

## Licensing Sub-Committee

Wednesday 2 June 2010

10.00 am

Town Hall, Peckham Road, London SE5 8UB

### Membership

Councillor Eliza Mann  
Councillor Althea Smith  
Councillor Ian Wingfield

### Reserves

Councillor Jeff Hook

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

Sean Usher on 020 7525 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: Monday 24 May 2010



## Licensing Sub-Committee

Wednesday 2 June 2010  
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 - BANANA'S TAPAS BAR RESTAURANT, 374 WALWORTH ROAD, LONDON SE17 2NF</b>	1 - 74
6.	<b>GAMBLING ACT 2005 - APPLICATION FOR A PREMISES LICENCE IN RESPECT OF A BETTING SHOP, PADDY POWERS, 66 RYE LANE, LONDON SE15 5BY</b>	75 - 95

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

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

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

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

**7. LICENSING ACT 2003 - BANANA'S TAPAS BAR RESTAURANT, 374 WALWORTH ROAD, LONDON SE17 2NF**

Appendix H – List of representations.

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

Date: Monday 24 May 2010

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 2 June 2010 at 10am.	<b>MEETING NAME</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003 – Banana’s Bar, 374 Walworth Road, London SE17 2NF	
<b>Ward(s) or groups affected:</b>		Premises are within: Faraday	
<b>From:</b>		Strategic Director of Environment & Housing	

## RECOMMENDATION

1. That the Licensing Sub-Committee considers an application made by Minho Montalegre Limited to vary a Premises Licence granted under the Licensing Act 2003 in respect of the premises known as: Bananas Tapas Bar Restaurant, 374 Walworth Road, London SE17 2NF.

2. **Notes:**

- a) *The application seeks to vary existing licensable activities held under current legislation in respect of the premises known as: Bananas Tapas Bar Restaurant under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from London Fire Emergency & Planning Authority, Environmental Protection Team and 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 17 - 21 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 & e).*

## 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 justice's 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.

## **KEY ISSUES FOR CONSIDERATION**

### **The current Premises Licence**

10. The current licence in respect of the premises known as Bananas Tapas Bar Restaurant, 374 Walworth Road, London SE17 2NF was issued 29 March 2010. It allows the following licensable activities.
  - Recorded music; facilities for dancing  
Monday – Sunday from 11.00- 00.00;
  - Sale and Supply of alcohol on and off the premises:  
Monday – Saturday from 09.00- 01.00;  
Sunday 12.00 – 01.00

- Operating hours of premises;  
Monday – Saturday from 09.00- 01.30;  
Sunday 12.00 – 01.30

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

### **The variation application**

12. On 19 March 2010, Minho Montalegre Limited applied to this Council to vary the Premises Licence issued in respect of the premises known as Banana's Tapas Bar Restaurant, 374 Walworth Road, LONDON SE1 2NF under section 34 of the Licensing Act 2003.

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

13. The variation application is summarized as follows:

- **To permit the provision of regulated entertainment**  
*(live music, performance of dance, provision of facilities for making music)*
  - Fri & Sat from 11.00 - 03.30 on the day following
  - Sun from 11.00 – 02.00 on the day following
- **To extend the terminal hour permitted for recorded music and provision of facilities for dancing:**
  - Fri & Sat from 00.00 - 03.30 on the day following
  - Sun from 00.00 – 02.00 on the day following
- **To permit the provision of late night refreshment**
  - Mon – Thurs from 23.00 - 00.00
  - Fri & Sat from 23.00 – 03.00 on the day following
  - Sun from 23.00 – 01.30 on the day following
- **To extend the terminal hour for the sale and supply of alcohol:**
  - Fri & Sat from 01.00 - 03.30 on the day following
  - Sun from 01.00 – 02.00 on the day following
- **The opening hours of the premises requested are**
  - Fri & Sat from 09.00 - 04.00 on the day following
  - Sun from 09.00 – 02.30 on the day following

A copy of the variation application is attached as Appendix a to the report.

14. The variation application form provides the applicant's operating schedule. Parts E, F, G, I, J, L 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 Bartłomiej Marcin Gasior, he holds a personal licence issued by Royal Borough of Windsor & Maidenhead.

### **Representations from Interested Parties**

17. There are representations lodged by six local residents (one comprising a petition signed by 40 residents); and also Fielding Street Residents Association. The representations are primarily concerned with the prevention of public and noise nuisance and crime and disorder. The representations are attached as appendix c to the report.

### **Representations from Responsible Authorities**

18. There were two representations lodged by the London Fire Emergency Planning Authority, (LFEPA) and the Councils Environmental Protection Team (EPT). Both representations outlined control measures that should be undertaken to increase safety and to reduce noise nuisance if the licence is granted.
19. However after conciliation and agreement with the applicant, the following conditions have been incorporated into the operating schedule by the applicant. Accordingly, these conditions will be attached should the licence be granted. The EPT therefore have withdrawn their representation.
- No external sound systems shall be imported onto the premises; any imported musical instruments requiring amplification shall be amplified via the existing sound system (controlled by means of the Sound Limiting Device).
  - There shall be no removal and loading of equipment from the premises between the terminal hour and 08.00 hours.
  - After 22.00 hours, no more than ten (10) patrons shall be permitted to use the smoking area at any one time.
20. The London Fire and Emergency Defence Authority after a further inspection conducted at the premises on 17 May 2010 have withdrawn their representation with no further comments. The withdrawal email is attached as part of appendix d.
21. The applicant met with the Metropolitan Police who did not submit a representation as the applicant had agreed to their request that the operating schedule be amended to include the following condition. The email updating the operating schedule is attached as part of appendix d.
- That there shall be no new admissions after 01.30am.

### **Conciliation**

22. A conciliation statement was issued by the applicant having had regards to the representation received, copies were distributed to residents for their information. A copy of the statement is attached as appendix d to the report.
23. A meeting was also held on Tuesday 11 May 2010 between the management of the premises who were represented by Mr Richard Nash (Licensing consultant) and the interested parties consisting of six local residents and the chair of Fielding Street Residents Association).

#### Interested Parties comments

24. The interested parties amplified their concerns with regards to effect of noise nuisance already being experienced by local residents. They also pointed out that the proposed hours till 4am will have a real detrimental effect on their lives due to lack of proper sleep caused by the bass of music and also by patrons smoking outside, patrons leaving at later hours and the occasional arguing and fighting.
25. They also had concerns about the premises operating beyond its terminal hours with loud music being heard past the current operating time of 01.30 concerns were also raised with regards to patrons who looked under age being admitted to the premises and patrons from other closed premises who will gain entry having already had a few drinks.

#### The Management comments

26. Mr Nash addressed these issues by stating that this application was made by new management and as such the nature of the premises would change to a restaurant with about 25 covers which would provide cabaret style (laid back, Latin music, some live and some recorded) entertainment. He also stated that the target clientele would be the more mature patrons and also people who work in the catering trade who finish work late to have somewhere to go after work.
27. He also mentioned that the new management by way of the application and the operating schedule was trying to put in management controls to alleviate the problems of the past. As such a sound limiting device had been installed and set, also SIA door staff will be provided. He also gave an assurance that if the licence was granted the walls of the premises would be rebuilt to stem out noise escape.
28. He stated that the Police and Environmental Protection Team were satisfied with the proposals made in the operating schedule and amendments and agreements made to it and as such had withdrawn their objections to the application.
29. The interested parties were still not happy with the intended operating hours and noise nuisance issues. Therefore the application is being submitted for determination by the Licensing Sub-Committee.
30. Additional supplementary statements to support the management cause are attached as appendices f/f1/f2 to the report.

#### **Recent information relating to the premises**

31. On 16 March 2010 an application was made to transfer the licence from the previous owner Mr Candido Rodrigues to Minho Montalegre Limited.



32. Also on the 26 March 2010 an application was made to transfer the Designated Premises Supervisor to Bartomiej Marcin Gasior.

### **Additional information relating to history of premises**

33. On 25 November 2009 the Licensing Sub-Committee considered an application for 4 sets of temporary event notices (TENs) made by the previous licensee, due to representations made by the Metropolitan Police with regards to crime and disorder. The decision made was to refuse the applications as the licensing sub-committee was satisfied that the licensee had not managed the premises having regard to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.
34. On 14 December 2009 an application was also determined for a variation to extend the operating hours of a premises licence. The application was opposed by the Metropolitan Police and a local resident. The decision was also to refuse the variation as the sub-committee was satisfied that the licensee had not managed the premises having regard to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

### **The Local Area**

35. A map of the local area is attached as appendix g. The operating terminal hours of the following premises licensed for regulated entertainment and late night refreshment are shown on the map:

#### Off Licences

- Capalina Stores, 365 Walworth Road SE17 (Mon - Sat until 23:00 and Sun 22.30)
- Oli Centre, 332 344 Walworth Road, SE17 (Mon – Sun 24hrs.)
- Iceland Stores, 332 344 Walworth Road, SE17 (Mon- Sat 23:00; Sun till 22.30)

#### Public Houses with entertainment

- Red Lion, 407 Walworth Road, SE17 (Sun – Thurs till 00:30; Fri & Sat till 01.30)

#### Late Night Refreshment

- Walworth Kebab & Burger Bar, 360 Walworth Road, SE17 (Sun – Thurs till 02.00; Friday & Saturday till 04:00)
- La Luna, 380 Walworth Road, SE17 (Mon – Sat 00:30; Sun till 00.00)
- Winner, 3 Westmoreland Road, SE17 (Mon - Thurs till 00:00; Fri & Sat till 00.30; Sun till 23.30)
- Sierra Spot, 6 Arnside Street, London SE17 (Mon – Thurs till 00.00; Fri & Sat till 00.30 and Sun till 22.30)

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

36. 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.

37. 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**

38. 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**

39. 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.

#### **COMMUNITY IMPACT STATEMENT**

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

#### **SUPPLEMENTARY ADVICE FROM THE STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE**

41. The sub-committee is asked to determine the application for a variation of a converted premises licence.

42. The requirement is to give all parties a fair, unbiased hearing.

43. 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.

44. 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.
45. 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.
46. The principles that sub-committee members must apply are set out below.

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

47. 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.
48. 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.
49. 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.
50. 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**

51. 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.
52. 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.

53. 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.
54. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment 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 operators.
55. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors.
56. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

### **Reasons**

57. 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**

58. 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.
59. 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**

60. 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.
61. 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.
62. 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.
63. 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.
64. 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**

65. 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 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

**APPENDICES**

No.	Title
Appendix A	Copy of the variation application
Appendix B	Copy of the existing premises licence
Appendix C	Copies of the representations from interested parties
Appendix D	Copies of withdrawal emails
Appendix E	Copy of conciliation statement from applicant
Appendices F/F1/F2	Copy of additional support statement from applicant
Appendix G	Copy of the local area map
Appendix H	List of representations (On closed agenda)

**AUDIT TRAIL**

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	24 May 2010	
Key Decision?	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law and Governance	Yes	Yes
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	24 May 2010	

831674

## 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.

I/We **Minho Montalegre Limited**

(Insert name(s) of applicant)

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

Premises licence number **830513**

## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description  
**Banana's Tapas Bar restaurant, 374 Walworth Road**

Post town **LONDON** Post code **SE17 2NF**

Telephone number at premises (if any) **0207 703 3295**

Non-domestic rateable value of premises **£ 30,250.00**

## Part 2 – Applicant details

Daytime contact telephone number	<b>0207 703 3295</b>
E-mail address (optional)	
Current postal address if different from premises address	<b>294 Merton Road</b>
Post Town	<b>London</b>
Postcode	<b>SW18 5JW</b>

RECEIVED  
19 MAR 2010

**Part 3 - Variation**

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

Please tick yes



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)

- 1) To allow the provision of Live Music on :  
Friday and Saturday from 11.00 to 03.30 hours;  
Sunday from 11.00 to 02.00 hours.
- 2) To allow the provision of Recorded Music on :  
Friday and Saturday from 11.00 to 03.30 hours;  
Sunday from 11.00 to 02.00 hours.
- 3) To allow facilities for the provision of Live and/or Recorded Music, namely acoustic and amplified Performers' Instruments, CD Player, Amplifiers, Speakers, Microphones etc. (to facilitate [1] and [2] above).
- 4) To allow the provision of Late Night Refreshment :  
Monday to Thursday from 23.00 to 00.00 (midnight) hours  
Friday and Saturday from 23.00 to 03.00 hours;  
Sunday from 23.00 to 01.30 hours.
- 5) To allow the facilities for dancing (indoors) :  
Friday and Saturday from 11.00 to 03.30 hours;  
Sunday from 11.00 to 02.00 hours.
- 6) To vary the permitted hours for the retail sale of alcohol (for both 'On' and 'Off' sales) as follows :  
Friday and Saturday from 09.00 hours to 03.30 hours;  
Sunday from 09.00 to 02.00 hours.
- 7) To vary the opening hours as follows :  
Friday and Saturday from 09.00 hours to 04.00 hours;  
Sunday from 09.00 to 02.30 hours.

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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" 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 checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)                                   | <input checked="" type="checkbox"/> |
| entertainment of a similar description to that falling within (i) or (j) (if |                                     |
| l) 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	
Day	Start	Finish	Outdoors	
Mon			Both	
Tue			Please give further details here (please read guidance note 3)	
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

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

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details (please read guidance note 3)</b>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events (please read guidance note 4)</b>
Wed			
Thur			<b>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)</b>
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	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
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

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	X
Mon			Outdoors	
Tue			Both	
Wed			<b>Please give further details here (please read guidance note 3)</b>	
Thur			<b>Acoustic music will be provided by one or more performers; or amplified music will be provided by one or more performers; singers will perform with or without amplification.</b>	
Fri	11.00	03.30	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Sat	11.00	03.30	<b>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)</b>	
Sun	11.00	02.00		

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)	
Day	Start	Finish	Indoors	X
Mon			Outdoors	
Tue			Both	
Wed			Please give further details here (please read guidance note 3)	
Thur			Amplified instruments/music to entertain patrons or Amplified Recorded Backing Tracks (e.g. CDs) to support Live Singer(s).	
Fri	00.00	03.30	State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Sat	00.00	03.30	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)	
Sun	00.00	02.00		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	X
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur				
Fri	11.00	03.30		
Sat	11.00	03.30	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun	11.00	02.00		



H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	
Mon				Outdoors	
				Both	
Tue			<b>Please give further details here (please read guidance note 3)</b>		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</b>		
Fri					
Sat			<b>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 (please read guidance note 5)</b>		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			<b>Acoustic/Amplified Performers' Instruments, CD Player, Amplifiers, Speakers, Microphones etc.</b>	
			Will the facilities for making music be 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	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur				
Fri	11.00	03.30	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 (please read guidance note 5)	
Sat	11.00	03.30		
Sun	11.00	02.00		

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	Outdoors
				X
			Both	
			Please give a description of the facilities for dancing you will be providing	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur				
Fri	00.00	03.30	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	00.00	03.30		
Sun	00.00	02.00		

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)</b>	<b>Indoors</b>	
Mon				<b>Outdoors</b>	
				<b>Both</b>	
Tue			<b>Please give further details here (please read guidance note 3)</b>		
Wed					
Thur			<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)</b>		
Fri					
Sat			<b>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 (please read guidance note 5)</b>		
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	
Day	Start	Finish		
Mon	23.00	00.00		
Tue	23.00	00.00		
Wed	23.00	00.00		
Thur	23.00	00.00		
Fri	23.00	03.00		
Sat	23.00	03.00		
Sun	23.00	01.30		

Please give further details here (please read guidance note 3)	
State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
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)	

Indoors	
Outdoors	
Both	X

**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	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	X
Tue					
Wed					
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	01.00	03.30			
Sat	01.00	03.30			
Sun	01.00	02.00			

**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			<p><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 (please read guidance note 5)</b></p>
Tue			
Wed			
Thur			
Fri	09.00	04.00	
Sat	09.00	04.00	
Sun	09.00	02.30	

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

Please tick yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence  
**The original Premises Licence, Premises Licence Summary and Plans were returned to Southwark Council's Licensing Authority on 16 March 2010 together with the application for the Transfer of said 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)**

The new Banana's Tapas Bar restaurant will appeal to families and persons of all ages. Children under 16 will be welcomed but only when accompanied by a parent or responsible adult, and must leave by 9.00 pm. The Applicant is familiar with the requirements of the Licensing Act 2003 and with the provisions of the four Licensing Objectives. They are equipped to and fully intend to promote those objectives (as outlined below).

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

1. That on Fridays, Saturdays and Sundays SIA registered Door Supervisor, shall be employed at all times after 22.00hrs until the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
2. That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry', 'Management reserve the right to refuse entry'.
3. That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.
4. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
5. That the CCTV system be at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.
6. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. That the Licence Holder shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Council and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.
8. That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
9. That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.
10. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search.
11. There will be a 'cooling off/eating-up/drinking-up' period each night, with the premises closing 30 minutes after the cessation of all licensable activities.

**c) Public safety**

A First Aid Kit shall be available at the venue.  
An Incident/Accident Book shall be kept and maintained.  
The premises has an Emergency Lighting system.

**d) The prevention of public nuisance**

The Proprietor will minimize sound volumes to ensure that there is no sound breakout which might cause a noise nuisance to local residents or local businesses. The Proprietor will re-site the speakers (currently located near to or upon the party wall), install secondary acoustic double glazing and a Sound Limiting device.

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

Children will be welcomed but only when accompanied by a parent or responsible adult. Staff will remain vigilant and ensure that young persons are not able to purchase alcohol. In cases of doubt, staff request proof of age ID such as a Passport, Driving Licence (bearing a photograph) or the Southwark Proof of Age (SPA) Card. No person under 16 years of age is permitted to remain on the premises after 9.00 pm. After 9.00 pm, persons of 16 or 17 years of age may remain if accompanied by a parent or responsible adult.

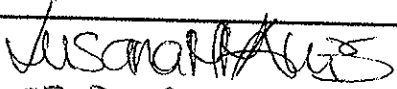
Please tick yes

- 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	16.03.2010
Capacity Company Secretary of Minho Montalegre Limited	

**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	

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

**C/O MR R H NASH, 38 WINLATON ROAD**

Post town **BROMLEY**

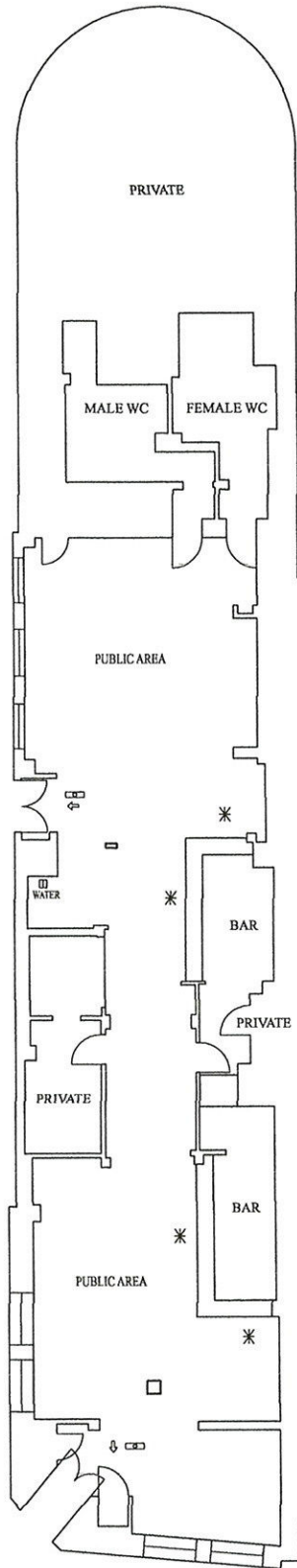
Post code **BR1 5PY**

Telephone number (if any) **0208 695 0070 OR 07879665039**

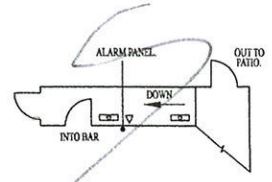
If you would prefer us to correspond with you by e-mail your e-mail address (optional)

**<richardhnash@hotmail.com>**

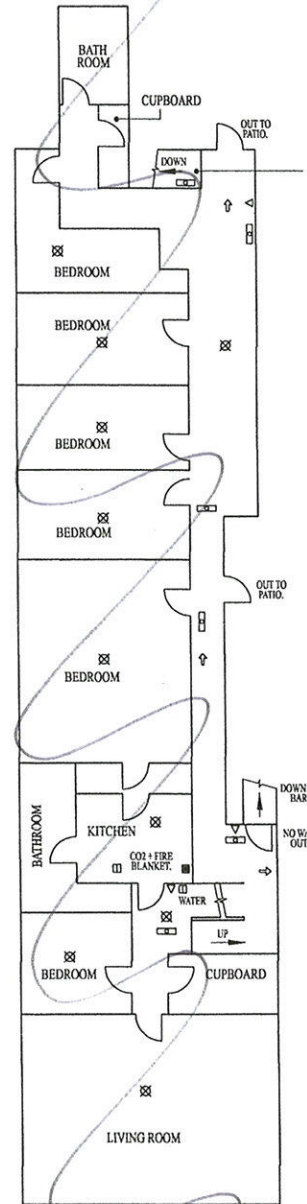
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GROUND FLOOR LAYOUT



PART PLAN SHOWING STAIRCASE



FIRST FLOOR LAYOUT

SCALE 1:100


RECEIVED

19 MAR 2010



# Licensing Act 2003 Premises Licence

34

APPENDIX B  
  
Southwark  
Council

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

Premises licence number

831737

## Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Banana's Tapas Bar Restaurant 374 Walworth Road London SE17 2NF	
Ordnance survey map reference (if applicable), 177946532411	
<b>Post town</b> London	<b>Post code</b> SE17 2NF
<b>Telephone number</b>	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Recorded Music  
Facilities for Dancing - 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	09:00 - 01:30
Tuesday	09:00 - 01:30
Wednesday	09:00 - 01:30
Thursday	09:00 - 01:30
Friday	09:00 - 01:30
Saturday	09:00 - 01:30
Sunday	09:00 - 01:30

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

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

The times the licence authorises the carrying out of licensable activities

**The times the licence authorises the carrying out of licensable activities**

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

**Recorded Music**

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

**Facilities for Dancing - Indoors**

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

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

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 01:00
Saturday	09:00 - 01:00
Sunday	09:00 - 01:00

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

Monday	09:00 - 01:00
Tuesday	09:00 - 01:00
Wednesday	09:00 - 01:00
Thursday	09:00 - 01:00
Friday	09:00 - 01:00
Saturday	09:00 - 01:00
Sunday	09:00 - 01:00

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Minho Montalegre Limited  
 294 Merton Road  
 London  
 SW18 5JW

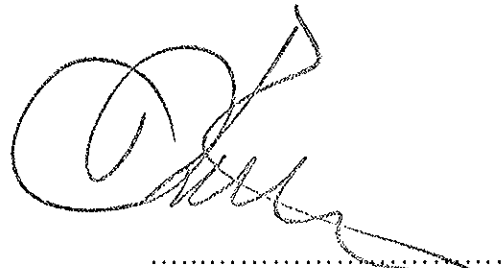
**Registered number of holder, for example company number, charity number (where applicable)**  
**07079609****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Bartlomiej Marcin Gasior  
 17 Hermitage Parade  
 High Street  
 Ascot  
 SL5 7HE

**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. 09/00019/LAPER  
 Authority Royal Borough of Windsor & Maidenhead

Licence Issue date 29/03/2010



.....  
 Environmental Health & Trading  
 Standards Business Unit 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 a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00 hours b. On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30 hours c. On Good Friday, 12:00 to 22:30 hours d. On Christmas Day, 12:00 to 15:00 hours, and 19:00 to 22:30 hours e. On New Year's Eve, except on a Sunday, 10:00 to 23:00 hours f. On New Year's Eve on a Sunday, 12:00 to 22:30 hours g. 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 bonafide 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

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

**172 a.** The Licensee / Duty Manager shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises. **b.** If required, at least one suitably trained first aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

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

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

**325** That after 21:00 hours children under 16 shall not be admitted in any area where alcohol is sold and consumed

**332** All children on the premises under 18 will be accompanied by a parent or responsible adult at all times

**340** That an emergency lighting system is to be installed on the premises

**Annex 4 - Plans - Attached**

Licence No.	831737
Plan No.	LO/001
Plan Date	October 2006

**Fielding Street Residents' Association**

The Licensing Service  
C/O Southwark Environmental Health and Trading Standards  
The Chaplin Centre  
Thurlow Street  
London, SE17 2DG

16 April 2010

RECEIVED  
16 APR 2010

Dear Licensing Team,

**BANANA'S BAR, 374 WALWORTH ROAD SE17 2NF**

Objection to application to extend opening hours and hours for provision of alcohol, refreshments and live entertainment

Fielding Street Residents' Association has held an emergency general meeting. We object to the above application on the grounds of the prevention of nuisance and the prevention of crime and disorder.

The houses on the south side of Fielding St overlook the Bar and the area of the Gateway Estate behind the bar where there is parking and an open space surrounded on three sides by wall. Any sound from this area is transmitted to our houses very clearly. Residents have noticed increased noise late at night in recent months, from music inside the Bar, from patrons outside the Bar, from people arriving and leaving in cars and motorbikes and from the music coming from those cars. Residents have also observed brawls outside the Bar, an increased numbers of people hanging around and men using the area as a urinal, exposing themselves in the full view of the windows at the back of our houses. Residents close to the Bar now keep their windows closed and close the shutters to block out the noise and the unwelcome sights.

If the extensions are approved we fear the following:

1. Further changes for the worse – it is becoming a threatening environment
2. A worsening of the noise late at night and in the early hours of the morning from people and cars outside
3. A worsening of noise late at night and in the early hours of the morning from the live music inside the building, which is an insubstantial building for this use,
4. Suspected use of the area by drug dealers

5. A worsening of the number of brawls and fights outside the Bar
6. A worsening of the indecent behaviour already happening – men using the area in the Gateway Estate just behind the Fielding St houses as a urinal – clear view from all the windows from the back of the south side of Fielding St

The Residents' Association asks that the application for extension of hours is refused.

I attach the minutes of our Emergency General Meeting. We will canvass the views of residents who are currently away and may provide further points next week.

Yours sincerely,

[Redacted signature]

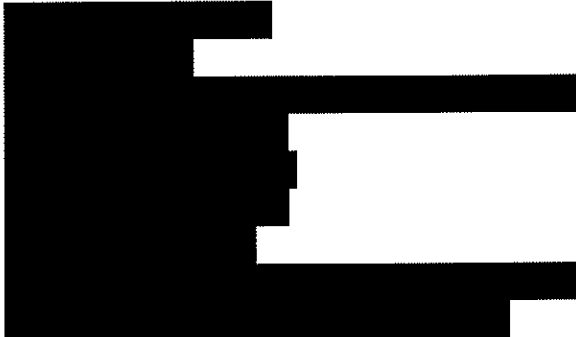
Committee Member, Fielding St Residents' Association

[Redacted name]

**FIELDING STREET RESIDENTS' ASSOCIATION**

**MINUTES OF AN EMERGENCY GENERAL MEETING HELD ON 14 APRIL 2010**

**Present:**



Apologies: [REDACTED] (Secretary of Committee)

**Background:** The meeting was called as it had been noticed that Banana's Bar had applied to extend their hours for opening, for the provision of live entertainment, for provision of alcohol and for the provision of refreshments.

**Notes of meeting**

Olivia Carlton welcomed attendees. The meeting opened with a general discussion of what residents' current experiences are of the Banana's Bar.

Those living just across from the Bar have noticed much more noise late at night over the last year. The music from inside the bar can be heard throughout the house with the windows closed; the relentless "thump, thump, thump" of music with a strong beat is felt physically as well as heard, even when residents are in bed. There have been a number of brawls, lot of women shrieking late at night (sounding very distressed) and much more use of the area in the Gateway estate round the back of Banana's Bar as a urinal. There have been many more people hanging around late at night and in the early hours of the morning. Residents have often been woken from sleep especially on Friday nights by a scream or a shout. The vehicles pulling up, playing their music, is also very disruptive. There have been a lot of extra cars parked on the edges of the designated parking spaces just behind the Fielding St houses in the Gateway car park late at night.

[REDACTED] reported that she now closes the shutters during the day and in the evening so that the people smoking on balcony can't see in. She and Cao also have to close their windows much more than a year ago in order to block out the noise. She also reported observing:

- Use of the balcony area for smoking
- Use of the balcony area for barbecues
- Use of the open area as a public urinal
- Use of drugs

██████████ and ██████████ reported that they had each sent in a complaint about the use of the roof terrace balcony last year for barbecues and had finally received a reply only earlier this week stating that the use was for personal use only of the residents and therefore not subject to licensing action. Lisa stated that she believed that the roof terrace is being used by punters of the Bar. They go out there to smoke and she has seen lots of barbecues out there. No-one can have that many friends!

It was agreed that it is important to get some photographic evidence. ██████████ agreed to ask ██████████) if he could help.

██████████ reported that she had been in discussion about the situation with residents of the Gateway Estate. They were raising a petition, and were very unhappy about the current opening hours and noise, never mind any extension of hours.

██████████ reminded the meeting of the difficulties when the premises were a pub called Liam Ogs. At that time the proprietor applied to use the first floor terrace (the roof terrace or balcony) for public use of the public house. He was granted temporary permission in 1993, with certain conditions imposed at a later point, but the noise generated and the invasion of privacy of the residents of Fielding St led to planning permission being refused in September 1995. It was agreed that the reference will be noted in the minutes. (LBS Reg no:95/618; Case No TP/1065-374/AJF)

Several residents discussed how the ground area of the Gateway Estate at the back of the Bar which is adjacent to the back of the Fielding St houses is like an amphitheatre. The sound travels clearly – every word can be heard and loud noise almost sounds as though it is amplified.

#### Key Concerns if the extension is approved

1. Further changes for the worse – it is becoming a threatening environment
2. A worsening of the noise late at night and in the early hours of the morning from people and cars outside
3. A worsening of noise late at night and in the early hours of the morning from the live music inside the building – insubstantial building for this use,
4. Suspected use of the area by drug dealers
5. A worsening of the number of brawls and fights outside the Bar
6. A worsening of the indecent behaviour already happening – men using the area in the Gateway Estate just behind the Fielding St houses as a urinal – clear view from all the windows from the back of the south side of Fielding St

It was agreed that it is important to send an email saying that we will be sending a fuller letter once we've had the chance to canvass views of more residents.

██████████ agreed to do this.

The meeting agreed that whatever is the outcome of this application for an extension of hours, FRSA would like to see the existing hours reduced.

██████████ thanked everyone for coming and the meeting was closed at 8.30pm.



Party B

**From:** [REDACTED]  
**Sent:** 13 April 2010 21:59  
**To:** Regen, Licensing  
**Subject:** BANANA'S BAR, 374 WALWORTH ROAD SE17 2NF

Dear Licensing Team,

I am emailing to object to the application for extended opening hours during the week and at weekends for the above premises, for the sale of alcohol and refreshments and the provision of live entertainment. My objection is primarily on the grounds of nuisance and also on the grounds of the prevention of crime and disorder.

The bar is surrounded by residential properties. The parking area, in the Gateway Estate, behind the Bar, is directly in front of my bedroom window. That area is like an amphitheatre; it is surrounded by blocks of flat and the houses on the south side of Fielding St; every noise made is clearly transmitted. I find late night noise distressing. Recently there has been a noticeable increase in noise coming from the Banana's Bar building itself late at night and there have been a number of fights outside, which I understand have been between patrons of the Bar. Extending weekend hours to 4am (and 2.30am on Sundays) will exacerbate this situation on several counts. The live entertainment is likely to be noisy in itself. The patrons will be arriving and leaving during all the evening, night and early morning hours. Some will congregate in the large area in front of my bedroom window and some will have drunk alcohol and are likely to be noisy. Many may park there and the coming and going of cars and motorbikes will add to the nuisance. I believe that my sleep will be disturbed on a very regular basis and my sense of pleasure in living where I do will be seriously reduced.

You are of course aware of Southwark Council's policy in relation to licensing: **Our policy recognizes the growing value and importance of Southwark. It seeks to provide necessary balance between providing a platform upon which responsible business operators may contribute toward a thriving business and late night economy while ensuring that the quality of life of those who live and work in the borough is protected and enhanced through the licensing system.**

It is my belief that if this application is approved, my quality of life will not be protected and enhanced; it will be seriously reduced.

Yours sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

14/04/2010

PART 7 C

[REDACTED]  
[REDACTED]  
Telephone and Fax: [REDACTED]

Email: [REDACTED]

13 April, 2010

Dear Sirs,

RE: BANANA'S BAR, 374 Walworth Road, London SE17 2NF

I am writing to object to the proposed extension to the licensing hours for Banana's Bar as I believe they will have a very adverse effect on the local community. While the front of the Bar is on the Walworth Road, the back where most music events take place is in fact in a densely populated residential area comprising the Gateway Estate, Empress Street and Fielding Street. A number of flats and houses are within a hundred feet of the thin-walled extension used by the Bar, many much closer than that. The level of noise from the music and the comings and goings of patrons of the Bar around the back and car park area will have a detrimental effect on many lives.

Even with the current licensing arrangements, I can hear music from the bar in my bedroom when the windows are closed. There has also been a marked increase in the amount of noise and drunken behaviour from departing revellers. I have lived in my house for 33 years so accept a certain level of night-noise is part of Walworth life. However, the noise levels from the Bar are already pushing the boundaries and the extended licensing hours combined with warmer weather could potentially create an intolerable level of disruption for the local community.

I only discovered about these proposal by chance yesterday when I spotted a notice completed in hand and above eye level on the Walworth Road front of the Bar. There are no notices on the back nor has any information been sent to local resident and tenants association about these important changes. I am informed by the Licensing Department that correct procedures have been followed and I accept that. However, I would like to register my concern that most local people have, so far as I can tell, no idea of what potentially is about to hit them.

Yours faithfully,

[REDACTED]

[REDACTED]

RECEIVED

13 APR 2010

.....

PART 7 D

[REDACTED]

**From:** [REDACTED]  
**Sent:** 14 April 2010 12:39  
**To:** Regen, Licensing  
**Subject:** Objection to proposed extension of Banana's Bar license

To: Southwark Council licensing service

14 April 2010

Dear Sir / Madam

I live at Fielding Street, Walworth (full address below), close to the Banana's Bar, 374 Walworth Road. I would like to object to the bar's application to extend its licensing hours to 4am on Fridays and Saturdays and 2.30 am on Sundays.

There have been a number of noisy incidents and fights caused by the patrons of this establishment, creating a nuisance and also potentially a threat to public safety. This not only affects the residents of Fielding Street but also the Gateway Estate where there are a number of young children and elderly residents who must also be affected.

I would ask you to please consider refusing the extension of Banana Bar's licence.

Yours sincerely

[REDACTED]  
[REDACTED]  
[REDACTED]

PARTY E

**From:** [REDACTED]  
**Sent:** 14 April 2010 22:09  
**To:** licencing@southwark.gov.uk  
**Subject:** objection to Banana Bar Walworth Road application to extend licence

Dear Sir/Madam,

Please take this email as residents ([REDACTED]) of [REDACTED] objection to Banana Bar's (374 Walworth Road) application to extend its licence.

My residence is directly opposite the bar's balcony and therefore I have a realistic picture of the impact it has on the direct community.

I understand objections must be on one or more of the following grounds:

- \*The prevention of crime and disorder
- \* Public safety
- \*The prevention of nuisance
- \* The protection of children from harm

I feel that the following objections fall under these grounds:

- \* Both myself and my partner have noticed an increase in noise in the past year but which has steadily increased in the last six months. This noise has taken the form of music from the Banana Bar premises, car stereos as a result of drivers using Banana Bar, arguments, fights, distressing screaming from females (on occasion screaming at males to leave them alone) and general gathering of large groups of individuals. This noise is further increased as the position that the bar is in (sound echo's and travels throughout the gateway estate). This noise is much worse at night and during the early hours particularly on Friday and Saturday. This directly impacts on us as we have to keep our windows closed but can still hear the noise. It also wakes us up in the early hours and is distressing and makes us feel uncomfortable and threatened in our own home.
- \* The square area outside the balcony area of Banana Bar is now frequently used as a urinal as a direct result of Banana bar. This results in men frequently exposing themselves to me as I have a direct view from my property. Additionally, children play in this area.
- \* Large groups of individuals now meet in this area which makes me feel uncomfortable as I believe that these are not innocent meetings and the meetings are often littered with foul language. This results in me having to keep my shutters and windows locked at all times, effectively making me a prisoner in my own home.
- \* The balcony area is used very frequently and this also is not a suitable situation.

Should you need further clarification or would like to discuss any of the above points in more detail please do contact me.

[REDACTED]

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Get a free e-mail account with Hotmail. Sign-up now.

[REDACTED]

PARTY F

**From:** Regen, Licensing  
**Sent:** 16 April 2010 16:33  
**To:** Mills, Dorcas  
**Subject:** FW: Objection

**From:** [REDACTED]  
**Sent:** 16 April 2010 15:36  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** FW: Objection

Hi,

I would like to object to a late license being given to Banana's Bar, 374 Walworth Road, to extend it's opening hours to 4am on Fridays and Saturdays, and to 2.30am on Sundays.

I make my objection on the grounds that these extended opening hours will become a nuisance for ourselves and other residents in Fielding Street and the surrounding area. At the moment there can be a lot of noise from people coming out of the bar late at night and drunk, for example one evening there were two girls crawling across the road as they were too drunk to walk. There have also been some fights involving people coming out of the bar in recent weeks. I am concerned that extended opening hours would cause further nuisance to local residents, later into the night.

That is not to say that there isn't room for nightlife on the Walworth Road, but it's hard to see any other result from a 4am license for this type of venue than incredibly drunk people suddenly hitting the streets at the very early hours in the morning.

Kind Regards,

[REDACTED]

\*\*\*\*\*  
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\*\*\*\*\*

Gateway  
London  
SE17 3UE

15 April 2010

Dear Licensing Team

**Banana's Bar, Walworth Road**

We are sending in the attached petition from the tenants of the Gateway Estate to protest about the proposed extension to the licensing hours at Banana's Bar.

Even the current licensing hours until 1am are causing a lot of disruption to our lives, especially of the people who live nearest to and directly overlook the entrance to the bar. Customers are out on the street smoking until the early hours and fights have taken place directly below our bedroom windows.

The music is noisy at weekends and many people are also urinating around our block of flats. There is a noticeable increase in drug dealing in the area and many more people hanging around our block.

All this nuisance has increased since Banana's Bar changed ownership last year and we were intending to petition about the present licensing hours, so we were shocked to find that there was an extension proposed.

We strongly oppose the extension as there is considerable nuisance at present and this would only increase. In addition we suspect that crime in the area is increasing as a result of bringing more people around our flats late at night. Also the bar is keeping us and our children awake through noise from music, fights and generally loud noise from people leaving the bar after midnight.

Yours sincerely



RECEIVED  
18 APR 2010

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**From:** Richard Nash [mailto:richardhnash@hotmail.com]  
**Sent:** 07 April 2010 21:50  
**To:** Clements Ian - MD  
**Subject:** RE: Proposed Conditions  
**Importance:** High

Dear PC Ian Clements

Thank you for your email and comments.

I refer to our telephone conversation earlier today regarding the latest time for new admissions.

I am instructed by my client to agree to the addition of a further condition (over and above those already stated in the Operating Schedule and previously agreed with Police) namely:

**" That there shall be no new admissions after 01.30 am."**

I am most grateful that we were able to reach agreement on all of the conditions relevant to the Crime and Disorder Licensing Objective, and once again thank you for your assistance.

Yours sincerely

Richard Nash  
Licensing Consultant

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010Z/S0/LI

Banana's Tapas Bar, 374 Walworth Road

Page 1 of 2

[REDACTED]

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**From:** raymond.goodman@london-fire.gov.uk  
**Sent:** 17 May 2010 15:20  
**To:** Mills, Dorcas  
**Subject:** RE: Banana's Tapas Bar, 374 Walworth Road

Dear Ms Mills,  
As requested confirmation that I have recently revisited Bananas Bar 374 Walworth Road will be withdrawing my representation in relation to their application for license extension.  
I will instruct our admin staff to issue a formal letter for you records.

Kind Regards  
Ray Goodman  
Inspecting Officer  
London Fire Brigade  
Southwark Fire Safety  
Room 212  
266B Queens Road  
New Cross  
London  
SE14 5JN  
Tel: 0208-555-1200 + Ex 57284  
Mob: 07825 996 417

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### History

For many years this premises traded as 'Liam Ogs', and was little more than a traditional pub which provided discotheque entertainment during the evening at weekends.

About a year ago, the venue changed hands and the trading name was changed to 'Banana's Bar'. The business became more of a bar than a pub and started to provide discotheque entertainment on most nights. It would appear that there were some problems regarding 'late-trading', excessive noise, as well as some crime and disorder issues. The aforementioned activities created difficulties for the Authorities and had a negative impact on the quality of life of some local residents.

In March 2010, the venue was acquired Minho Montalegre Limited (*'the Company'*). The Premises Licence is now held by the Company, who are re-branding it and re-launching the business in the new name of Banana's Tapas Bar Restaurant.

### The Company's Proposals

- 1) Minho Montalegre Limited are proposing to remodel and re-launch the above venue, providing a new Leisure offer for Walworth, and helping to regenerate the area and local economy.
- 2) The Company is planning to convert the existing operation, creating a combined Restaurant and Cabaret venue.
- 3) It is proposed that the Restaurant will be open from lunchtime every day until midnight on weekdays, 03.00 am on Fridays and Saturdays and 01.30 am on Sundays. The Restaurant will provide 'Latin-American' and Continental cuisine of a very high standard. A family friendly restaurant which will suit all tastes and all ages.
- 4) The live, evening entertainment will include tasteful and laid-back Latin-style jazz, professional Tango and Salsa dancers, Latin bands, and the Disc Jockey will also provide Latin-style dance music such as Salsa and Samba.
- 5) This new Restaurant will benefit and appeal to the local community both during the day and in the evening for business lunches, dinners or social occasions.
- 6) The later evening entertainment and restaurant facilities will not only appeal to local people, but will also provide leisure facilities for people who themselves work in the Catering, Hotel and Leisure industries (those who do not finish work until 11.00 p.m. or later). These include persons from the Italian, Spanish, Colombian, Portuguese and Brazilian communities.

### The Improvements To Date

- 1) The Company's Licensing Consultant has advised upon additional licence conditions and other measures which will more properly regulate the operation, and better address the four (4) Licensing Objectives.
- 2) The Company has appointed the Company Secretary (Susana Alves) to work at the venue as the General Manager and oversee both the Restaurant, Cabaret and Bar activities. Susana is an experienced Manager who has worked in the Leisure Sector for more than ten (10) years.
- 3) The Company has changed the Designated Premises Supervisor (DPS). Bartlomiej Gasior is a Personal Licence Holder and also an experienced Manager.
- 4) The Company also employs a second Personal Licence Holder, which will ensure that at least one Personal Licence Holder is available during the evening.
- 5) The Sound Limiting Device (SLD) has been set at an appropriate level. This device limits the volume levels of the sound equipment. In addition, the Company is perfectly willing to add the following conditions to any new Licence that may be granted:
  - a) No external sound systems shall be imported onto the premises; any imported musical instruments requiring amplification shall be amplified via the existing sound system (controlled by means of the Sound Limiting Device).
  - b) There shall be no removal and loading of equipment from the premises between the terminal hour and 08.00 hours.
  - c) After 22.00 hours, no more than ten (10) patrons shall be permitted to use the smoking area at any one time.

Please Note - Southwark's Environmental Protection Team advises that there have not been any complaints regarding Noise Nuisance since 01 November 2009; and, in any event, not since the Company took over the venue.
- 6) The Company intends to open the new Restaurant in May 2010, providing a new catering choice for local people and others.
- 7) In due course, the existing Door Security Company will be replaced by another Security provider that has been well established in the Southwark area for more than 10 years.
- 8) The crime and disorder issues referred to above have been and are being addressed.
 

Please Note – Walworth Police advise that there have been no major issues since Christmas 2009; and, having considered the additional measures that are being implemented, have not made a Representation opposing the application to vary the Premises Licence.

### Future Improvements

- 1) **At some considerable cost, the Company will install acoustic secondary glazing – as an additional measure to obviate any sound breakout or noise nuisance.**

### Residents' Concerns

**Given the history of this premises under its previous Proprietors, the concerns expressed and the issues raised by Residents are quite understandable. However, this is a new enterprise who are substantially changing this operation with the intention of providing a different type of Leisure Offer for Walworth. In addition to having proper regard to the Licensing Objectives, the Company wants to work with and serve the local community, take on-board Residents' concerns, and, wherever possible, take steps that will directly address and remedy those concerns.**

**The Company takes its responsibilities very seriously. Many of the residents who have expressed concerns will not be aware of the measures that the Company has already proposed to address those concerns and other issues raised. The Company's proposals are :**

**“ 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)**

**The Applicant is familiar with the requirements of the Licensing Act 2003 and with the provisions of the four Licensing Objectives. They are equipped to and fully intend to promote those objectives (as outlined below).**

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

1. That SIA registered Door Supervisor, shall be employed at all times after 22.00hrs until the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
2. That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry', 'Management reserve the right to refuse entry'.
3. That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.
4. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
5. That the CCTV system be at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.
6. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. That the Licence Holder shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Council and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen

days prior to the date of hire.

8. That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.

**9. That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.**

4/

10. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search.

12. There will be a 'cooling off/drinking-up' period each night, with the premises closing 30 minutes after the cessation of all licensable activities.

13. That there shall be no new admissions after 01.30 am.

**c) Public safety**

A First Aid Kit shall be available at the venue.  
An Incident/Accident Book shall be kept and maintained.  
The premises has an Emergency Lighting system.

**d) The prevention of public nuisance**

The Proprietor will minimize sound volumes to ensure that there is no sound breakout which might cause a noise nuisance to local residents or local businesses.

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

Children will be welcomed but only when accompanied by a parent or responsible adult. Staff will remain vigilant and ensure that young persons are not able to purchase alcohol. In cases of doubt, staff request proof of age ID such as a Passport, Driving Licence (bearing a photograph) or the Southwark Proof of Age (SPA) Card. No person under 16 years of age is permitted to remain on the premises after 9.00 pm. "

**SOUTHWARK'S LICENSING SUB-COMMITTEE HEARING - 02 JUNE 2010**  
**RE: BANANA'S TAPAS BAR RESTAURANT, 374 WALWORTH ROAD SE17**

**APPLICANT'S SKELETON ARGUMENTS**

**1. Licensing Act 2003**

- 1.1 It is implied within the Scheme and Policy of this legislation that Licensing Authorities will, in most circumstances, grant Licence applications rather than refuse them.
- 1.2 When granting Licences, and where it is necessary, Licensing Authorities will attach relevant and proportionate conditions to ensure the promotion of the Licensing Objectives.
- 1.3 The Licensing Sub-Committee is charged with considering each case on its merits.

**2. Residents' Representations**

- 2.1 There are a good many references to the historic difficulties which residents have apparently encountered with this premises in the past, when it was previously trading as 'Liam Ogs' or the former 'Banana's Bar' and was being operated by other Proprietors.
- 2.2 Minho Montalegre Limited (*'the Company'*) acquired this premises in March 2010.
- 2.3 In our submission, said historic difficulties have no bearing on this application, and the Licensing Sub-Committee is respectfully requested to disregard all the information regarding the apparent shortcomings of former Proprietors.
- 2.4 The issues raised and concerns expressed by the local residents fall into two main categories namely Public Nuisance and Crime and Disorder (including Antisocial Behaviour). However, it should be noted that most of the references to the apparent/perceived difficulties lack specific evidential detail. For example, there are quite often no specific timeframes (e.g. a week, month or year) and no dates or times are given. Furthermore, some of the points raised should be regarded as speculative.

- 2.5 It should be noted that Walworth Road is a major road and very busy thoroughfare, both during the day and at night. Fielding Street, to the rear of this premises, is a cut-through. In our submission, both Walworth Road and Fielding Street are used by vehicles and pedestrians that have no connection whatsoever with the business operations of Banana's Tapas Bar Restaurant.
- 2.6 In general terms, the Residents' concerns come under three (3) specific headings:
- Noise Nuisance from within and outside of the premises;
  - Crime and Disorder, the fear of same, and the perceived increase in criminal activities were this Licence to be granted;
  - Antisocial Behaviour, such as males exposing themselves and urinating in the Fielding Street area to the rear of the venue.
- 2.7 (a) Noise Nuisance From Within The Premises:

The applicant does not accept the claims that persons are now (since the new Proprietors took over this venue) being or will be adversely affected or disturbed by the musical entertainment that is already or is proposed to be provided at the venue. Many of the residents who have submitted a Representation reside quite some distance away from the premises.

The sound amplification equipment at the premises is fitted with and controlled by a Sound Limiting Device (SLD). The SLD has been set at an appropriate level to prevent noise breakout from the premises.

In any event, were it in fact the case that some local residents are being adversely affected by Noise Nuisance, the SLD could quite easily be set at a lower level and additional insulation measures such as the installation of Secondary Acoustic Double Glazing (as is proposed in the Operating Schedule) can be implemented.

In our submission, the aforementioned claims that certain persons are being or will be adversely affected by Noise Nuisance are not corroborated by Southwark Council's own expert in such matters. The Environmental Health Officer from the Environmental Protection Team (the relevant Responsible Authority), who deals with Noise and Nuisance issues, is not submitting a Representation opposing this application.

## 2.8 (b) Noise Nuisance from Outside Of The Premises:

The Company is proposing and implementing extensive Management Control measures to ensure that there is no unacceptable noise caused by patrons outside the premises. For example, there are a number of proposed conditions which have now been agreed with the Environmental Health Officer and Police which state:

*“a) No external sound systems shall be imported onto the premises; any imported musical instruments requiring amplification shall be amplified via the existing sound system (controlled by means of the Sound Limiting Device).*

*b) There shall be no removal and loading of equipment from the premises between the terminal hour and 08.00 hours.*

*c) After 22.00 hours, no more than ten (10) patrons shall be permitted to use the smoking area at any one time.”*

and,

*“4. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.”*

*“10. Customers shall use no outside area after 22.00 hours other than those who temporarily leave the premises to smoke a cigarette. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search.”*

In our further submission, the aforementioned claims that certain persons are being or will be adversely affected by Noise Nuisance are not corroborated by Southwark Council’s own expert in such matters, or indeed the Police. As previously stated, the Environmental Health Officer from the Environmental Protection Team (the relevant Responsible Authority), who deals with Noise and Nuisance issues, is not submitting a Representation opposing this application. In addition, the Police are satisfied with the measures proposed and have not submitted a Representation opposing this application.

## 2.9 (c) Crime & Disorder And The Fear Of Same:

The Company is proposing and implementing extensive Management Control measures to minimize and deal with Crime and Disorder matters. For example, there are a number of proposed conditions which have been agreed with Police. These include:

***“1. That on Fridays, Saturdays and Sundays SIA registered Door Supervisors, shall be employed at all times after 22.00hrs until the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.***

***2. That signs shall be displayed in the entrance foyer to the premises that state ‘Drugs Free Zone’ and ‘No Search No Entry’, ‘Management reserve the right to refuse entry’.***

***3. That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.....***

***5. That the CCTV system be at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.***

***6. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.***

***7. That the Licence Holder shall require any regular and external promoters hiring the premises to complete the ‘Venue Hire Agreement’ provided by Southwark Council and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.***

***8. That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.***

***9. That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.....***

***11. There will be a ‘cooling off/eating-up/drinking-up’ period each night, with the premises closing 30 minutes after the cessation of all licensable activities.”***

**In our submission, the aforementioned claims that certain persons are being or will be adversely affected by Crime and Disorder problems are not corroborated by the Walworth Police Licensing Officers (the relevant Responsible Authority), who are the experts in such matters. As previously stated, the Police, who deal with Crime and Disorder issues, are satisfied with the measures proposed and have not submitted a Representation opposing this application.**



## 2.10 (d) Antisocial Behaviour:

Local residents are quite understandably disgusted by males who expose themselves when urinating in the Fielding Street area to the rear of the venue.

In our submission, said males are not customers of and are not associated with Banana's Tapas Bar Restaurant. It is not plausible that customers who are dining or drinking inside the premises would ignore the in-house toilet facilities, exit the building, and walk to the rear area in Fielding Street to relieve themselves.

## 3. The Applicant's Approach

- 3.1 Minho Montalegre Limited is a responsible Operator employing qualified and experienced staff. The Company and staff take their responsibilities seriously. They have liaised with the relevant Responsible Authorities, have engaged with the local residents, taken on board the concerns expressed and, where possible, are addressing those concerns.
- 3.2 Early meetings took place with the Council's Environmental Health Officer from the Environmental Protection Team who deals with Noise and Nuisance issues, and the Police.
- 3.3 The Environmental Health Officer did initially submit a Representation. However, the applicant addressed the concerns expressed by agreeing to three (3) additional conditions, which satisfied those concerns, and the Environmental Health Officer no longer has any issues and has withdrawn that Representation.
- 3.4 Agreement was reached with Police who are satisfied that the proposed measures will adequately deal with any Crime and Disorder matters, and they too have not submitted a Representation opposing this application.
- 3.5 Following the Representations from local residents, a Conciliation Statement was drawn up and a Conciliation Meeting was held at the premises on 11 May 2010. Unfortunately, it would appear that the Conciliation Statement was not circulated to all the Interested Parties. Most regrettably, although they had received the Statement some of the persons attending the Conciliation Meeting had not or were not prepared to read it. In any event, there was no agreement reached on the way forward. Please refer to said 'Conciliation Statement' attached as Appendix A.

- 3.6 It can be seen from the Conciliation Statement that the Company fully intends to change the nature and character of this outlet, operating primarily as a Restaurant and Cabaret venue. The new Restaurant, providing accommodation for fifty five (55) diners, was launched on 09 May 2010. Please refer to the Restaurant menu which is attached as Appendix B.
- 3.7 Since the Conciliation Meeting and in taking on board the concerns of local residents, the Company has voluntarily introduced a number of the control measures that are proposed in the Operating Schedule of the application. The Company Secretary, Susana Alves, will give evidence at the Hearing about the measures that have been voluntarily implemented.

#### 4. Relevant Case Law

#### **R (Daniel Thwaites plc) v Wirral Borough Magistrates' Court and Others [2008] EWHC 838 (Admin)**

In the above case the High Court summarized its findings as follows:

*'[55] It is clear from the Guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds.'*

A more detailed account of this case follows below:

In 2005 the Licensing Act 2003 introduced a new regime for the licensing of the sale of alcohol and the provision of various forms of entertainment. The new regime is controversial, in particular, because of the potential for extended opening hours and possibly even 24-hour opening. The case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court* [6 May 2008] looked at the approach licensing authorities should adopt towards the opening hours of licensed premises.

Daniel Thwaites Plc owned a hotel in the Wirral which it operated as licensed premises. It originally held a licence under the Licensing Act 1964. In June 2005, it applied to the licensing committee of Wirral Council, the licensing authority, for its existing licence to be converted to a "premises licence" under the Licensing Act 2003.

Thwaites wished to carry on its business under the new licence for longer hours than were allowed under its original licence. The licensing authority was asked by Thwaites to grant a licence that would allow music and dancing to 11pm and alcohol sales until midnight on all nights other than Friday and Saturday when opening hours would be an hour longer.

At the hearing of the licence application, there was opposition to Thwaites' proposals from Saughall Massie Conservation Society and local residents. Thwaites told the licensing authority that the new hours of operation would not vary significantly from its existing hours and the application for extended hours was to allow flexibility to open later "on special occasions". The authority took note of Thwaites' comments and granted the licence in the form requested by Thwaites.

The Conservation Society and others appealed against the licensing authority's decision to the magistrates' court on the basis that the decision was not made in accordance with the licensing objectives under the legislation. Some local residents were fearful of problems if the extended hours were allowed in the summer. The magistrates' court granted the appeal reducing the hours permitted for the sale of alcohol.

Thwaites applied for a judicial review of the magistrates' decision. Thwaites argued that the decision was unlawful because it was not in line with the philosophy of the 2003 Act and imposed restrictions on Thwaites' operation which were unnecessary to promote the Act's licensing objectives.

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The Act was intended to provide a more efficient and flexible system of licensing which did not interfere unnecessarily. It aimed to provide greater choice for consumers while protecting local residents from disturbance and anti-social behaviour.

The High Court considered that the magistrates' approach did not take proper account of the changed approach to licensing introduced by the Act. According to that approach, the magistrates should have been more reluctant to impose regulation.

The fact that the police did not oppose the hours applied for by Thwaites should have weighed very heavily with the magistrates, but in fact they appeared to have dismissed the Police view because it did not concur with their own.

The magistrates proceeded without proper (*empirical*) evidence and gave their own views excessive weight. Their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and had to be quashed.

## 5. Concluding Summary

- 5.1 The Proprietor of this new venture intends to comply with all the relevant licensing provisions, and is not in any way intending to operate the business in a manner that is detrimental to the quality of life of local residents.
- 5.2 The Company believes that this new Restaurant and Cabaret venue will prove to be of positive benefit to local residents and others.
- 5.3 The target customers for the later evening activities (who themselves work in the Leisure Sector) are responsible adults rather than 'binge-drinking' (*under age*) teenagers. They will not have consumed alcohol during their working hours and will not be intoxicated on their arrival at the venue. There is no evidence to support the allegation that they will not act in a civilized way, and will not arrive and depart in a quiet, orderly and respectful fashion.
- 5.4 In our assertion, for the most part the local residents who have submitted a Representation opposing this application have not supported their claims (fears) with proper evidence.

5.5 In Section 1.1 above reference was made to the emphasis that the Legislation (Licensing Act 2003) places on granting rather than refusing Licence applications. Quite apart from the Licensing Authorities ability to attach relevant and proportionate conditions to any Licence granted, there are numerous safeguards, remedies and sanctions available to Councils, Responsible Authorities and Interested Parties should problems arise.

Whilst it is not accepted that problems will in fact arise in this case, the safeguards, remedies and sanctions referred to include:

- Interested Parties or Responsible Authorities may seek a Review of the Licence – which may for example result in Removal of the Designated Premises Supervisor (DPS); Attaching additional conditions to the Licence; Removal or curtailment of one or more of the Licensing Activities; Suspension of the Licence for up to three (3) months; Revocation of the Licence.
- The Council, the Licensing Authority or Police may issue a Closure Notice.
- Police may seek an Expedited Review.
- Officers of the Licensing Authority or Police may prosecute where there are breaches of the conditions of the Licence – the maximum penalty being a £20,000 fine and/or six (6) months imprisonment.
- Environmental Health Officers may use their own legislation (Environmental Protection Act 1990) to deal with any cases of statutory Noise Nuisance.

5.6 In our submission, a Representation has to be based on more than what an interested party might think or fear may happen. There needs to be real (*empirical*) evidence to back up the Representation or clear evidence of actual problems relating to the licensing objectives in the Representation. Based on the decision in R (Daniel Thwaites plc) v Wirral Borough Magistrates' Court and Others, a Licensing Sub-Committee determining an opposed application will judge each case on its merits; but must make its decision on firm evidence or reasonable expectations based on specific facts and not on speculation.

5.7 Further, in our submission a compelling factor regarding this application is that neither the Environmental Health Officer nor the Police (both of whom are Responsible Authorities and experts in their respective fields) have seen fit to oppose it. This mirrors exactly the findings of the High Court in the Thwaites case quoted above.

5.8 The Licensing Sub-Committee is respectfully requested to grant this application in full.

**BANANA'S TAPAS BAR RESTAURANT**  
**374 WALWORTH ROAD, LONDON SE17 2NF**  
**CONCILIATION STATEMENT**

**History**

For many years this premises traded as 'Liam Ogs', and was little more than a traditional pub which provided discotheque entertainment during the evening at weekends.

About a year ago, the venue changed hands and the trading name was changed to 'Banana's Bar'. The business became more of a bar than a pub and started to provide discotheque entertainment on most nights. It would appear that there were some problems regarding 'late-trading', excessive noise, as well as some crime and disorder issues. The aforementioned activities created difficulties for the Authorities and had a negative impact on the quality of life of some local residents.

In March 2010, the venue was acquired Minho Montalegre Limited ('the Company'). The Premises Licence is now held by the Company, who are re-branding it and re-launching the business in the new name of Banana's Tapas Bar Restaurant.

**The Company's Proposals**

- 1) Minho Montalegre Limited are proposing to remodel and re-launch the above venue, providing a new Leisure offer for Walworth, and helping to regenerate the area and local economy.
- 2) The Company is planning to convert the existing operation, creating a combined Restaurant and Cabaret venue.
- 3) It is proposed that the Restaurant will be open from lunchtime every day until midnight on weekdays, 03.00 am on Fridays and Saturdays and 01.30 am on Sundays. The Restaurant will provide 'Latin-American' and Continental cuisine of a very high standard. A family friendly restaurant which will suit all tastes and all ages.
- 4) The live, evening entertainment will include tasteful and laid-back Latin-style jazz, professional Tango and Salsa dancers, Latin bands, and the Disc Jockey will also provide Latin-style dance music such as Salsa and Samba.
- 5) This new Restaurant will benefit and appeal to the local community both during the day and in the evening for business lunches, dinners or social occasions.
- 6) The later evening entertainment and restaurant facilities will not only appeal to local people, but will also provide leisure facilities for people who themselves work in the Catering, Hotel and Leisure industries (those who do not finish work until 11.00 p.m. or later). These include persons from the Italian, Spanish, Colombian, Portuguese and Brazilian communities.

**The Improvements To Date**

- 1) The Company's Licensing Consultant has advised upon additional licence conditions and other measures which will more properly regulate the operation, and better address the four (4) Licensing Objectives.
- 2) The Company has appointed the Company Secretary (Susana Alves) to work at the venue as the General Manager and oversee both the Restaurant, Cabaret and Bar activities. Susana is an experienced Manager who has worked in the Leisure Sector for more than ten (10) years.
- 3) The Company has changed the Designated Premises Supervisor (DPS). Bartłomiej Gasior is a Personal Licence Holder and also an experienced Manager.
- 4) The Company also employs a second Personal Licence Holder, which will ensure that at least one Personal Licence Holder is available during the evening.
- 5) The Sound Limiting Device (SLD) has been set at an appropriate level. This device limits the volume levels of the sound equipment. In addition, the Company is perfectly willing to add the following conditions to any new Licence that may be granted:
  - a) No external sound systems shall be imported onto the premises; any imported musical instruments requiring amplification shall be amplified via the existing sound system (controlled by means of the Sound Limiting Device).
  - b) There shall be no removal and loading of equipment from the premises between the terminal hour and 08.00 hours.
  - c) After 22.00 hours, no more than ten (10) patrons shall be permitted to use the smoking area at any one time.

**Please Note - Southwark's Environmental Protection Team advises that there have not been any complaints regarding Noise Nuisance since 01 November 2009; and, in any event, not since the Company took over the venue.**
- 6) The Company intends to open the new Restaurant in May 2010, providing a new catering choice for local people and others.
- 7) In due course, the existing Door Security Company will be replaced by another Security provider that has been well established in the Southwark area for more than 10 years.
- 8) The crime and disorder issues referred to above have been and are being addressed.

**Please Note – Walworth Police advise that there have been no major issues since Christmas 2009; and, having considered the additional measures that are being implemented, have not made a Representation opposing the application to vary the Premises Licence.**

**Future Improvements**

- 1) **At some considerable cost, the Company will install acoustic secondary glazing – as an additional measure to obviate any sound breakout or noise nuisance.**

**Residents' Concerns**

**Given the history of this premises under its previous Proprietors, the concerns expressed and the issues raised by Residents are quite understandable. However, this is a new enterprise who are substantially changing this operation with the intention of providing a different type of Leisure Offer for Walworth. In addition to having proper regard to the Licensing Objectives, the Company wants to work with and serve the local community, take on-board Residents' concerns, and, wherever possible, take steps that will directly address and remedy those concerns.**

**The Company takes its responsibilities very seriously. Many of the residents who have expressed concerns will not be aware of the measures that the Company has already proposed to address those concerns and other issues raised. The Company's proposals are :**

**“ 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)**

The Applicant is familiar with the requirements of the Licensing Act 2003 and with the provisions of the four Licensing Objectives. They are equipped to and fully intend to promote those objectives (as outlined below).

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

1. That SIA registered Door Supervisor, shall be employed at all times after 22.00hrs until the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.
2. That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry', 'Management reserve the right to refuse entry'.
3. That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.
4. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
5. That the CCTV system be at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.
6. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. That the Licence Holder shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Council and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.
8. That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
9. That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.



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10. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search.

12. There will be a 'cooling off/drinking-up' period each night, with the premises closing 30 minutes after the cessation of all licensable activities.

13. That there shall be no new admissions after 01.30 am.

**c) Public safety**

A First Aid Kit shall be available at the venue.  
An Incident/Accident Book shall be kept and maintained.  
The premises has an Emergency Lighting system.

**d) The prevention of public nuisance**

The Proprietor will minimize sound volumes to ensure that there is no sound breakout which might cause a noise nuisance to local residents or local businesses.

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

Children will be welcomed but only when accompanied by a parent or responsible adult. Staff will remain vigilant and ensure that young persons are not able to purchase alcohol. In cases of doubt, staff request proof of age ID such as a Passport, Driving Licence (bearing a photograph) or the Southwark Proof of Age (SPA) Card. No person under 16 years of age is permitted to remain on the premises after 9.00 pm. ”

BANANA'S TAPAS BAR RESTAURANT - MENU**ANTIPASTO**

ZUPPA DEL GIORNO	Fresh soup of the day	2.75
INSALATA DI GAMBERETTI E L'AVOCADO	Avocado and peeled prawn salad with marie rose sauce	4.75
L'AVOCADO GRATINATO	Baked avocado, creamy tomato sauce & gratinated parmesan	4..50
ASPARAGI E PROSCIUTTO	Asparagus, Parma ham, butter & parmesan gratin	4.75
FORMAGGIO DI CAPRA E FUNGHI	Flat mushrooms & goat's cheese gratin	4.75
COZZE MARINARA	Mussels, shallots, garlic, cream & white wine sauce	3.95
COZZE ALLA NAPOLETANA	Mussels, tomato pomodoro, garlic & chilli sauce	3.95
GAMBERONI	Butterfly king prawns, chilli, garlic butter & white wine sauce	5.75
CALAMARI FRITTI	Deep fried squid & tartar sauce	4.75
SARDINE ALLA GRIGLIA	Sardines, chopped garlic, parsley, chilli & extra virgin olive oil	3.75
CARPACCIO DI MANZO	Raw beef, rocket salad, parmesan shavings & truffle oil	4.75
PROSCIUTTO DI PARMA CON MELONE	Melon & layered parma ham	4.50
INSALATA DI GRANCHIO	Fresh Crab infused avocado & a touch of mayonnaise	4.75
CAPRESE	Buffalo mozzarella, vine tomatoes, basil & extra virgin olive oil	3.75
OSTRICHE FRESCHE	Fresh Oysters	(6) 5.00
(12)	12,00	
SPAGHETTI BOLOGNESE	Beef mince, finely chopped celery, carrots & tomato sauce	5.95

PENNE ARRABIATA Tomato pomodoro, garlic & chilli sauce  
5.95

PENNE CON POLLO Diced Chicken breast, garlic & tomato sauce  
5.95

### **PASTA & RISOTTO**

SPAGHETTI BOLOGNESE Beef mince, finely chopped celery, carrots & tomato  
sauce 7.95

FETTUCCHINE AL ALFREDO Asparagus, cream, parmesan cheese & a touch of  
butter 7.95

FETTUCCHINE CON FUNGHI Wild mushrooms, garlic, fresh chilli & extra virgin  
olive oil 7.95

PENNE CON POLLO Diced Chicken breast, garlic & tomato sauce  
7.75

GARGANELLI AL SALMONE Smoked Salmon, shallots, paprika, vodka & creamy  
sauce 8.75

SPAGHETTI BASILICO Cherry tomato, parmesan cheese & basil  
7.75

PENNE ARRABIATA Tomato pomodoro, garlic & chilli sauce  
8.95

LINGUINE GAMBEREONI King prawns, asparagus, cherry tomato, fresh chilli &  
brandy 9.85

BOSCAIOLA Paccheri pasta, smoked pancetta, wild mushrooms, asparagus &  
aurora sauce 9.25

RISOTTO FRUTTI DI MARE Arborio rice, fresh seafood, garlic, white wine &  
fresh tomato 8.75

LINGUINE FRUTTI DI MARE Fresh seafood, garlic, chilli, white wine &  
cherry tomatoe 8.75

RAVIOLI DI RICOTTA E SPINACI Ricotta and spinach & aurora sauce  
6.75

SPAGHETTI CARBONARA Smoked Italian Panchetta, egg yolk & creamy  
sauce 6.75

**PESCE**

TORTA DI PESCE DI SALMONE Salmon fish cakes on a bed of creamy spinach 9.75

GAMBERONI Butterfly king prawns, chilli, garlic butter & white wine sauce 9.95

BRANZINO ALLA GRIGLIA Fillets of sea bass, grilled asparagus, roasted cherry tomato 10.95  
& red pepper dressing

BRANZINO IN PADELLA Pan fried fillets of sea bass & spring onion mash potato 10.95

**CARNE**

FEGATO ALLA GRIGLIA Grilled calves liver, crispy pancetta, mash potato & jus 11.75

FEGATO BURRO E SALVIA Pan fried liver, butter & sage 11.95

POLLO ALLA PRINCESA Pan fried chicken breast, wild mushrooms, asparagus & creamy sauce 10.95

POLLO ALLA PROVENCIAL Pan fried chicken breast, onions, garlic, peppers, tomato & herbs 10.95

LA SPALLA DI AGNELLO Crispy lamb shoulder; garlic crushed new potatoes, pan fried courgettes & jus 9.75

AGNELLO Rack of lamb, red wine jus & dauphinoise potato ½ Rack 11.75

BISTECCA ALLA GRIGLIA Grilled prime rib eye steak (Plain grilled/pepper sauce) 9oz 12.95

FILETTO ALLA GRIGLIA Grilled prime fillet steak (Plain grilled/pepper sauce) 9oz 12.75

LA GAMBA DI ANITRA Roasted leg of duck, braised red cabbage, dauphinoise potato & jus 9.50

VITELLO ALLA MILANESE Veal coated in bread crumbs & spaghetti basil mnm975

Date 19/11/2009



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<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 02 June 2010 10am	<b>Meeting Name:</b> Licensing Sub- Committee
<b>Report title:</b>		Gambling Act 2005 – Application for a premises licence in respect of a betting shop, Paddy Powers, 66 Rye Lane, London SE15 5BY	
<b>Ward(s) or groups affected:</b>		The Lane	
<b>From:</b>		Strategic Director of Environment & Housing	

## RECOMMENDATION

1. That the Committee consider whether to grant the application by Power Leisure Bookmakers Limited for a Premises Licence in respect of a non track betting at Paddy Powers, 66 Rye Lane, London SE15 5BY.

## BACKGROUND INFORMATION

2. The Gambling Act 2005 came into effect on 1 September 2007. It introduced a new licensing regime for betting and gaming under the joint responsibility of the newly established gambling commission and the local licensing authority.
3. Under the Act, the gambling commission has primary responsibility for issuing operators licences and personal licences while the local authority has primary responsibility for issuing premises licences. Gaming and betting establishments are normally required to obtain all three types of licence before they are able to operate lawfully. No premises licence may be issued without an operating licence having been obtained from the commission.
4. In considering applications made to it under the Act this authority is required to have regard to
  - The Gambling Act 2005 and the secondary regulations issued under the Act;
  - The licensing objectives set out in the Act (see paragraph 6 below);
  - The Guidance given to licensing authorities by the gambling commission;
  - The authority’s own statement of gambling licensing policy
5. The three licensing objectives set out under the Act are
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

6. The local licensing authorities primary concern under the Act will be with the third objective of protecting children and other vulnerable people.
7. Section 153 of the Act provides that in exercising its function under part 8 of the Act (which deals with premises licensing and provisional statements) a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it
  - In accordance with any relevant code of practice under section 24 of the Act;
  - In accordance with any relevant guidance issued by the commission under section 25 of the Act;
  - Reasonably consistent with the licensing objectives (subject to the above); and
  - In accordance with the statement of policy published by the authority under section 349.

## **KEY ISSUES FOR CONSIDERATION**

### **The application**

8. On 23 March 2010 an application for a grant of a Premises Licence under the Gambling Act 2005 for non track betting premises was made to this Council on behalf of Power Leisure Bookmakers Limited and in respect of the ground floor of the premises situated at Paddy Powers, 66 Rye Lane, London SE15 5BY. A copy of the application is attached to this report as Appendix A. The application includes a plan of the premises.
9. Consultation on the application has been undertaken in accordance with the Act and relevant regulations. Notification of the application has been given by the applicant to the relevant responsible authorities and the application has been advertised by way of a poster displayed at the premises and in a local newspaper.
10. The applicant has to comply with section 159 of the Gambling act 2005 in order to make a valid application.
11. The applicant holds an operating licence issued by the Gambling Commission No. 000-001034-N-103643-001.
12. The applicant has an uncompleted lease agreement that is conditional on the grant of this licence that will give a contingent right to occupy the premises. This lease has been viewed by the Council's Legal Services who have advised to accept this lease as proof of the right to occupy the premises at the time of the application.
13. The application is therefore considered a valid application for a premises licence under the Act.

### **History of the premises**

14. The premises is currently a public house called The Hope and operates under a premises licence under the Licensing Act 2003 for the sale of alcohol.
15. The operation of the premises under the Licensing Act 2003 is immaterial to this application under the Gambling Act 2005 as the licence holders will change.
16. Members need to be aware that the affect of granting a licence under the Gambling Act 2005 renders the licence for the sale of alcohol under the Licensing Act 2003 as unusable if facilities for gambling are provided by virtue of the mandatory condition, see item 23. 8. (1) of this report.
17. A letter from the current licence holders for alcohol, Wier Inns, states that they are willing to surrender the premises licence should the premises licence for betting be granted. A copy of this letter is in Appendix B.
18. Additionally as Power Leisure Bookmakers Limited has the right to occupy the premises at the time of application it is Power Leisure that will ultimately dictate the business that can be conducted on the premises and therefore the grant or refusal of this licence application should not be affected by the existence of the alcohol licence.

### **The representations**

#### **Responsible authorities**

19. There has been no representations received from the responsible authorities.

#### **Interested parties**

20. One relevant representation has been received in respect of this application from an interested party. The representation is made by Cllr Gordon Nardell and Councillor Mark Glover their capacities as Ward Councillor. The representation is made under the Southward Statement of Gambling Policy and the licensing objective of protection of children and venerable people.
21. The representation is reproduced as Appendix C.

#### **The conciliation process**

22. No attempt at conciliation has been made in this case given the nature of the representations. The matter is referred straight to the Licensing Sub-Committee for determination.

#### **Local area**

23. A map of the local area is attached as Appendix D, the circle drawn on the map is 100m radius for the purpose of scale.
24. Listed below are premises that are currently operating in the local area as gambling premises under the Gambling Act 2005.



Ladbrokes	54 Peckham High Street	SE15 5DB	320M
Quick Silver	2 Rye Lane	SE15 5BS	250m
Ladbrokes	Unit 1, The Aylesham Centre, Rye Lane	SE15 5EW	260m
Agora Amusements	69 Rye Lane	SE15 5EX	40m
William Hill	110-112, Rye Lane	SE15 4RZ	220m
Coral Racing	182 Rye Lane	SE15 4NF	450m

### **Mandatory licence conditions**

25. The Committee should be aware that in event that a premises licence may be granted in respect of this application the following mandatory conditions applicable to all categories of premises must be attached to that licence.
- (1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises licence;
  - (2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises;
  - (3) The layout of the premises shall be maintained in accordance with the plan;
  - (4) The premises shall not be used for –
    - (a) The sale of tickets in a private lottery; and
    - (b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited
  - (5) In this regulation –
    - (a) A “private lottery” means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and
    - (b) A “customer lottery” has the same meaning as in Part 3 of schedule 11 to the 2005 Act.
26. Additionally, the following mandatory conditions applicable to betting premises licences (other than tracks) will be applied
1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
  2. (1) Access to the premises shall be from a street or from other premises with a betting premises licence.  
(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
  3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.
  4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
  5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—
    - (a) communicating information about, or coverage of, sporting events, including—

- (i) information relating to betting on such an event; and
  - (ii) any other matter or information, including an advertisement, which is incidental to such an event;
- (b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.
- 6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.
- 7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.
- 8. (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.  
(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.
- 9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

#### **Default licence conditions**

27. The committee should also be aware that in the event that any premises licence is issued in respect of this application the following default condition should also be added to that licence

(1) No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next.

#### **Compliance with conditions**

28. The premises in question are not yet operable. Accordingly the applicant company has been asked to confirm that it will be able to comply with each of the mandatory and default conditions listed in paragraphs 16 to 18 above.

#### **The Gambling Commission's code of practice for gambling operators**

29. Under section 24 of the Act the commission is empowered to make codes of practice about the manner in which facilities for gambling are provided. One of these codes - The code of practice for gambling operators – contains requirements with which all operators must comply through conditions attached to the operating licence.
30. Relevant to this committee's considerations are the social responsibility provisions of the operators licence.
31. In dealing with combating problem gambling operators licences require that
- (1) Licensees must have and put into effect policies and procedures intended to promote socially responsible gambling
  - (2) Licensees' policies and procedures for socially responsible gambling must include but not be confined to

- The specific policies and procedures required by the following provisions of

- section 2 of this code;
- A commitment to and how they will contribute to research into the prevention into treatment of problem gambling;
- A commitment to and how they will contribute to public education on the risks of gambling and how to gamble safely; and
- A commitment to and how they will contribute to the identification of and treatment of problem gamblers.

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

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

(2) This must include procedures for:

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

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

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

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

(6) Licensees must only accept identification which:

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

**The Southwark statement of gambling licensing policy and the licensing objective of the protection of children and vulnerable persons from harm or exploitation by gambling.**

33. The representation received in respect of this application relate to the third licensing objective of the protection of children and vulnerable persons from harm or from being exploited by gambling. Section 122 of this authorities statement of licensing policy sets out that the authority will wish to consider the

steps taken by the applicant to comply with the social responsibility requirements of the operating licence, in determining the application.

### **The Southwark statement of gambling licensing policy and location.**

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

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

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

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

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

### **Community Impact Statement**

35. The contention raised by the representation is that the addition of betting shop in the Rye Lane area will have effects upon the local community in terms of the protection of children from being harmed or exploited by gambling.

36. The Committee will be aware that under the laws of natural justice each application is required to be considered upon its own merits with all relevant matters taken into account.

37. In doing so the Committee will wish to address the specific steps proposed to be taken by the applicant company to address this issue.

### **Resource Implications**

38. Upon application to the Council the applicant company paid a fee of £2,280.00 This fee contributes toward the processing and determination of the licence application and subsequent inspection and enforcement issues. There are no other resource implications contained within this report.

## **Consultation**

39. Consultation undertaken in connection with this report by advertisement in the Southwark News dated 25 March 2010 and by a poster displayed on the premises for 28 day. Additionally the application was detailed on the Southwark website ward councillors were informed of the application.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic director of communities, law & governance**

40. The sub-committee is asked to determine the application for a premises licence under section 159 of the Gambling Act 2005.
41. The principles which sub-committee members must apply when determining applications are contained in section 153 of the Act as set out below:
- ”In exercising their functions under this part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it-
- (a)- in accordance with any relevant code of practice under section 24
  - (b)- in accordance with any relevant guidance issued by the Commission under section 25
  - (c)- reasonably consistent with the licensing objectives; and
  - (d)- in accordance with the statement of licensing policy, subject to paragraphs (a)-(c)”
42. Section 153 (2) of the Act states that a licensing authority may not have regard to the demand for the facility which is proposed to be provided.
43. Section 210 of the Act states that a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.

## **Hearing Procedures**

44. Subject to the proceedings of licensing committees and sub-committees premises licences and provisional statements regulations, the licensing sub-committee may determine its own procedures.
45. Hearings will take the form of a discussion led by the sub-committee. Cross examination will not generally be permitted.
46. The hearing must take place in public; however, the sub-committee may direct that part, or all of a hearing shall be in private if it is satisfied that it is necessary to do so. When making such a decision, the sub-committee must have regard to-
- a) any unfairness to a party that is likely to result from a hearing in public; and
  - b) the need to protect as far as possible, the commercial or other legitimate interests of a party.
47. The sub-committee must ensure that each party is given the opportunity to-
- a) address the committee on all relevant matters;
  - b) call witness to give evidence on all relevant matters;
  - c) provide further information on any matter on which clarification has been sought by the sub- committee.

48. The sub-committee must permit any party to question any other party on any matter that is relevant to the application, or representations made, where the sub-committee considers that in all the circumstances it is appropriate to do so.
49. The sub-committee must consider documentary evidence produced by a party either before the hearing, or at the hearing with the consent of all the other parties attending the hearing.

### **The role of the licensing sub-committee**

50. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the gambling law, the commission's guidance and the Council's statement of gambling licensing policy.
51. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
52. Members will be aware of the Council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering gambling applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.
53. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must -
  - a) live sufficiently close to the premises to be affected by the authorised activities; or
  - b) have business interests that might be affected by the authorised activities; or
  - c) represents persons in either of these two groups.

Interested parties can be persons who are democratically elected such as councillors and MPs.
54. Under the Human Rights Act 1998. the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.

### **Appeals**

55. Interested parties, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	
The Gambling Act 2005 <a href="http://www.opsi.gov.uk/acts/acts2005/ukpga_20050019_en_1">http://www.opsi.gov.uk/acts/acts2005/ukpga_20050019_en_1</a>	
Explanatory notes <a href="http://www.opsi.gov.uk/acts/acts2005/en/ukpgaen_20050019_en_1">http://www.opsi.gov.uk/acts/acts2005/en/ukpgaen_20050019_en_1</a>	
plus relevant secondary regulations	
Guidance to Licensing Authorities 3 <sup>rd</sup> Edition – Gambling Commission <a href="http://www.gamblingcommission.gov.uk/pdf/GLA%203%20May%2009%20revised.pdf">http://www.gamblingcommission.gov.uk/pdf/GLA%203%20May%2009%20revised.pdf</a>	
The Southwark Statement of Gambling Licensing Policy <a href="http://www.southwark.gov.uk/download/104/southwark_council_statement_of_gambling_licensing_policy">http://www.southwark.gov.uk/download/104/southwark_council_statement_of_gambling_licensing_policy</a>	
Held At	Southwark Community Safety Enforcement Business Unit, The Health Safety & Licensing Unit, C/O The Chaplin centre, Thurlow Street, London, SE17 2DG
Contact	Mrs Kirty Read - 020 7525 5748

**APPENDICES**

No.	Title
Appendix A	Copy of the application
Appendix B	Letter from Weir Inns
Appendix C	Copy of the representation received to the application
Appendix D	Copy of the local area map

**AUDIT TRAIL**

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	David Franklin, Team Leader	
Version	Final	
Dated	11 May 2010	
Key Decision?	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
Officer Title	Comments Sought	Comments included
Finance Director	Yes	Yes
Strategic Director of Communities, Law & Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	24 May 2010	



Regulation 3

## Form and content of applications for a premises licence

## PART 1

## Form of application for a premises licence

RECEIVED  
23 MAR 2010

<b>Application for a premises licence under the Gambling Act 2005 (standard form)</b>		
<b>PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST</b>		
If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.		
Where the application is—		
<ul style="list-style-type: none"> <li>• In respect of a vessel, or</li> <li>• To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,</li> </ul>		
the application should be made on the relevant form for that type of premises or application.		
<b>Part 1 – Type of premises licence applied for</b>		
Regional casino <input type="checkbox"/>	Large casino <input type="checkbox"/>	Small casino <input type="checkbox"/>
Bingo <input type="checkbox"/>	Adult gaming centre <input type="checkbox"/>	Family entertainment centre <input type="checkbox"/>
Betting (Track) <input type="checkbox"/>	Betting (Other) <input checked="" type="checkbox"/>	
Do you hold a provisional statement in respect of the premises? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If the answer is “yes”, please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):		
.....		



**Part 2 – Applicant details**

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

**Section A****Individual applicant**

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

.....

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

3. Applicant's address (home or business):

.....

.....

..... Postcode:.....

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

.....

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

.....

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

**Section B****Application on behalf of an organisation**

6. Name of applicant business or organisation:

**POWER LEISURE BOOKMAKERS LTD.**

7. The applicant's registered or principal address:

**CROWNE HOUSE  
56-58 SOUTHWARK STREET  
LONDON**

Postcode: **SE1 1UN**

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

**000-001034-N-103643-001**

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

.....

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

### **Part 3 – Premises Details**

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

**PADDY POWER**

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

**66 RYE LANE  
PECKHAM  
LONDON  
SE15 5BY**

12. Telephone number at premises (if known):

**HEAD OFFICE 020 7089 9700**

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

**GROUND FLOOR OF A 2 STOREY BUILDING WITH, RESIDENTIAL ABOVE – HIGH STREET LOCATION.**

14(a) Are the premises situated in more than one licensing authority area? **Yes/No**

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

.....  
 .....

#### Part 4 – Times of operation

15(a) Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? **Yes/ No**

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

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon			
Tues			
Wed			
Thurs			
Fri			
Sat			
Sun			

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

.....

**Part 5 – Miscellaneous**

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

...../...../..... (dd/mm/yyyy)

18(a) Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence?

~~Yes~~/No

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

19(a) Do you hold any other premises licences that have been issued by this licensing authority?

Yes/~~No~~

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

**PADDY POWER – 2 COLDHARBOUR LANE, LONDON, SE5 9PR**  
**PADDY POWER – 261-265 SOUTHWARK PARK ROAD, LONDON, SE16 3TP**  
**PADDY POWER – 220-222 WALWORTH ROAD, LONDON, SE17 1JE**

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

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

**Part 6 – Declarations and Checklist (Please tick)**

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

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


**Checklist:**

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

---

**Part 7 – Signatures**

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

Signature:  .....

Print Name: **NINDI DHANJAL**

Date: **23 March 2010**

Capacity: **DEVELOPMENT MANAGER.**

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

Signature: .....

Print Name: .....

Date: ..... Capacity:.....

**Part 8 – Contact Details**

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

**NINDI DHANJAL**

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

**07508 242092**

24. Postal address for correspondence associated with this application:

**POWER LEISURE BOOKMAKERS LTD  
CROWNE HOUSE  
56-58 SOUTHWARK STREET  
LONDON  
SE1 1UN**

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

**ndhanjal@paddypower.com**

Appendix B



**Weir Inns Limited**

*The Colby Arms*

132 Gipsy Hill

London SE19

1PW 020 8670 7001

22 APR 2010

From:

Kenneth Ryan and Gerry McGuinness of Colby Arms Gypsy Hill London SE19 1PW

20th April 2010

To whom it may concern:

**The Hope Public House 66 Rye Lane Peckham London (the Property)**

We confirm that we hold the premises licence which is currently granted in favour of the Property.

We have entered into an agreement for sale and surrender of our lease of the Property with the current owner, Admiral Taverns (780) Limited. As a related transaction Admiral have entered into and agreement for lease with Power Leisure Bookmakers Limited which is conditional on the proposed tenant obtaining a betting licence for the Property.

We understand that the initial application for a betting licence has been refused due to the fact that there is a premises licence currently issued in respect of the Property.

We confirm that upon completion of the agreement sale and surrender of the Property, we will arrange for the premises licence to be surrendered in respect of the Property.

Yours faithfully,

Kenneth Ryan and Gerry McGuinness

Kirty Reid  
Licensing Officer  
Southwark Council

cc.  
[licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Councillor Gordon Nardell**  
Labour Member for  
The Lane Ward

Members' Room  
Southwark Town Hall  
Peckham Road  
London SE5 8UB

Tel: [REDACTED]  
E-Mail: [REDACTED]  
Date: 20 April 2010

Dear Ms. Reid,

**Application no. 829333**  
**Betting premises licence at The Hope Public House, 66 Rye Lane, London**  
**SE15 5BY**

1. Thank you for consulting ward councillors on this application. My colleague Councillor Glover and I have seen the representations made by my constituents Ms. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED]. We strongly support their objections to this application.
2. The grant of a premises licence for this location would conflict with the Council's Statement of Gambling Licensing Policy ("SGLP") and with the statutory licensing objectives. In particular the opening of an additional gambling premises on a street frontage already well served by such premises will significantly increase the concentration of gambling activities in an area used by large numbers of children and young people.
3. Paragraphs 91 and 92 of the SGLP provide:
 

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

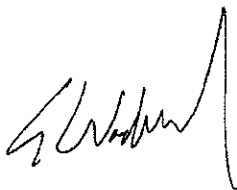
*92. In pursuit of these objectives, when determining applications for premises licences, this authority will have regard to the location of the premises. The authority will give special consideration in relation to the proximity of premises to*

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



4. Much of the retail and food/drink offer in the immediate vicinity of these premises is intended to be particularly attractive to children. Under 18s represent a high proportion of the footfall and traders' customer base along this stretch of Rye Lane. Children from many local schools use this stretch of road as a walking route and an access point for public transport to and from school. The grant of a licence for these premises would significantly increase the risk of harm or exploitation of children. That objection cannot be overcome by the use of conditions.
5. This application should also be refused for prematurity. Paragraph 97 of the SGLP states that "applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned". The premises currently have a planning use as a public house. They cannot lawfully be used as a betting shop unless and until the Council as local planning authority grants an application for a change of use. As I understand it the Council has registered two applications for planning permission for these premises: 10-AP-0817 (alterations to create shopfront) and 10-AP-0818 (illuminated and projecting signs). There are cogent objections to both applications, since they would fundamentally change the character of the premises with the result of the loss of the only public house on Rye Lane. That would be highly detrimental to the character and amenity of the area.
6. Moreover, that would be the de facto result of the physical alterations proposed, since neither application expressly includes a proposal for change of use. As far as I can tell there is no such application before the Council. I regard that as an attempt by the applicant (who is the same as the applicant for the premises licence) to evade consideration by the Council of the principle of the change of use, bearing in mind that the issues for consideration on the premises licensing application are narrower than the overarching planning issues that could and should be examined on an application for planning permission for change of use.
7. That is not acceptable behaviour on the part of an applicant. In the circumstances this application is tantamount to an abuse of process, and it would be wrong in principle for the Council to consider granting it unless and until a planning application has been explicitly made, and granted, for a change of use.

Yours sincerely

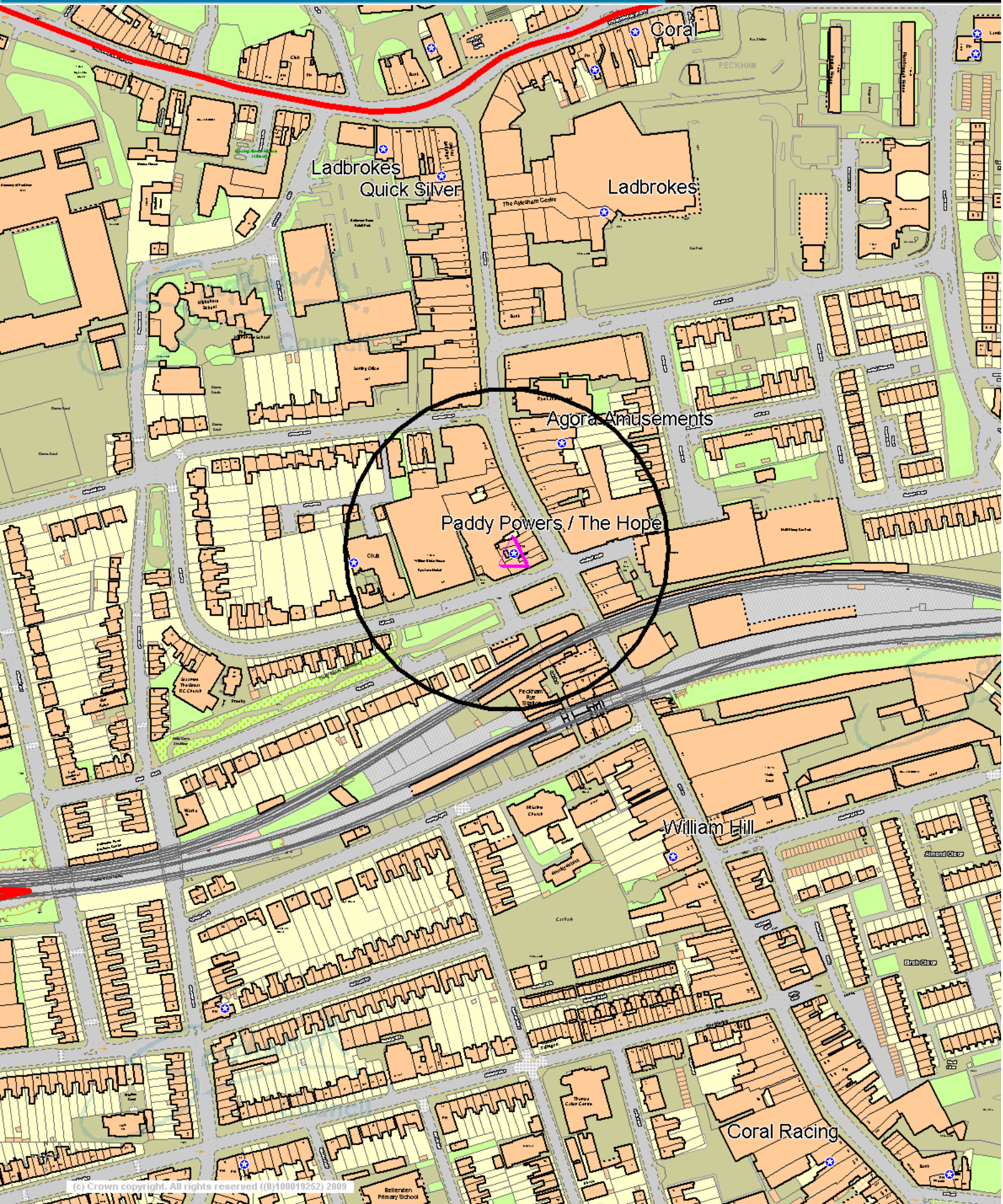


**Gordon Nardell**

*Labour Councillor for The Lane ward*

On behalf of myself and Councillor Mark Glover

Date 12/5/2010





<p><b>Distribution List</b></p> <p><b>Open</b></p> <p><b>Licensing Sub-Committee</b></p>	<p><b>MUNICIPAL YEAR 2010-11</b></p> <p><b>Date of Meeting: Wednesday 2 June 2010</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 Ian Wingfield Councillor Eliza Mann Councillor Althea Smith</p> <p>Councillor Jeff Hook (Reserve)</p> <p><b>Officers</b></p> <p>Sean Usher, Tooley Street (Hub 4 ) Dorcas Mills, Licensing Unit Gafar Gbadamosi, Legal Services, Tooley Street</p> <p><b>Ward Councillors (Notified by Email)</b></p> <p>Faraday / The Lane</p> <p>Press Office – Tooley Street, Hub 4,2<sup>nd</sup> Floor</p>	<p><b>Bananas Tapas Bar - Application</b></p> <p>Mr R H Nash, 38 Winlaton Road, Bromley, London BR1 5PY</p> <p>Bananas Tapas Bar Restaurant, 374 Walworth Road, London SE17 2NF</p> <p>PC Ian Clements, Southwark Police, Licensing Officer, Walworth Police Station, Manor Place, London SE17</p> <p>Fielding Street Residents Association (Details on File)</p> <p>Local residents (On File) x 6</p> <p><b>Paddy Power - Application</b></p> <p>Paddy Powers, 66 Rye Lane, London SE15 5BY</p> <p>Nindi Dhanjal , Power Leisure Bookmakers Ltd, Crowne House, 56-58 Southwark Street, London SE1 1UN</p> <p>Weir Inns Ltd, 132 Gypsy Hill, London SE19 1PW</p> <p>Gordon Nardell (Former Councillor)</p>
<p><b>Total Copies to be printed: 28</b></p> <p><b><u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u></b></p>	<p><b>Total copies to be circulated: 21</b></p> <p><b>All spares to be delivered to Sean Usher, Room 206, Southwark Town Hall</b></p> <p><b>Day of Despatch: 21 May 2010</b></p>