

## Licensing Sub-Committee

September 2 2009

10.00 am

Town Hall, Peckham Road, London SE5 8UB

### Membership

Councillor David Hubber  
Councillor Abdul Mohamed  
Councillor Sandra Rhule

### Reserves

Councillor Althea Smith

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#### Contact

Sean Usher on 0207 525 7222 or email: [sean.usher@southwark.gov.uk](mailto:sean.usher@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Annie Shepperd**

Chief Executive

Date: August 21 2009



## Licensing Sub-Committee

Wednesday September 2 2009  
10.00 am  
Town Hall, Peckham Road, London SE5 8UB

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003 - HOOPERS - 28 IVANHOE RD, LONDON SE5 8DH</b>	1 - 31
6.	<b>LICENSING ACT 2003 - MINOR VARIATIONS</b>	
	Items to be tabled at the meeting.	
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b>	

<b>Item No. 5</b>	<b>Classification:</b> Open	<b>Date:</b> 2 SEPT 2009 10AM	<b>MEETING NAME</b> Licensing Sub-Committee
<b>Report title:</b>		LICENSING ACT 2003 – HOOPERS BAR & CAFE, (FORMERLY THE IVANHOE PH) 28 IVANHOE ROAD, LONDON SE5 8DH	
<b>Ward(s) or groups affected:</b>		Premises are within: SOUTH CAMBERWELL	
<b>From:</b>		Strategic Director of Environment & Housing	

## RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Letthegoodtimesroll Ltd to vary a Premises Licence granted under the Licensing Act 2003 in respect of the premises known as: Hoopers Bar & Cafe, 28 Ivanhoe Road, LONDON SE5 8DH.
2. **Notes:**
  - a) *The application seeks to vary existing licensable activities held under current legislation in respect of the premises known as: Hoopers Bar & Cafe under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from interested parties and is therefore referred to the Sub-Committee for determination;*
  - b) *Paragraphs 12 to 16 of this report provide a summary of the application under consideration by the Sub-Committee (A copy of the full application is provided as Appendix a).*
  - c) *Paragraphs 18 & 19 of this report deals with the representations and comments received to the application. (copies of relevant representations and conciliations are attached as Appendices c & d).*

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

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

## MATTERS FOR CONSIDERATION

### The current Premises Licence

10. The current licence in respect of the premises known as Hoopers Bar & Cafe (formerly Ivanhoe PH), 28 Ivanhoe Road, LONDON SE5 was granted to the applicant on 8 September 2008. It allows the following licensable activities.
- **Films:** on Mon - Wed from 20.00- 22.30
  - **live music:** on Wed & Thurs from 20.00 – 23.00; Fri from 19.00 – 23.30; Sat & Sun from 14 .00 –22.30
  - **Recorded Music:** on Wed & Thurs from 17.30 – 23.00; Fri from 17.00 – 23.30; Sat & Sun from 12 .00 –23.00
  - **Provision of facilities for dancing:** on Mon & Tue from 19.00 – 22.30; Wed from 19.00-23.00
  - **Late night refreshments:** on Mon – Sat from 23.00 – 23.30
  - **Sale and Supply of alcohol:** on Mon – Wed from 10.00 – 23.00; Thurs – Sat from 10.00 to 00.00; Sun from 12.00 to 23.00;

- **Operating hrs of premises;** Mon – Wed – 10.00- 23.30; Thurs – Sat 10.00 – 00.30; Sun 12.00 – 23.30

11. A copy of the existing Premises Licence is attached as appendix b.

### **The variation application**

12. On 4 June 2009, Letthegoodtimesroll Ltd applied to this Council to vary the Premises Licence issued in respect of the premises known as Hoopers Bar& Cafe, 28 Ivanhoe Road, LONDON SE5 under section 34 of the Licensing Act 2003.

### **Details of the variation application**

13. The variation application is summarized as follows:

- To reinstate a partition with folding doors to allow functions to take place in one half of the main bar;
- To reinstate a previous entrance door;
- To extend the licensing hours for alcohol retail on Wednesday for an extra half hour 23.00 – 23.30;
- to extend the terminal hours on Wednesday for an extra half hour from 23.30 to 24.00;

A copy of the application to vary the existing Premises Licence is attached to the report as Appendix a

14. The variation application form provides the applicant's operating schedule. Parts M and O set out the proposed operating hours in full.

15. Part P of the variation application provides any additional steps that might be proposed by the applicant to promote the four licensing objectives as set out in the Licensing Act 2003. In the event that the Sub-Committee should approve the application any proposals stated here must become licence conditions.

### **Designated Premises Supervisor**

16. The designated premises supervisor under the existing Premises Licence is Jamie Christopher Hooper he holds a Personal Licence issued by Brighton & Hove City Council.

### **Representations From Interested Parties**

17. There is a representation lodged by an interested party . The representation is primarily concerned with noise nuisance. A copy of the representation is attached as Appendix c.

### **Representations From Responsible Authorities**

18. There we no representation from the responsible authorities. However responses received are attached as appendix d.

### **Conciliation**

19. Conciliation was offered as part of the application process, but this was rejected. As such the application is being submitted for determination by the Licensing Sub-Committee.

### **The Local Vicinity**

20. A map of the local vicinity is attached as appendix e.

### **Additional information relating to past Operation of the premises**

21. The Council's Licensing Sub-Committee first granted a Premises Licence in respect of the Ivanhoe P.H, 28 Ivanhoe Road, SE5 on 27 September 2005 to a previous licence holder. The application was opposed by the Metropolitan Police and local residents. As such the licence was only granted for the sale and supply of alcohol until 23.00 on each day.
22. On 19 December 2006, an application for transfer of the Premises Licence was made by the current licensee (Letthegoodtimesroll Ltd).
23. Temporary Event Notices were occasionally requested to permit regulated entertainment in the form of music.
24. On 7 July 2008 an application was made by Letthegoodtimesroll Ltd, for a variation of the Premises Licence to include licensable activities and also to extend the operating hours of the licence on Thursday, Friday and Saturday evenings till 00.30.
25. There were no objections to the variation application, however after inspection of the premises, the Environmental Protection Team submitted conditions that were to form part of the licence conditions. The licence was therefore granted on 8 September 2008.

### **Southwark Council Statement of Licensing Policy**

26. Council Assembly approved the Southwark Statement of Licensing Policy on 2 April 2008. 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 reinforces 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.
27. 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**

28. A fee of £190.00 has been paid by the applicant in respect of this application being the statutory fee payable for a premises within non-domestic rateable value Band B.

## **CONSULTATIONS**

29. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was placed in a local news and a similar notice exhibited outside of the premises.

## **EQUAL OPPORTUNITIES IMPLICATIONS**

30. 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**

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

### **Principles for making the determination**

37. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
38. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

39. Relevant representations are those which

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn (in this case, the initial objections from the Fire Service have been withdrawn).
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

40. 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**

41. The Sub-Committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

42. 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.

43. 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.

44. 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.

45. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.

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

### **Reasons**

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

### **Hearing Procedures**



48. 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.

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

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

50. 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.
51. 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.
52. 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.
53. 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.

54. Members will be aware of the Council's Code of Conduct that requires them to declare personal and prejudicial interests. The Code applies to Members when considering licensing applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.

#### Guidance

55. Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

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

#### APPENDICES

No.	Title
Appendix a	Copy of the application
Appendix b	Copy of the existing premises
Appendix c	Copy of the representation from interested party
Appendix d	Copies of the responses from Responsible authorities
Appendix e	Copy of the local area map

#### AUDIT TRAIL

Lead Officer	<i>Gill Davies, Strategic Director of Environment &amp; Housing</i>	
Report Author	<i>Dorcas Mills, Principal Licensing Officer</i>	
Version	<i>Final</i>	
Dated	21 August 2009	
Key Decision?	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	21 August 2009	

RECEIVED  
04 JUN 2009



**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.

We LET THE GOODTIMES ROLL LTD

(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	<del>10944</del> 827727
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
28 IVANTHOE ROAD,			
Post town	LONDON	Post code	SE5 8DH

Telephone number at premises (if any)	020 7433 - 4797
Non-domestic rateable value of premises	£ 5750

**Part 2 – Applicant details**

Daytime contact telephone number	07956 502152
E-mail address (optional)	jamiechooper@hotmail.com

<b>Current postal address if different from premises address</b>			
<b>Post Town</b>		<b>Postcode</b>	

**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)**

- i) EXTEND OPENING HOURS WEDNESDAY EVENING
- ii) TO REINSTATE PARTITION WITH FOLDING DOORS TO ALLOW FUNCTIONS TO TAKE PLACE IN ONE HALF OF THE MAIN BAR.
- iii) TO ALLOW REINSTATEMENT OF PREVIOUS ENTRANCE DOOR, AS SHOWN ON PLAN

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)<br>(if ticking yes, fill in box H) | <input checked="" 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)<br>(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

M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>					
Mon								
Tue								
Wed	22:00	23:30						
Thur						<b>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)</b>		
Fri								
Sat								
Sun								

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. CHILDREN ARE ONLY PERMITTED TO 22:00 AND MUST BE ACCOMPANIED BY A RESPONSIBLE ADULT.

0

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b>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</b> (please read guidance note 5)
Wed	23.30	24.00	
Thur			
Fri			
Sat			
Sun			

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

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence



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)**

- i) Publicise details of the premises operation.
- ii) Use of CCTV internally and externally.
- iii) Use of crime prevention notices.
- iv) maintain control over the removal of open containers.
- v) Avoid any performance likely to stir up hatred or incite violence to any section of the public on the grounds of colour, race, disability, sexual orientation or religious beliefs.

**b) The prevention of crime and disorder**

- i) set a safe capacity limit.
- ii) CCTV already installed internally and externally on entrances in bar.
- iii) operate proof of age schemes.
- iv) avoid irresponsible drinks promotions.
- v) provide sufficient seating to ensure that the majority of customers will not have to stand.

**c) Public safety**

- i) To ensure that all int. and ext. parts of the premises are adequately lit and may be monitored by staff.
- ii) set a safe capacity limit.
- iii) Take steps to train staff in matters relating to public safety.
- iv) Ensuring that fire and emergency working systems are regularly checked and that a maintenance log is available for inspection onto the premises.
- v) undertake risk assessments in relation to government legislation.

**d) The prevention of public nuisance**

- i) Establish a dispersal policy, to leave the premises quickly, in an orderly manner.
- ii) keeping doors and windows closed during performance of licensable entertainment.
- iii) reduction of volume or ceasing of music/amplified sound, 30 mins prior to closure.
- iv) Restriction of the use of outside patio area after 2300 hours.
- v) limit the number of smokers in the designated area.
- vi) measures to prevent littering and to clean up any litter.

**e) The protection of children from harm**

- i) operate a proof of age scheme (e.g. "Think 21")
- ii) maintain an incident log detailing all age related refusals.
- iii) CCTV records all sales of alcohol, and a library is maintained for 31 days.
- iv) staff involved in the sale of alcohol are trained in proof of age schemes and records retained on premises and available for inspection.
- v) signage displayed informing that age identification is required and no sales made to under 18's.


Please tick yes

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

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

**Part 5 – Signatures** (please read guidance note 10)

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

Signature	
Date	<del>04</del> 06-2009
Capacity	OWNER AND DESIGNATED PREMISES SUPERVISOR

**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)

JAMIE CHRISTOPHER HOOPER  
 26-28 IVANHOE RD,  
 LONDON SE5 8DH

Post town	LONDON	Post code	SE5 8DH
Telephone number (if any)	0756 502152		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
jamiechooper@hotmail.com			

# Licensing Act 2003 Premises Licence



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

Premises licence number

827727

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Hoopers Bar & Cafe 28 Ivanhoe Road London SE5 8DH	
Ordnance survey map reference (if applicable), 175838533490	
<b>Post town</b> London	<b>Post code</b> SE5 8DH
<b>Telephone number</b> 020 7733 4797	

Where the licence is time limited the dates

### Licensable activities authorised by the licence

Films - Indoors  
Live Music - Indoors  
Recorded Music - Indoors  
Facilities for Dancing - Indoors  
Late Night Refreshment - Indoors  
Sale by retail of alcohol to be consumed on premises  
Sale by retail of alcohol to be consumed off premises

### The opening hours of the premises

For any non standard timings see Annex 2

Monday	10:00 - 23:30
Tuesday	10:00 - 23:30
Wednesday	10:00 - 23:30
Thursday	10:00 - 00:30
Friday	10:00 - 00:30
Saturday	10:00 - 00:30
Sunday	12:00 - 23:30

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

Sale by retail of alcohol to be consumed on premises  
Sale by retail of alcohol to be consumed off 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

**Films - Indoors**

Monday	20:00 - 22:30
Tuesday	20:00 - 22:30
Wednesday	20:00 - 22:30

**Live Music - Indoors**

Wednesday	20:00 - 23:00
Thursday	20:00 - 23:00
Friday	19:00 - 23:30
Saturday	14:00 - 23:30
Sunday	14:00 - 22:30

**Recorded Music - Indoors**

Wednesday	17:30 - 23:00
Thursday	17:30 - 23:00
Friday	17:00 - 23:30
Saturday	12:00 - 23:30
Sunday	12:00 - 22:30

**Facilities for Dancing - Indoors**

Monday	19:00 - 22:30
Tuesday	19:00 - 22:30
Wednesday	19:00 - 23:00

**Late Night Refreshment - Indoors**

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

**Sale by retail of alcohol to be consumed on premises**

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

**Sale by retail of alcohol to be consumed off premises**

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

## Part 2

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

Letthegoodtimesroll Limited  
19 Stanmer Village  
Brighton  
BN1 9PZ

**Registered number of holder, for example company number, charity number (where applicable)**

966410

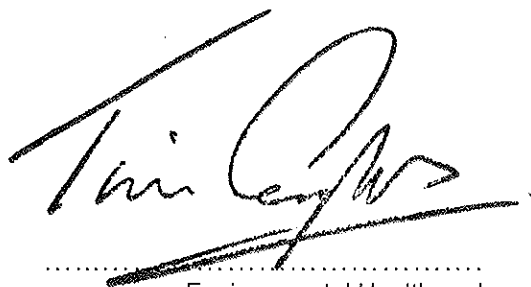
**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Jamie Christopher Hooper  
19 Stanmer Village  
Brighton  
BN1 9PZ

**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. 1445/3/2006/0174/LAPER  
Authority Brighton & Hove City Council

Licence Issue date 08/09/2008



.....  
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.

## Annex 2 - Conditions consistent with the operating Schedule

109 Alcohol shall not be sold or supplied except during permitted hours.

In this condition permitted hours means the hours stated elsewhere on this licence and:

- a. On Good Friday, 1200 to 2230 hours
- b. On Christmas Day, 1200 to 1500 hours, and 1900 to 2230 hours
- c. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

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 trade 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

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

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

**112** This licence allows for the premises to remain open for non standard timings as stated on the days below:

News Years day 00:00 - 02:15

Good Friday 12:00 - 00:30 the following day

**113** This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days:

News Years day 00:00 - 02:00

Good Friday 12:00 - 00:00 the following day

**114** This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days:

Live Music Indoors

Bank Holiday Mondays 20:00 - 23:30

New Years Eve 20:00 - 01:00

Recorded Music Indoors

Bank Holiday Mondays 17:30 - 23:30

New Years Eve 20:00 - 01:00

**170** Refuse receptacles shall be emptied regularly

**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 thirty one (31) days

**296** Only responsible drinks promotions will be allowed at the premises.



- 310** That all doors excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever public entertainment is being provided upon the premises
- 311** That notices shall be displayed made requesting that customers leave the premises in a quiet and orderly manner
- 326** That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council
- 332** Children are permitted on the premises until 20:00hours and must be accompanied by responsible adult while on the premises.
- 334** That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol
- 340** That the licensee will operate a Zero Policy on drugs
- 341** That all appliances shall be subjected to annual Corgi testing and PAT as required
- 342** That no drinks are to be taken off the site apart from Off Sales
- 343** That the external areas of the premises are to be kept clean and tidy
- 344** Any fire-alarm / emergency warning system shall be maintained in satisfactory working order. The system shall be tested monthly. Note: The Council may consent to the variation of frequency of tests where the premises are used infrequently and this will not endanger safety. A log book will be maintained containing the details of all checks, tests and inspections that have been made in regards to the fire-alarm / emergency warning system and will be made available for inspection at the request of any authorised officer.
- 345** Sufficient seating will be provided to ensure that the majority of customers will not have to stand.
- 346** All internal and external parts of the premises will be adequately lit and monitored by staff.
- 347** That a safe capacity limit will be set and adhered to at all times.
- 348** That staff shall be trained in matters pertaining to public safety.
- 349** That risk assessments will be undertaken in accordance with any relevant government legislation and recorded in writing.
- 350** A dispersal policy shall be developed to aid in the orderly dispersal

of persons from the premises. All staff shall be trained in regards to the dispersal policy.

**351** That the volume at which music or amplified sound of any nature is played at is reduced significantly 30 minutes prior to closure of the premises and that the reduced volume is maintained until the premises is closed.

**352** The external areas of the premises shall not be used after 23.00hours.

**353** That a limit to the number of smokers allowed in the designated smoking area will be set and adhered to.

**354** Signs shall be prominently displayed to the satisfaction of the council informing customers that identification may be required / requested and that sales of alcohol to persons under the age of 18 years old are prohibited.

**355** That measures to prevent littering will be undertaken and that staff will clear up any litter from the premises, or related to the operation of the premises.

**356** That the CCTV system installed shall record clear images of both the inside and outside of the premises.

**357** Persons under the age of 18 are permitted at the premises until 20.00 hours and must be accompanied by a responsible adult at all times.

**358** There shall be no 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.

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



APPENDIX C

Read, Kirty

**From:** on behalf of Regen, Licensing

**Subject:** FW: Hoopers bar (829881) objection to application for extended hours/layout changes

**From:** Lucy Neville [mailto:████████████████████]

**Sent:** 28 July 2009 11:31

**To:** Regen, Licensing

**Cc:** John, Peter

**Subject:** RE: Hoopers bar (829881) objection to application for extended hours/layout changes

We live opposite one of the exits to Hoopers Bar on Malfort Road and are writing to object to proposals to increase opening hours, especially on Wednesday night at Hoopers Bar. We also object to a new entrance being made a matter of a couple of meters along from this exit if there is no sound-proofing provided - the site of this is a former door but has not been in use in the last thirty years (yes, Lucy has lived here since 1979).

We believe an extension this will cause a public nuisance to residents: this has to do with the noise, and people/ vehicle movement late at night. This has been a long standing problem for those of us living here, especially in relation to any amplified sound.

Hoopers is surrounded by residential housing on all sides, and all the hard surfaces mean noise really travels.

This proposal ignores the fact that most of us need a good night sleep ready for work the next day -an extension in hours especially mid-week would threaten this. The pub has no sound-proofing of any kind whatsoever on windows or any existing exits. This means that people gathering outside in the street to answer mobiles, smoke or just talk loudly can be heard in our homes, while amplified sound really penetrates our homes, particularly every time a door opens in the otherwise quiet of an evening.

We are also concerned that Hoopers is proposing that children should have access to the premises until 10.00 pm (although this is only apparent on the schedules we saw at the Licensing Unit on Tuesday 28 July 2009). At the moment we believe this stands at 8pm and can see no justification for extending especially considering the social consequences in this area - already we have gangs of children gathering to ride bikes unlit, towards midnight, at the junction of Ivanhoe Road and Avondale Rise.

Lastly, we would like it noted that we were not informed of these proposals by either the council or the publican, both are aware of the history of Hoopers when similar extensions (illegally perhaps) took place on a regular basis when it was known as The Ivanhoe. We would also like it noted that the plans deposited at the Licensing Unit were inadequate and did not show in any clear detail the proposals for internal partitions, bar alterations and so on. We believe that these proposals should have been brought to the attention of local residents and another extension for objections should be granted - one was apparently granted till 3 August but as there has been no more publicity this is not good enough.

Yours faithfully

Guy Baker & Lucy Neville  
18 Malfort Road  
Camberwell  
London  
SE5 8DQ

cc: Peter John, Veronica Ward, Jenny Jones

28/07/2009



The Company Secretary  
Letthegoodtimesroll Ltd  
28 Ivanhoe Road  
London  
SE5 8DH

London Fire and Emergency Planning  
Authority runs the London Fire Brigade

Date 1 July 2009  
Our Ref 91/7216

Dear Sir/Madam

**LICENSING ACT 2003**

**Premises: 28 Ivanhoe Road London SE5 8DH**

With reference to the application received on 9 June 2009 as shown on plans, the Fire Authority, **does not propose to make any representation** to the Licensing Authority, provided that the premises are constructed and managed in accordance with the information supplied with your application.

This letter is without prejudice to the powers of the licensing authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation. It is also without prejudice to any requirements or recommendations that may be made by this Authority under the Regulatory Reform (Fire Safety) Order 2005 or the Petroleum (Consolidation) Act 1928.. All alterations should comply with the appropriate provisions of the current Building Regulations.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,

**for Assistant Commissioner (Fire Safety Regulation)**

Fire and Community Safety Directorate  
firesafetyregulationSE@london-fire.gov.uk

cc.: **Licensing Authority**

Reply to Mick Roche  
Direct T 020 8555 1200 x57287  
Direct F 020 8536 5924

RECEIVED  
06 JUL 2009

## MEMO: Environmental Protection Team

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**To** Regen Licensing                      **Date** 10 June 2009  
**Copies** File  
**From** Debbie Lawless                      **Telephone** 020 7525 5759                      **Fax** 020 7525 5728  
**Email** debra.lawless@southwark.gov.uk

---

**Subject**      **Licensing Act 2003-Hoopers, 28 Ivanhoe Road London SE5 8DH**  
                    **Ref: 372772**

I have reviewed the above application and I have met with the applicant on site. The application seeks to allow extension of opening times on Wednesday's 13.00 hours – 23.30 hours. Reinstate a partition with folding doors to allow functions to take place in one half of the main bar and to allow reinstatement of a previous entrance door.

The Environmental Protection Team has no representations to make regarding this application due to no previous history of complaints. However, should complaints arise due to the above application, then it may be necessary for additional measures to be added to prevent public nuisance.

**Debbie Lawless**  
**Enforcement Officer**  
**Environmental Protection Team**



Regeneration and neighbourhoods  
Planning & transport  
Development management  
PO Box 64529  
LONDON SE1P 5LX

Licensing Unit  
Chaplin Centre  
Thurlow Street  
London  
SE17 2DG

**Your Ref:** 2316  
**Our Ref:** 08-CE- 01687  
**Contact:**  
**Telephone:**  
**Fax:**  
**E-Mail:** [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)  
**Web Site:** <http://www.southwark.gov.uk>

**Date:** 25/07/2009

Dear Sir/Madam

**Premises Licensing re:**  
THE IVANHOE 28 IVANHOE ROAD, LONDON, SE5 8DH

Development management do not have any objections to the licensing application at the above site under the licensing objectives.

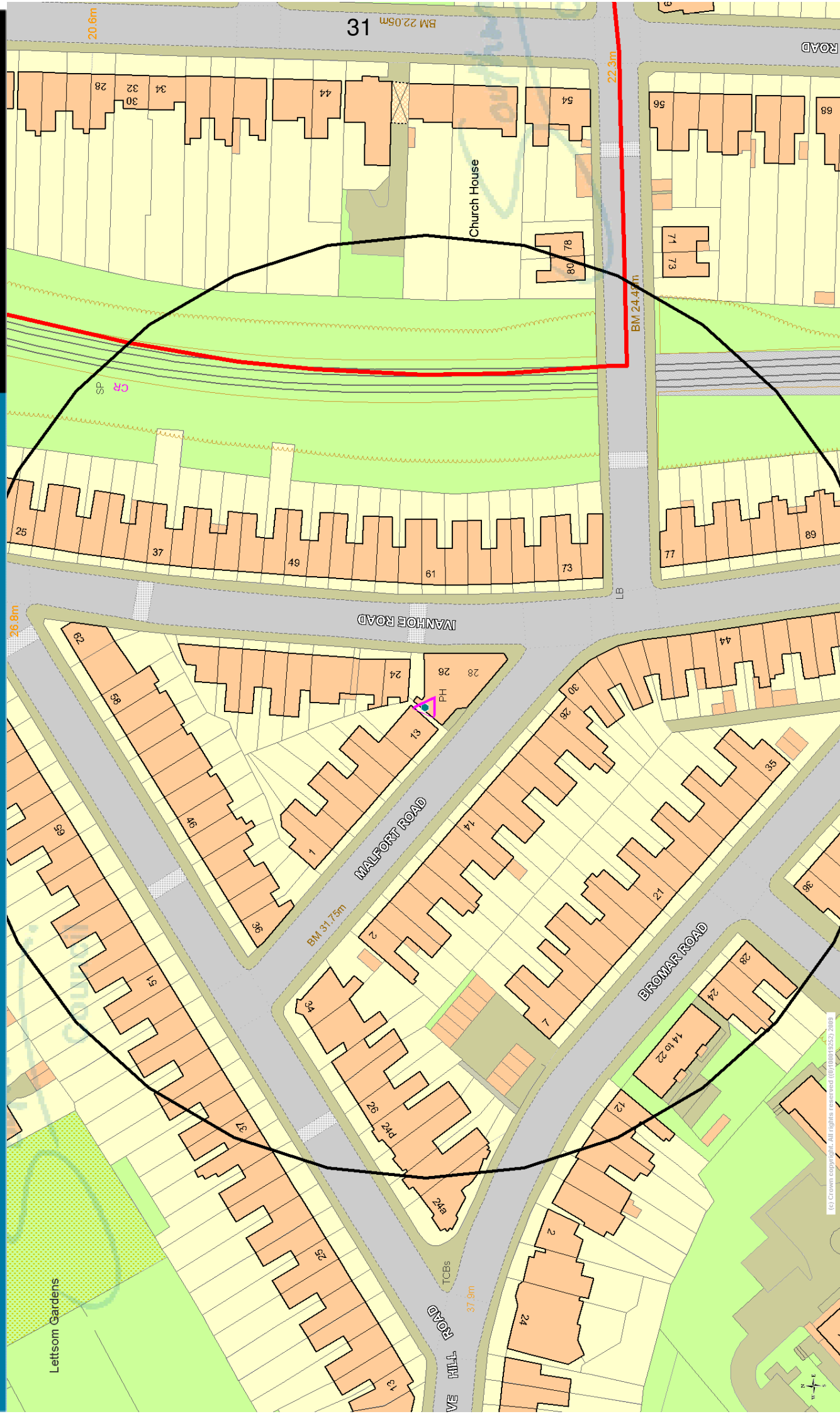
Yours faithfully

Dennis Sangweme  
Group Manager - Planning Enforcement



# hoopers, 28 ivanhoe rd

Date 19/8/2009



<p><b>Distribution List</b></p> <p><b>Open</b></p> <p><b>Licensing Sub-Committee</b></p>	<p><b>MUNICIPAL YEAR 2009-10</b></p> <p><b>Date of Meeting: 02.09.2009</b></p> <p><b>Time: 10.00am</b></p>
<p><b>Note:</b> Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.</p>	
<p><b>Councillors (1 Copy Each)</b></p>	<p><b>Applicants and Interested Parties</b></p>
<p>Councillor David Hubber  Councillor Abdul Mohamed  Councillor Sandra Rhule</p> <p>Councillor Althea Smith (Reserve)</p> <p><b>Officers</b></p> <p>Dorcas Mills – Licensing Unit  Kate Heap – Legal Services  Felix Rechtman – Legal Services  Dave Franklin – Licensing Unit  Sean Usher, Floor 2, Tooley Street (Hub 4)</p> <p><b>By Email</b></p> <p><b>Ward Councillors – South Camberwell</b></p>	<p>HOOPERS BAR &amp; CAFE, (FORMERLY THE IVANHOE PH)  28 IVANHOE ROAD, LONDON SE5 8DH</p> <p>Mr J C Hooper, 26-28 Ivanhoe Road, London SE5 8DH</p> <p>Guy Baker &amp; Lucy Neville, 18 Malfort Road, London SE5 8DQ</p>
<p><b>Total Copies to be printed: 18</b></p> <p><b><u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u></b></p>	<p><b>Total copies to be circulated: 10</b></p> <p><b>All spares to be delivered to Constitutional Team Room,  2<sup>nd</sup> Floor, Southwark Town Hall</b></p> <p><b>Day of Despatch 21.08.2009</b></p>