuesday, 21 July 2009

Licensing Unit
Southwark Council
Chaplin Centre
Thurlow Street
LONDON
SE17 2DG

Dear Sir / Madam

I wish to object to the following proposed changes to licence 827859 (The Lovage, SE1 2J) for the reasons given in each case.

OBJECTION 1

I object to the proposed removal of condition 139 which states
"No temporary event notice shall be made with relation to this premises"

My objection is on the grounds of **PUBLIC NUISANCE** because the ability to seek temporary event notices for entertainment events, which do not require advertisement and to which only the police can object, means that noisy events can suddenly occur in a residential area without warning and without any ability to control the disturbance. The fact that there has apparently never been a temporary event notice in the past is irrelevant – there is clearly an intention to use temporary event notices in future, or the applicant would not request the change. Such events could clearly be a significant nuisance in this residential area.

OBJECTION 2

I object to the proposed removal of condition 340 which states
"That all door and windows are to be kept closed except for egress (where there are licensable activities)."

My objection is on the grounds of **PUBLIC NUISANCE** because to remove this condition is likely lead to excessive noise and disturbance in a respectable and quiet residential area.

OBJECTION 3

I object to the proposed removal of condition 841 which states:

That no glasses or bottles are allowed outside of the premises.

My objection is on the grounds of **PUBLIC NUISANCE** and **PUBLIC SAFETY** because to remove this condition will undoubtedly result in excessive noise and disturbance and blockage / obstruction of the pavement in a respectable and quiet residential area. There is already a clear example with the Dean Swift (in Lafone Street / Queen Elizabeth Street) of the problems caused by allowing glasses and bottles outside the premises.

My objection on the grounds of **PUBLIC SAFETY** to the proposed removal of condition 841 is because there is a clear danger to the public because of the inevitable necessity for the public from time to time to move onto the highway (observe the experience at the Dean Swift if there is any doubt) which exposes the public to being injured by passing vehicles or cycles.

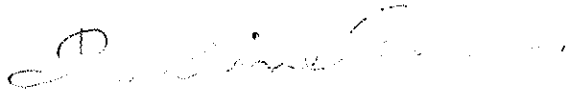
OBJECTION 4

I object to the proposed removal of condition 842 which states that no patrons are allowed outside of the premises after 22:00 each night.

My objection is on the grounds of **PUBLIC NUISANCE** and **PUBLIC SAFETY** because to remove this condition will undoubtedly result in excessive noise and disturbance and blockage / obstruction of the pavement in a respectable and quiet residential area. There is already a clear example with the Dean Swift (in Lafone Street / Queen Elizabeth Street) of the problems caused by allowing patrons outside the premises after 22.00 each night.

My objection on the grounds of **PUBLIC SAFETY** to the proposed removal of condition 842 is because of the clear danger to the public of allowing patrons outside the premises after 22.00 each night because of the inevitable necessity for the public from time to time to move onto the highway (observe the experience at the Dean Swift if there is any doubt) which exposes the public to being injured by passing vehicles or cycles.

Yours sincerely



Pauline Finlay

Please acknowledge receipt of this letter. (also being emailed because of current post problems)

RECEIVED

22 JUL 2009

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

16 July 2009

Dear Sirs

**Re: Lovage Restaurant and Bar,
 Unit 101 The Circle, Queen Elizabeth Street, London SE1
 Licence Application 830112**

It has come to my attention via the Residents Association, that the above establishment has applied to have the conditions/restrictions previously bestowed upon their licence in 2007 or thereabouts, withdrawn. These restrictions pertain to sections/conditions: 340, 341, 109, 122, 139, 840, 841 and 842 of the Licencing Act.

My understanding is that Southwark Council Noise Team and Licensing Police have previously made representations relating to sections 340, 840, 841 and 842 of the Licensing Act. Additionally, I wish to support these restrictions and raise my objection to any alteration or variation to the above establishment's current licence. This is owing to the extreme anti social behaviour that my partner and I previously witnessed and suffered, together with our fellow neighbours and residents. This antisocial behaviour included :-

Regular late night music events which caused:
 Extreme and extended noise disturbance throughout the night causing a public nuisance.
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 Intimidation, street fights and aggression towards the residents and porters who attempted to intervene
 An increase in incidents of car crime/damage.
 An increase in traffic, parking and congestion within the vicinity
 Urination and vomiting outside the premises and in and around the doorways of residential homes and the surrounding vicinity.
 Lewd and obscene behaviour

-2-

By agreeing to release the restrictions previously attached to the Licence of Lovage Restaurant and Bar, the Licensing Unit poses a serious public disservice.

The Circle is a quiet, tightly arranged, residential development which is located above, opposite and adjacent to Lovage Restaurant and Bar. It is situated on Queen Elizabeth Street, a long and particularly narrow street housing many families within small residential developments and houses. It cannot accommodate a late night establishment without causing distress, disorder, public nuisance, increased crime and extreme anti social behaviour.

Many of The Circle and local residents are already subjected to antisocial behaviours from the customers of the surrounding drinking establishments in nearby Shad Thames. These establishments do not enjoy a licence beyond 11.00 pm and given the noise disturbance that ensues normal closing business hours, it is already an affront to civilised living and normal sleeping patterns. Queen Elizabeth Street is a cut through to Jamaica Road and Tower Bridge Road, a main through fare towards public transport links and a mini cab office. Granting late licence consent, together with withdrawing current restrictions on Lovage Restaurant and Bar's license would be negligent towards the residents right of quiet enjoyment, overwhelming antisocial and entirely unacceptable.

Please accept this letter as a formal objection to the proposed release of restrictions to Licence Application 830112.

Yours faithfully

Name



Signature

Flat 206
The Circle
Queen Elizabeth Street
London
SE1 2JN

RECEIVED

22 JUL 2009

✓

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

16 July 2009

Dear Sirs

**Re: Lovage Restaurant and Bar,
 The Circle, Queen Elizabeth Street, London SE1
 Licence Application 830112**

It has come to my attention via the Residents Association, that the above establishment has applied to have the conditions/restrictions previously bestowed upon their licence in 2007 or thereabouts, withdrawn. These restrictions pertain to sections/conditions: 340, 341, 109, 122, 139, 840, 841 and 842 of the Licencing Act.

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Please accept this letter as a formal objection to the proposed release of restrictions to Licence Application 830112.

Yours faithfully

Name *MRS J. W. WOODHEAD*
MR. J. W. WOODHEAD

Signature

J. Woodhead
J. Woodhead

Flat *102*
The Circle
Queen Elizabeth Street
London
SE1

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

RECEIVED

22 JUL 2009

16 July 2009

Dear Sirs

**Re: Lovage Restaurant and Bar,
 Unit 15 The Circle, Queen Elizabeth Street, London SE1
 Licence Application 830112**

It has come to my attention via the Residents Association, that the above establishment has applied to have the conditions/restrictions previously bestowed upon their licence in 2007 or thereabouts, withdrawn. These restrictions pertain to sections/conditions: 340, 341, 109, 122, 139, 840, 841 and 842 of the Licencing Act.

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Please accept this letter as a formal objection to the proposed release of restrictions to Licence Application 830112.

Yours faithfully

Name

[Handwritten signature]

Signature

Flat — ,
The Circle
Queen Elizabeth Street
London
SE1

RECEIVED

22 JUL 2009

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

16 July 2009

Dear Sirs

**Re: Lovage Restaurant and Bar,
 Unit 10-11, Queen Elizabeth Street, London SE1
 Licence Application 830112**

It has come to my attention via the Residents Association, that the above establishment has applied to have the conditions/restrictions previously bestowed upon their licence in 2007 or thereabouts, withdrawn. These restrictions pertain to sections/conditions: 340, 341, 109, 122, 139, 840, 841 and 842 of the Licencing Act.

My understanding is that Southwark Council Noise Team and Licensing Police have previously made representations relating to sections 340, 840, 841 and 842 of the Licensing Act. Additionally, I wish to support these restrictions and raise my objection to any alteration or variation to the above establishment's current licence. This is owing to the extreme anti social behaviour that my partner and I previously witnessed and suffered, together with our fellow neighbours and residents. This antisocial behaviour included :-

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Please accept this letter as a formal objection to the proposed release of restrictions to Licence Application 830112.

Yours faithfully

Name

George A. [unclear]

Signature

[Handwritten signature]

Flat ~~20~~ 20
The Circle
Queen Elizabeth Street
London
SE1

22 JUL 2009

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

16 July 2009

Dear Sirs

**Re: Lovage Restaurant and Bar,
Unit 1145 The City, Queen Elizabeth Street, London SE1
Licence Application 830112**

It has come to my attention via the Residents Association, that the above establishment has applied to have the conditions/restrictions previously bestowed upon their licence in 2007 or thereabouts, withdrawn. These restrictions pertain to sections/conditions: 340, 341, 109, 122, 139, 840, 841 and 842 of the Licencing Act.

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RECEIVED

22 JUL 2009

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

16 July 2009

Dear Sirs

**Re: Lovage Restaurant and Bar,
 Unit 13-15 The Circle, Queen Elizabeth Street, London SE1
 Licence Application 830112**

It has come to my attention via the Residents Association, that the above establishment has applied to have the conditions/restrictions previously bestowed upon their licence in 2007 or thereabouts, withdrawn. These restrictions pertain to sections/conditions: 340, 341, 109, 122, 139, 840, 841 and 842 of the Licencing Act.

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Please accept this letter as a formal objection to the proposed release of restrictions to Licence Application 830112.

Yours faithfully

Name

Simon Cotton

Signature

Simon Cotton

Date

20/7/09

Flat

311
The Circle

Queen Elizabeth Street

London

SE1

✓
RECEIVED22 JUL 2009
.....

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

16 July 2009

Dear Sirs

**Re: Lovage Restaurant and Bar,
 Unit 13-17 The Arcade, Queen Elizabeth Street, London SE1
 Licence Application 830112**

It has come to my attention via the Residents Association, that the above establishment has applied to have the conditions/restrictions previously bestowed upon their licence in 2007 or thereabouts, withdrawn. These restrictions pertain to sections/conditions: 340, 341, 109, 122, 139, 840, 841 and 842 of the Licencing Act.

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Please accept this letter as a formal objection to the proposed release of restrictions to Licence Application 830112.

Yours faithfully

Name *R. Galt*

Signature *R. Galt*

Flat *10/11*
The Circle
Queen Elizabeth Street
London
SE1

NB Please note my flat is directly above Lovage Restaurant and noise disturbance & incidents of vomiting already cause distress and late night disturbance and affect my rights of quiet enjoyment.

RECEIVED

22 JUL 2009

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

16 July 2009

Dear Sirs

**Re: Lovage Restaurant and Bar,
 Unit 15, no 21, Queen Elizabeth Street, London SE1
 Licence Application 830112**

It has come to my attention via the Residents Association, that the above establishment has applied to have the conditions/restrictions previously bestowed upon their licence in 2007 or thereabouts, withdrawn. These restrictions pertain to sections/conditions: 340, 341, 109, 122, 139, 840, 841 and 842 of the Licencing Act.

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Yours faithfully

Name



Signature

21/7/09

Date

Flat
The Circle
Queen Elizabeth Street
London
SE1

RECEIVED

23 JUL 2009

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

16 July 2009

Dear Sirs

**Re: Lovage Restaurant and Bar,
 Unit 1, 15-16, Queen Elizabeth Street, London SE1
 Licence Application 830112**

It has come to my attention via the Residents Association, that the above establishment has applied to have the conditions/restrictions previously bestowed upon their licence in 2007 or thereabouts, withdrawn. These restrictions pertain to sections/conditions: 340, 341, 109, 122, .139, 840, 841 and 842 of the Licencing Act.

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-2-

The Circle is a quiet, tightly arranged, residential development which is located above, opposite and adjacent to Lovage Restaurant and Bar. It is situated on Queen Elizabeth Street, a long and particularly narrow street housing many families within small residential developments and houses. It cannot accommodate a late night establishment without causing distress, disorder, public nuisance, increased crime and extreme anti social behaviour.

Many of The Circle and local residents are already subjected to antisocial behaviours from the customers of the surrounding drinking establishments in nearby Shad Thames. These establishments do not enjoy a licence beyond 11.00 pm and given the noise disturbance that ensues normal closing business hours, it is already an affront to civilised living and normal sleeping patterns. Queen Elizabeth Street is a cut through to Jamaica Road and Tower Bridge Road, a main through fare towards public transport links and a mini cab office. Granting late licence consent, together with withdrawing current restrictions on Lovage Restaurant and Bar's license would be negligent towards the residents right of quiet enjoyment, overwhelming antisocial and entirely unacceptable.

Please accept this letter as a formal objection to the proposed release of restrictions to Licence Application 830112.

Yours faithfully

Name

Alison Ooi

Signature

Alison Ooi

Date

21/7/2009

Flat

The Circle
Queen Elizabeth Street
London
SE1

McArthur, Wesley

Subject: FW: [REDACTED] THE CIRCLE

From: Ashenden, Kristie
Sent: 03 August 2009 11:45
To: McArthur, Wesley
Subject: FW: [REDACTED] THE CIRCLE
 Hi Wes,

this is yours - it may have already been passed on to you.

Thanks

Kristie Ashenden
Principal Licensing Officer
London Borough of Southwark
 Email: kristie.ashenden@southwark.gov.uk
 General email: licensing@southwark.gov.uk
 Ph: 020 7525 5754
 Fax: 020 7525 5705
<http://licensing.southwarksites.com/>

From: Stowell, Joanne
Sent: 03 August 2009 11:39
To: Ashenden, Kristie
Subject: FW: [REDACTED] THE CIRCLE

Hi K this should have been sent in to Regen

From: Peter Davis [<mailto:formula1@merchandise.wanadoo.co.uk>]
Sent: 18 July 2009 18:44
To: Stowell, Joanne
Subject: [REDACTED] THE CIRCLE

Re; LOVAGE UNIT [REDACTED] QUEEN ELIZABETH STREET SE1

Dear Joanne

We would like to formally appose the application of Lovage to remove section 109, 340,341,122,139,840,841, and 842

139 In the past when there has been events at Lovage they have been mismanaged leading to disruption that has included screaming, shouting and fighting that has spilt onto the street. When residents have tried to intervene they have been abused by the staff of Lovage and the offending parties. Noise level from sound systems have been seriously high prompting complaints from neighbours but as always ignored.

340. Due to the location of the premises the sound from the unit travels loud far and wide and goes above the legal decibel level of 75 Therefore it is imperative that the doors and windows are kept closed

840 As they are trying to attract a disco crowd and to have late nights CCTV was recommended by the Police.

841 Outside the unit is a busy walkway. In the past conflict has occurred between people walking past and people drinking outside. I would also add the comments made for 340

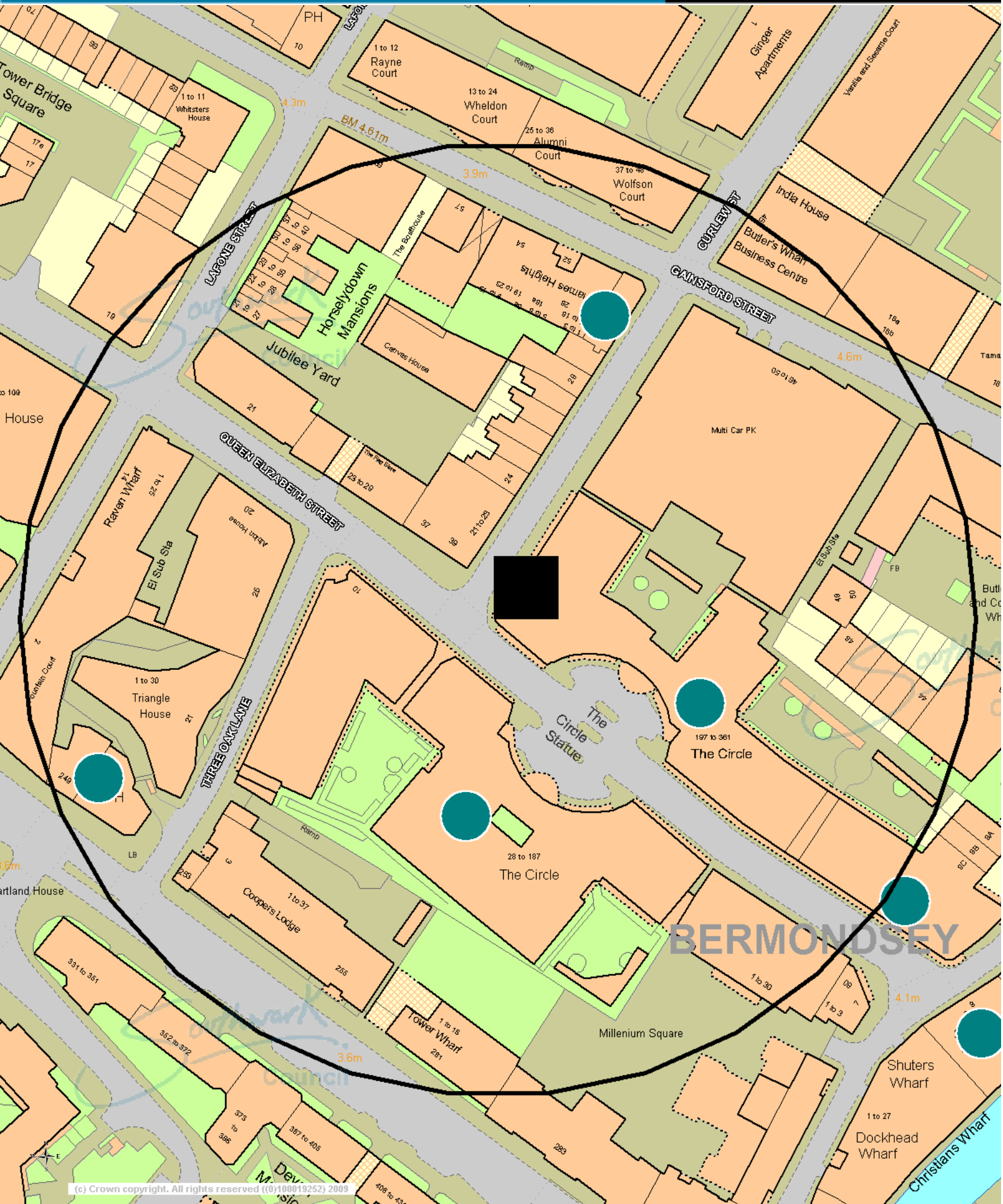
842 comments made for 340 and 842 to cover this section, plus many people in the area work in the City and have to get up very early. Many go to be at around 10pm. It is for this reason that we all require minimal noise in the evening

03/08/2009

Based on the comments above we strongly appose the removal of sections 109, 340,341,122,139,840,841, and 842

Yours sincerely

Patricia A. O'Connell
101 THE CIRCLE
QUEEN ELIZABETH STREET
SE1 2JL



<p>Distribution List</p> <p>Open</p> <p>Licensing Sub-Committee</p>	<p>MUNICIPAL YEAR 2009-10</p> <p>Date of Meeting: 24.08.2009</p> <p>Time: 10.00am</p>
<p>Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.</p>	
<p>Councillors (1 Copy Each)</p>	<p>Applicants and Interested Parties</p>
<p>Councillor David Hubber Councillor Eliza Mann Councillor Dominic Thorncroft</p> <p>Councillor Sandra Rhule (Reserve)</p> <p>Officers Dave Franklin – Licensing Unit Debbie Lawless – Noise Team Felix Rechtman – Legal Services Rosanna Keogh – Licensing Unit Sean Usher, 2nd Floor Tooley Street (Hub 4)</p> <p>By Email</p> <p>Robin Campbell /Paul Middleton - Press Office</p> <p>Ward Councillors – Riverside / Cathedrals</p>	<p>PC Paul Compton, Southwark Licensing, Walworth Police Station, Manor Place, London SE17 3RL Lovage Indian Restaurant, Units 13-15 The Circle, Queen Elizabeth Street, SE1 2JE</p> <p>Mohammed Shafiqur Chowdhury</p> <p>Biagio Caroleo, 32 Southwark Bridge Road, London SE1 9EU</p> <p>Mr Welch, 72 Sumner Buildings, Sumner Street, London SE1 9JY</p> <p>Mr Scott, 85 Sumner Buildings, Sumner Street, London SE1 9JY</p> <p>Mr Murphy, 65 Sumner Buildings, London SE1 9JY</p> <p>Smithfield Partners, 16 St Martins Le Grand, London EC1A 4EN</p> <hr/> <p>Michael Place Jilly Frisch Mrs P Butler Paul McGregor J A Jarratt Michael & Fiona Church Pauline Place MS O'REILLY Mr & Mrs Whitehead Eva Bwete & Gaetano Ansecmi Jonathan Crookes Susan Cottam Ruth Goldman Wee Nee Page Nicola Oei Peter Davis</p>
<p>Total Copies to be printed: 40</p> <p><u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u></p>	<p>Total copies to be circulated: 33</p> <p>All spares to be delivered to Constitutional Team Room Floor 2, Southwark Town Hall</p> <p>Day of Despatch 14.08.2009</p>