Open Agenda

outhwark Council

Licensing Sub-Committee

Friday 11 June 2010 10.00 am Town Hall, Peckham Road, London SE5 8UB

Membership

Reserves

Councillor Ian Wingfield Councillor Lorraine Lauder MBE (Chair) Councillor Althea Smith Councillor Eliza Mann

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Sean Usher on 020 7525 7222 or email: sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting **Annie Shepperd** Chief Executive Date: 1 June 2010



Southwark Council

Licensing Sub-Committee

Friday 11 June 2010 10.00 am Town Hall, Peckham Road, London SE5 8UB

Order of Business

Item No.

Title

Page No.

PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

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

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

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

5. LICENSING ACT 2003 - CLASSIC NEWS, 109 BOROUGH HIGH ST , 1 - 42 LONDON SE1 1NL

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."

6. LICENSING ACT 2003 - CLASSIC NEWS, 109 BOROUGH HIGH ST , LONDON SE1 1NL

Date: 1 June 2010

Agenda Item 5

Item No. 5.	Classification: Open	Date: 11 June 2010 at 10am.	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003 – Classic News, 109 Borough High St London SE1 1NL	
Ward(s) or groups affected:		Premises are within: Chaucer	
From:		Strategic Director of Environment & Housing	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Narendra and Ranjan Patel to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Classic News, 109 Borough High St, London SE1 1NL.

2. Notes:

- The application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Classic News under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from interested parties and is therefore referred to the Sub-Committee for determination;
- 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). and
- Paragraphs 17 20 of this report deals with the representations and comments received to the application. (copies of relevant representations and conciliations are attached as appendices C and D).

BACKGROUND INFORMATION

The Licensing Act 2003

- 3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provided a new licensing regime for the following activities:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - 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 with a view to promoting the four stated licensing objectives. These are
 - The prevention of crime and disorder;
 - The promotion of public safety
 - The prevention of nuisance; and
 - The protection of children from harm.

- 6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself;
 - The Guidance to the act issued under Section 182 of the Act;
 - Secondary regulations issued under the Act;
 - The licensing authority's own Statement of Licensing Policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations
- 7. The Act provides licensing schemes for premises licences, club premises certificates, personal licences and temporary event notices.
- 8. In order to apply for a new premises licence or to vary an existing premises licence the applicant is required to provide all relevant information required to the licensing authority and to provide copies 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.

KEY ISSUES FOR CONSIDERATION

The current premises licence

- The current licence in respect of the premises known as Classic News, 109 Borough High St, London SE1 1NL was issued 13th April 2007. It allows the following licensable activities.
 - Sale and Supply of alcohol off the premises: Monday – Saturday from 06.00- 23.00; Sunday 06.00 – 22.00
 - Operating hours of premises; Monday – Saturday from 06.00- 23.00; Sunday 06.00 – 22.00
- 10. A copy of the existing premises licence is attached as appendix B.

The variation application

11. On 27th April 2010, Narendra and Ranjan Patel applied to this council to vary the existing premises licence issued in respect of the premises known as Classic News, 109 Borough High St, London SE1 1NL under section 34 of the Licensing Act 2003.

Details of the variation application

- 12. The variation application is summarized as follows:
 - To extend the permitted hours for the sale and supply of alcohol:
 Mon Sat from 23.00 03.00 on the day following
 Sun from 22.00 01.30 on the day following
 - The opening hours of the premises requested are

- Mon Sat from 23.00 03.00 on the day following
- Sun from 22.00 01.30 on the day following
- 13. 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 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 Narendra Patel, who holds a personal licence issued by Croydon council.

Representations from interested parties

17. There are representations lodged by two local residents. The representations are primarily concerned with the prevention of public nuisance and the prevention of crime and disorder. The representations are attached as appendix C to the report.

Representations from responsible authorities

- 18. There was a representation lodged by the metropolitan police. The representation was concerned with the substantial increase in hours for the sale of alcohol and hours the premises are open to the public, and provided conditions to be added to the licence.
- 19. After conciliation and agreement with the applicant, the suggested conditions have been incorporated into the operating schedule by the applicant. Accordingly, these conditions will be attached should the licence be granted. The police have withdrawn their representation and the correspondence is attached as appendix D to the report.

Conciliation

20. At the time of writing the report, the applicants requested a conciliation meeting. If arranged, the conciliation report will be provided at the sub-committee hearing.

Borough & Bankside saturation policy

- 21. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation policy) in March 2009.
- 22. The decision to introduce the saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
- 23. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

24. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

The local area

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

Off Licences

 Borough Off Licence & Mini Market, 151 Borough High St, SE1 (Mon- Sat 08.00 -23:00; Sun 10.00 - 22.30)

Public Houses / Bars

- The George Inn, 75 77 Borough High St, SE1 (Sun Wed 11.00 23.30; Thurs -Sat 11.00 – 00.30)
- St Christophers, 121 Borough High St, SE1 (07.00 03.00, 7 days a week)
- Cuncho's Bar, 3 Southwark St, SE1 (Sun Tues 11.00 23.59; Wed + Thurs 11.00 02.00; Fri + Sat 11.00 04.00)

Restaurant / Late Night Refreshment

- City Tandoori Restaurant, 1B Southwark St, SE1 (Mon Sat 11.00 00.00; Sun 12.00 23.30)
- Alma's Restaurant, 30 Borough High St, SE1 (Mon –Sat 11.00 23.00; Sun 11.00 21.00)
- Chicken Cottage, 62 Borough High St, SE1 (Mon Wed 11.00 00.00; Thurs Sat 11.00 – 03.00; Sun 11.00 – 23.00)
- Truly Indian, 64 Borough High St, SE1 (Mon Sat 12.00 00.00; Sun 12.00 22.00)
- TAS Restaurant, 72-74 Borough High St, SE1 (11.00 01.00, 7 days a week)

Southwark council Statement of Licensing Policy

- 26. Council assembly approved the Southwark Statement of Licensing Policy on 2 April 2008. Sections of the statement that are considered to be of particular relevance to this application are
 - Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives;
 - 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;
 - Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998;
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours, as well as relating to cumulative effect and saturation policies;
 - Section 8 provides general guidance on ensuring public safety including safe capacities;
 - Section 9 provides general guidance on the prevention of nuisance
 - Section 10 provides general guidance on the protection of children from harm.

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

Resource implications

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

Community Impact Statement

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

Consultation

30. 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.

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

- 31. The sub-committee is asked to determine the application for a variation of a converted premises licence.
- 32. The requirement is to give all parties a fair, unbiased hearing.
- 33. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case-by-case basis.
- 34. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under Section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent and crime and disorder in the borough.
- 35. Interested parties, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with day on which the applicant was notified by the licensing authority of the decision to be appealed against.
- 36. The principles that sub-committee members must apply are set out below.

Principles for making the determination

37. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.

- 38. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
- 39. Relevant representations are those which
 - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- 40. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to
 - Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation

Conditions

- 41. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
- 42. The four licensing objectives are
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of nuisance; and
 - The protection of children from harm.
- 43. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
- 44. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to 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.
- 45. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films, in respect of door supervisors, irresponsible drinks promotions, alcohol dispensing, free tap water and minimum measures.
- 46. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

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

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

- In response to a point which the authority has given notice it will require clarification, give further information in support of their application.

- The committee shall disregard any information given by a party which is not relevant
 to the particular application before the committee, and
 the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
- 49. As this matter relates to the determination of an application to vary under section 34 of the Licensing Act 2003, regulation 26(1)(a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

- 50. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
- 51. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, Guidance and the council's Statement of Licensing Policy.
- 52. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

- 53. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
- 54. Members will be aware of the council's Code of Conduct that requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.

Guidance

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

BACKGROUND 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	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 police representation and conciliation
Appendix E	Copy of local area map
Appendix F	List of representations (On closed agenda)

AUDIT TRAIL

Lead Officer Gill Davies, Strategic Director of Environment & Housing				
		Kristie Ashenden, Principal Licensing Officer		
Version Final		•		
Dated 26 May		2010		
Key Decision? No				
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER				
Officer Title		Comments Sought	Comments included	
Strategic Director of Communities,		Yes	Yes	
Law & Governance				
Finance Director		No	No	
Cabinet Member		No	No	
Date final report sent to Co	onstitution	al Team	27 May 2010	

outhward Council

Application to vary a premises licence under the Licensing Act 2003

APPENDIX A

10

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the for m. 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 NARZNDRA VISHNUBITAI PATEL& RANJAN PATEL (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 $\bigcirc [(193)]$

Part 1 – Premises Details

CLASSIC 107 B	ess of premises or, if none, ordnance survey n と NをWS しんらいんみ はくらみ SIRさを7 しかうみ BRIDGE	nap reference	
Post town	LONDON	Post code	SEI INCL

Part 2 – Applicant details

Non-domestic rateable value of premises

Daytime contact telephone number	0207 -403 - 2380	1000 00 AB 100 AB
E-mail address (optional)		17
		RECEIVED

£

Part 3 - Variation	
Do you want the proposed variation to have effect as soon as possible?	F

Please tick yes V

If not do you want the	variation to take	effect from
------------------------	-------------------	-------------

Day Month	<u>Year</u>
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Please describe briefly the nature of the proposed variation (Please see guidance note 1)

'Classic News' is a Newsagents, Convenience Store and Off-Licence wishing to increase its opening hours and the permitted hours for the Retail Sale of Alcohol (Off-Sales Only) as follows: Monday to Saturday from 23.00 hours to 03.00 hours;

Sunday from 22.00 hours to 01.30 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

N	A	
L	<u></u>	

Part 4 Operating Schedule

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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)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	
e) live music (if ticking yes, fill in box E)	
f) recorded music (if ticking yes, fill in box F)	
g) performances of dance (if ticking yes, fill in box G)	
 anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) 	
Provision of entertainment facilities:	
i) making music (if ticking yes, fill in box I)	
j) dancing (if ticking yes, fill in box J)	
 entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) 	
Provision of late night refreshment (if ticking yes, fill in box L)	
Sale by retail of alcohol (if ticking yes, fill in box M)	V
In all cases complete boxes N, O and P	

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Plays Standard days and			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
	timings (please read guidance note 6)		(piease read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read g	uidance note 3)
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		read
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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)		ed in
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Thur			read guidance note 4)		
11100					
Fri			Non standard timings. Where you intend to us for the exhibition of films at different times to column on the left, please list (please read guid	<u>those listed i</u>	
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				Both			
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Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of enterta you will be providing	inment facilit	Y
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read	Indoors	
Mon			guidance note 2)	Outdoors	
				Both	
Tue			Please give further details here (please read gu	idance note 3)	
Wed					
Thur	······································		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)		
Fri					
Sat			Non standard timings. Where you intend to us for the provision of facilities for entertainment description to that falling within i or j at different listed in the column on the left, please list (plean note 5)	t of a similar ant times to th	iose
Sun					

L

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

M			Little contract of all on fair consumption	1	
Stand	Supply of alcohol Standard days and timings (please read guidance note		Will the sale of alcohol be for consumption (please ,-' yes) (please read guidance	On the premises	
(pleas 6)	se read gu	iidance note		Off the premises	
Day	Start	Finish	-	Both	
Mon	23.00	03.00	State any seasonal variations for the supply (please read guidance note 4)	of alcohol	
Tue	23.00	03.00			
Wed					
	23.00	03.00	-		
Thur	23.00	03.00	Non standard timings. Where you intend to	use the premises	s for
Fri			the supply of alcohol at different times to the column on the left, please list (please read gu	lose listed in the	
	23.00	03.00	-		
sat	23.00	03.00			
Sun	22.00	01.30			

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Page 17 of 25 V 18.2.05

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Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	06.00	03.00	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	06.00	03.00	
Wed	06.00	03.00	
Thur	06.00	03.00	
Fri	06.00	03.00	
Sat	06.00	03.00	
Sun	06.00	01.30	
	L	<u> </u>	

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Page 19 of 25 V 18.2.05

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



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

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

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

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

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

The CCTV System has a 31 Day recording capacity. Recorded CCTV images will be made available to Police or authorised Council Officers on request.

Notices are displayed to advise patrons that CCTV recording is in operation.

Notices are displayed indicating **"NO PROOF OF AGE NO SALE"**. The Proprietors have implemented the **"CHALLENGE 21"** scheme, and Notices to this effect are displayed.

A 'Refusals' Book is kept and maintained.

c) Public safety

A First Aid Kit shall be available at the venue. An Incident/Accident Book shall be kept and maintained. A Fire Risk Assessment is in place for this premises.

d) The prevention of public nuisance

There will be no deliveries or removal of goods, waste or equipment between 8.00 p.m. and 7:30 a.m. Monday to Sunday

The protection of children from harm

Staff will remain vigilant and ensure that young persons (under 18 years of age) 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. The "Challenge 21" scheme is also in operation.

29

	Please tick	yes
>	I have made or enclosed payment of the fee	[]
9	I have sent copies of this application and the plan to responsible authorities and others where applicable	Ø
>	I understand that I must now advertise my application	\square
•	I have enclosed the premises licence or relevant part of it or explanation	Ŋ
•	I understand that if I do not comply with the above requirements my application will be rejected	V

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	man,
Date	19.04.2010
Capacity	LICENCE HONDER (JOINT)

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 note12). If signing on behalf of the applicant please state in what capacity.

Signature	Real
Date	19.04.2010
Capacity	LICENCE HERDER (JEHNT)
0	(where not provide the silver) and address for correspondence associated

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

 C | O RICHARD NASH

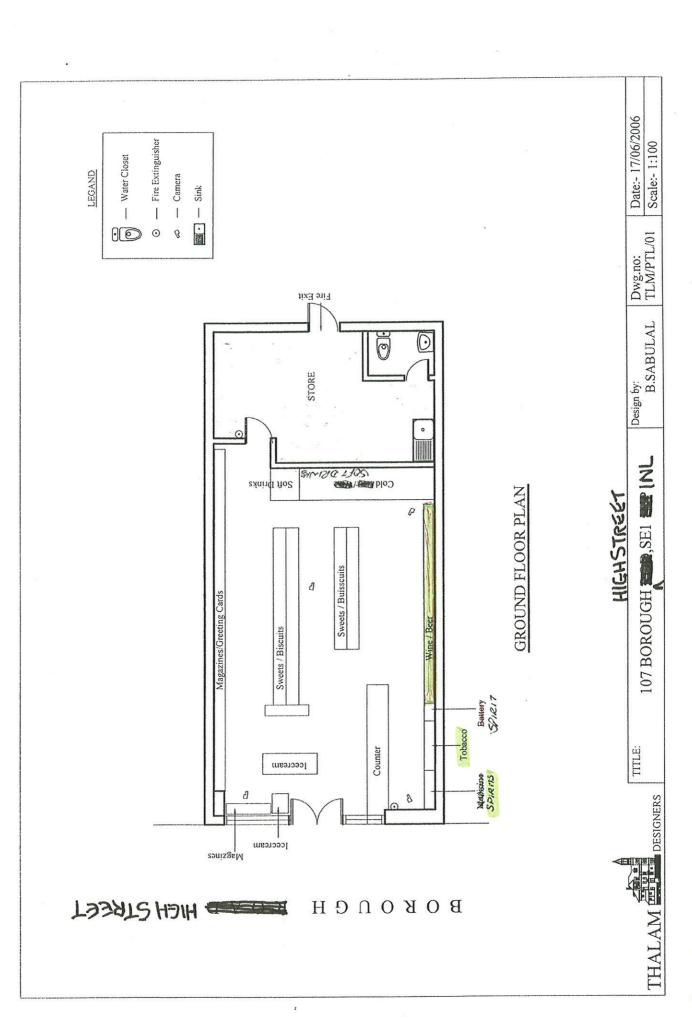
 WINLATON ROAD

 Post town
 BROMLEY, KENT

 Post town
 BROMLEY, KENT

 Post code
 BRI 5FY

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



Licensing Act 2003 Premises Licence

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

011193

ENDIX B outhwark

Council

Premises licence number

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description		
THE CLASSIC 107 Borough High Street London SE1 1NL		
Ordnance survey map reference (if applicable), 180048532594		
Post town	Post code	
London	SE1 1NL	
Telephone number		
020 8405 2407		

31

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Where the licence is time limited the dates

Licensable activities authorised by the licence

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	06:00 - 23:00
Tuesday	06:00 - 23:00
Wednesday	06:00 - 23:00
Thursday	06:00 - 23:00
Friday	06:00 - 23:00
Saturday	06:00 - 23:00
Sunday	06:00 - 22:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities For any non standard timings see Annex 2 of the full premises licence

Sale by retail of alcohol to be consumed off premises

6:00 - 23:00
06:00 - 23:00
06:00 - 23:00
06:00 - 23:00
06:00 - 23:00
06:00 - 23:00
06:00 - 22:00

Page 2 of 7

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence		
Narendra Vishubhai Patel	Ranjan Narendra Patel	
16 Waddington Way	16 Waddington Way	
Upper Norwood	Upper Norwood	
London	London	
SE19 3XJ	SE19 3XJ	
0208 405 2407	0208 405 2407	

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

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

Narendra Vishubhai Patel 16 Waddington Way Upper Norwood London SE19 3XJ

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. 06/00860/LIPERS Authority L B Croydon

Licence Issue date 13/04/2007

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

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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

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

289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days

340 That all spirits, wine and beer will be in view of the counter.

341 That the applicant will address all legislation with regards to fire

risk assessments required under the new Act.

•)

342 To maintain a record of all complaints that are made in regards to noise and disorderly conduct.

343 That photographic proof of age will be required and to be shown by anyone seeking to purchase alcohol who appears to be under 21 years of age.344 That a refusal book will be maintained as and when an incident occurs.

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

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Annex 4 - Plans - Attached

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Licence No.	011193
Plan No.	TLM/PTL/01
Plan Date	16 June 2006

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APPENDIX C

Southwark Licensing Team Chaplin Centre Thurlow Street London SE17 2DG

PARTM A

SE1 1GH

14 May 2010

For the attention of the Licensing Team,

Premises Name and Address

The Classic 107 Borough High Street London SE1 1NL

Licence Reference Number

I am the owner of "Borough High Street, London and wish to object to the application for variation of premises licence made on behalf of The Classic, 107 Borough High Street as referenced above.

831899

I object on the following grounds:

1. Prevention of Public Nuisance

In the immediate vicinity of The Classic are several licensed premises including amongst others on Borough High street St Christopher's Inn, The Slug and Lettuce, Belushi's, The Blue Eyed Maid and The George. The area is very well served with respect to the availability of alcohol and the area consequently suffers noise and litter nuisance as customers exit such licensed premises. In particular, noise from customers of the St Christopher's Inn is a nuisance to my flat and the Mews. St Christopher's Inn provides cheap hostel accommodation and I have strong reservations about providing late night off-sales in the direct proximity to hostel accommodation which bills itself as St Christopher's Inns "signature party hostel". I believe it will make the current noise situation worse in an area which has now become much more of a residential area. I also reference the nuisance problem with homeless people / street drinkers, which I deal with under the following section.

2. Prevention of Crime and Disorder

The London Bridge / Borough High Street area suffers from a certain concentration of homeless people. It is unfortunately the case that alcohol misuse and homelessness go together, and this is compounded by the fact that "street drinkers" also congregate in the same areas. The extension of the hours of off-sales, as requested by The Classic in their application, cannot make this situation any better, and I fear that it will in fact encourage more street drinkers and homeless people into the immediate area via the possibility that they may extend their drinking hours – alcohol being bought on a "pay-as-you-go" basis. I have already witnessed fighting and disorders such as urinating in the streets from these groups.

Additionally, students, young adults and other holiday-makers staying at the St Christopher's Inn hostels are likely to be in an exuberant frame of mind which, with the addition of alcohol, already translates into noise which is heard in the Mews. Increasing the availability of late night alcohol via off-sales, which by its definition must be drunk away from the point of sale, is likely to lead to further late night drunken mayhem and petty crime.

Yours sincerely



24.5.2010

Objection to the variation of licence as listed below:

RECEIVED

Premises Name and Address:

2 5 MAY 2010

THE CLASSIC 107 Borough High Street

Type of Variation Sought: Extend Sale of alcohol off the premises and the opening hours Mon-Sat to 03.00hrs and Sunday to 01.30 hours

Reasons for objection:

Who is going to require to purchase alcohol at these hours? It is extremely unlikely to be local residents who will almost certainly be asleep at these unsocial hours. It is very likely that those seeking to purchase alcohol will not be local and will already be intoxicated.

There is nowhere to sit and drink other than in local parks or laneways or sitting on the gutter.

Residents in this area are already beset with the nuisance of broken bottles and vomit (please refer to Better Bankside clean up of a large amount of vomit at 0915 on Monday 3rd directly outside the gates of Maidstone Buildings Mews. Parents and young children living in the Mews had to step over this revolting mess.)

The laneways already smell like public toilets due to the number of men urinating against the walls when the pubs close. This will only get worse if there is a late license.

Bicycles and pedestrians already have to ride and step around broken bottles and glasses. This will only get worse, especially at weekends. The more intoxicated the purchaser of alcohol the more likely he/she is to leave broken glass, vomit and excreta.

Noise is also a problem. As it is at present, the later it is at night, the more the noise from drinkers at St Christopher's Inn disturbs the peace in Borough High Street. They regularly spill out into the middle of the street, shouting and singing at the tops of their voices, and causing a public nuisance.

Thank you.

Sincerely,

40

Appendix

Your reference:



Our reference: MD/21/2006/2010 29th April 2010 Date:

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

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

Tel: 020 -7232 - 6210 Fax6282

Dear Sir/Madam

Classic News 107 Borough High Street SE1

I write in respect of the above premises for which I wish to make the following representations/objections to the granting and variation of a Premises Licence under the Licensing Act 2003.

Police representations/objections are primarily concerned with:

Substantial Increase in hours for sale of alcohol and hours the premises are open to the public.

The reasons for my representations are that the premises have applied to operate for extended hours each day and the hours applied for may have a detrimental effect upon local residents by increasing the potential for any associated public disorder to be extended throughout the night.

Police require the following control measures and these will go some way in order to prevent and manage the potential for Public Disorder and Public Nuisance and are in line with many of the conditions imposed on similar late night venues.

Provided the applicant agrees to the following control measures, Police would have no further comment to make on the application:

- An approved CCTV be installed both inside and out with a 31 day tape bank, which must be maintained in • full working order and a member of staff must be readily available to download images at the request of Police or London Borough of Southwark Licensing Officers.
- A proof of age scheme.
- Recognised Training scheme for all staff supplying Intoxicating Liquor.
- A Personal Licence holder being on premises at all times that Intoxicating Liquor is supplied.

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

Paul Compton PC294MD Licensing Officer (Southwark North) 0207 232 6210 🛣 Phone: 07990901483 🛣 Mobile: 0207 232 6282 🗋 Fax:

Working for a safer Southwark

Read, Kirty

From:	Paul.Compton@met.pnn.police.uk	
Sent:	15 May 2010 19:49	
To:	Regen, Licensing	
Cc:	@hotmail.com	
Subject: Classic News, 107 Borough High Street		

Dear Sir/Madam

As can be seen from the attached e mail, the applicant has agreed to the four conditions I suggested in my representation letter dated 29th April 2010.

Therefore I am now in a position to withdraw my representation.

Regards

Paul Compton PC294MD Licensing Officer Southwark Borough Phone: 0207 232 6210 Mobile: 07595011458 Fax: 0207 232 6282 □ Fax: 0207 232 6282 □ Mail: Licensing Office, Walworth Police Station, 12/28 Manor Place Walworth London SE17 3BB (not protectively marked)

From: Richard Nash [mailto: \@hotmail.com] Sent: 14 May 2010 15:53 To: Compton Paul - MD Cc: Kristie (L B Southwark) Ashenden Subject: Classic News, 107 Borough High Street

Dear PC Paul Compton

I refer to our telephone conversation earlier today regarding the application to vary the Premises Licence for Classic News, and the Representation submitted by Police.

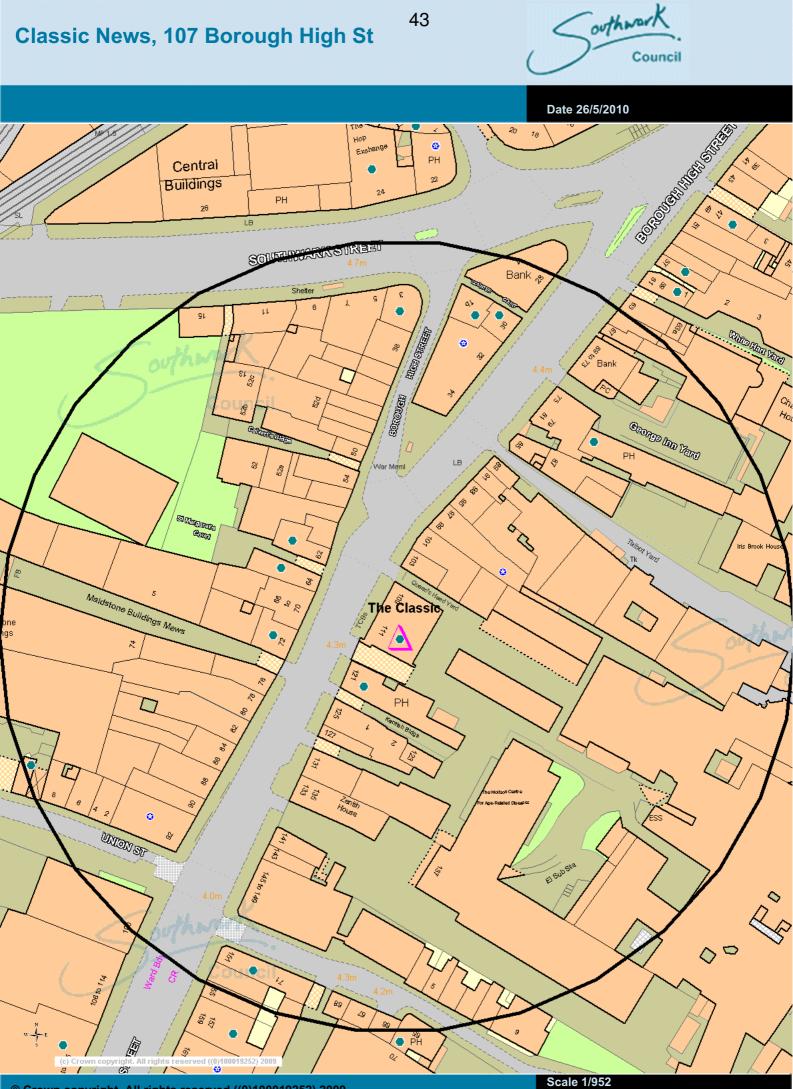
I am instructed by my client to agree the four (4) conditions which Police have proposed, and look forward to receiving your confirmation that Police have withdrawn their Representation.

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

Yours sincerely

Richard Nash

17/05/2010



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Licensing

Distribution List	MUNICIPAL YEAR 2010-11
Open	Date of Meeting: Friday 11 June 2010
Licensing Sub-Committee	Time: 10.00am

Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.

Councillors (1 Copy Each)	Applicants and Interested Parties
Councillor Lorraine Lauder (Chair) Councillor Althea Smith Councillor Ian Wingfield Councillor Eliza Mann (Reserve)	Classic News - Application Classic News, 109 Borough High St , London SE1 1NL Richard Nash, Winlaton Road, Bromley, Kent, BR1 5PY
Officers Kate Heap, Legal Services, Tooley Street Sean Usher, Tooley Street (Hub 4) 2 nd Floor Kristie Ashenden Andrew Weir, Tooley Street (Hub4) 2 nd Floor Ward Councillors (Notified by Email) Chaucer Press Office – Tooley Street, Hub 4,2 nd Floor	Local Residents/Objectors (x 2) Details on file
Total Copies to be printed: 18	Total copies to be circulated: 12
PLEASE BRING YOUR PAPERS TO THE MEETING.	All spares to be delivered to Sean Usher, C/o Town Hall Post Room Day of Despatch: 1 June 2010