

## Licensing Sub-Committee

Tuesday 2 June 2015

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Jon Hartley  
Councillor Charlie Smith

### Reserves

Councillor Tom Flynn

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)  
Webpage: [www.southwark.gov.uk](http://www.southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 22 May 2015



## Licensing Sub-Committee

Tuesday 2 June 2015  
10.00 am  
Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

### 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 interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: RYE EXPRESS, UNIT 1, 137-139 RYE LANE, LONDON SE15 4ST</b>	1 - 29
6.	<b>LICENSING ACT 2003: FRANKS CAFE, LEVEL 9 &amp; 10, PECKHAM MULTI STORY CAR PARK, 95A RYE LANE, LONDON SE15 4ST</b>	30 - 79
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT</b>	

**Item No.**

**Title**

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**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. CONFIDENTIAL: DETAILS OF OTHER PERSONS**

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

Date: 22 May 2015

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 2 June 2015	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Rye Express, Unit 1, 137-139 Rye Lane, London SE15 4ST	
<b>Ward(s) or groups affected:</b>		The Lane	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 51 of the Licensing Act 2003 by Southwark Council's trading standards team for a review of the premises licence issued in respect of the premises known as Rye Express, Unit 1, 137-139 Rye Lane, London SE15 4ST.
2. Notes:
  - a) The grounds for the review are stated in paragraph 12 to 16 of this report. A copy of the full application is provided as Appendix A.
  - b) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B.
  - c) This report deals with the representation submitted in regards to the review application. There is no representation in support of this application.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
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:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - 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 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. 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.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51(1) of the Act it remains open to any responsible authority or interested party to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The current licence issued in respect of the premises known as Rye Express, 137-139 Rye Lane, London SE1 4ST was issued to Naseem Sameer on 25 July 2012. The licence permits the following licensable activities during the hours shown:
- The sale by retail of alcohol to be consumed off premises  
Monday to Sunday 00.00 – 00.00 (24 hour sales)
  - The opening hours of the premises are as follows:  
Monday to Sunday 00.00 – 00.00 (24 hour)
10. A copy of the current premises licence is attached to the report as Appendix B.

### **Designated premises supervisor**

11. The designated premises supervisor (DPS) is Naseem Sameer who holds a personal licence issued by Lewisham Council.

### **The application for a review of the premises licence**

12. On 8 April 2015 an application for the review of the premises licence was submitted by Southwark Council's trading standards team. The grounds for the review relate to the following licensing objectives:
- The prevention of crime and disorder
  - The protection of children from harm.
13. An officer from this council's trading standards team (TS) visited the premises on 13 March 2015 with police officers to ascertain if the conditions of the premises licence issued in respect of the premises were being adhered to. The TS officer noted

breaches of licence conditions 293, 336 , 342, 488 4A1 and 4AB (details of these conditions are shown in the copy of the premises licence attached as Appendix B).

14. In addition to the above, at the time of the visit the person in charge of the premises was identified as being an illegal immigrant who had previously been removed from the UK in 2014. He did not hold a personal licence to sell alcohol.
15. The officers also noted 6 boxes of Smirnoff vodka which they identified as non duty paid products. The UK duty paid label had been covered over, the boxes had the UK duty stamp crossed through and they had been clearly opened and then resealed. These and other alcohol products listed in the review application were then seized by the police.
16. A copy of the review application and supporting evidence is attached to the report as Appendix A.

#### **Representations from responsible authorities**

17. There are no representations submitted from responsible authorities.

#### **Representations from other persons in support of review application**

18. There are no representations submitted by other persons.

#### **Licensing operating history**

19. The initial premises licence was issued in respect of the premises on 4 April 2010 to Naseem Sameer, who is still the licence holder and the DPS to date.
20. On 19 April 2012 an application was submitted to vary the hours of the premises licence. This application was opposed by both the police and trading standards. Both representations were conciliated as the applicant had agreed to conditions proposed by both parties. The licence was therefore granted on 25 July 2012.
21. On 7 February 2015 a licensing officer inspected the premises. Breaches of the licence were noted and so the premises were therefore not compliant. A warning letter dated 10 February 2015 was sent to the licence holder.
22. A revisit was conducted on 24 February 2015 by a licensing officer to ascertain compliance with the breaches noted in the previous visit. The premises were found to be being operating in compliance with the conditions of the premises licence. A compliance letter dated 25 February 2015 was then issued. These letters are attached as Appendix C.

#### **The local area**

23. A map of the area is attached to this report as Appendix D. The premises is identified by a diamond at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius. The following licensed premises including terminal hours are also shown on the map:

#### **Off licences**

- Muana London, Unit 2, 12-16 Blenheim Grove, London SE15 (Sunday to Thursday till 23.30 and Friday and Saturday till 01.30)

- Peckham Refreshments Rooms, Unit 3 & 4 Blenheim Grove, London SE15 (Monday to Saturday till 00.00 and Sunday till 17.00)
- Stella's African Food, 154 Rye Lane, SE15 4NB (Sunday to Friday till 22.00 and Saturday till 23.00)
- Asda, 74 Rye Lane, London SE15 5DQ (Monday to Saturday till 23.00 and Sunday till 22.30)
- Rye Lane News & Off Licence, 164 Rye Lane, London SE15 4NB (Monday to Saturday till 23.00 and Sunday till 22.30)
- Swaizie Food Store, 1A Choumert Road, London SE15 4SE (Monday to Saturday till 23.00 and Sunday till 22.30)

#### **Late night refreshment**

- Roosters Spot, 177-179 Rye Lane, London SE15 4TP (Sunday to Thursday till 02:00 and Friday and Saturday till 03.00)
- Caribbean Spice Jerk Centre, 8-10 Blenheim Grove, London SE15 4QL (Monday to Sun till 06.00)

#### **Restaurant**

- Il Giardino Restaurant, 7 Blenheim Grove, London SE15 4QS (Monday to Saturday till 00.30 and Sunday till 00:00)

#### **Night club and art venue**

- The CLF Art Cafe, Unit A1, A2, A3, AG1 & Basement, Bussey Building, 133 Copeland Road, London SE15 3SN (Sunday to Wednesday till 23:00, Thursday till 02.30 and Friday and Saturday till 06:00)

#### **Cinema**

- Peckhamplex, 95A Rye Lane, London SE15 4ST (Sunday to Thursday till 00:00 and Friday and Saturday till 02:00).

### **Southwark council statement of licensing policy**

24. Council assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. 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.
- 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.

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

### **Resource implications**

26. No fee is payable in respect of an application for licence review.

### **Consultation**

27. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was exhibited outside the premises for a period of 28 days.

### **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

29. The sub-committee is asked to determine, under Section 52 of the Licensing Act 2003, an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

30. The principles which sub-committee members must apply are set out below.

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

31. The licensing authority must hold a hearing to consider an application for review of a premises licence where:

- The application is properly made in accordance with Section 51 of the Act
- The applicant has given notice in accordance with Section 51(3) of the Act
- The advertising requirements provided for under Section 51(3) of the Act are satisfied
- The licensing authority has considered the ground(s) of review not to be frivolous, vexatious or repetitious

- The licensing authority has considered the ground(s) of review to be relevant to one or more of the licensing objectives.

32. The four licensing objectives are:

- The prevention of crime and disorder
- The protection of public safety
- The prevention of nuisance
- The protection of children from harm.

33. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:

- Modify the conditions of the licence by altering, omitting or adding any condition
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence.

34. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:

- Are relevant to one or more of the licensing objectives
- Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
- Have not been withdrawn
- If made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.

35. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

36. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.

37. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

38. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

39. Where the authority determines an application for review it must notify the determination and reasons why for making it to:

- The holder of the licence
- The applicant
- Any person who made relevant representations

- The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

40. 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.
41. This matter relates to the review of the premises licence under section 51 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**

42. 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.
43. 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.

44. 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.
45. 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.
46. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
47. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
48. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
49. Interested parties, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### **Guidance**

50. 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.

## Strategic Director of Finance and Corporate Services

51. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

### BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

### APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copy of the premises licence
Appendix C	Copy of letters (both warning and compliance)
Appendix D	Map of area

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Dorcas Mills, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 May 2015	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	18 May 2015	

*[Insert details including name and address of licensing authority and application reference if any (optional)]*

**Application for the review of a premises licence or club premises certificate 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 Bill Masini (On behalf of Trading Standards)

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Rye Express 137-139 Rye Lane	
<b>Post town</b> London	<b>Post code (if known)</b> SE15 4ST

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
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<b>Number of premises licence or club premises certificate (if known)</b> 837774
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Southwark Council – Trading Standards  Bill Masini Trading Standards Officer Community Safety & Enforcement 3 <sup>rd</sup> Floor Hub 2 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 1)****Prevention of Crime and disorder –**

- Illegal worker in shop
- Illegal immigrants residing in premise
- No personal Licence holder on premise as required by condition 336
- No member of staff able to operate the CCTV system as required by condition 342
- Illegal shisha tobacco on sale
- Duty evaded alcohol on sale including "diversion fraud"

**The protection of children from harm**

- Failure to adopt and implement an age verification scheme including the use of a refusal book for the purpose of recording all refused sales of alcohol and a recognised training scheme for all staff concerned with the sale or supply of intoxicating liquor, records of which shall be kept and made available for inspection.
- No register of refused sales of alcohol maintained and available for inspection as required by condition 4A1

Trading Standards enforce various fair trading laws including The Licensing Act 2003 and carries out joint inspection visits with Southwark's Police Licensing/Night time Economy officers. This is for the purpose of ensuring the conditions on the licence as well as the four objectives under The Licensing Act are adhered to. It is also for the purposes of identifying other criminal offences.

The premise licence permits alcohol to be sold 24 hours a day seven days a week (168 hours) but does require there to be a personal licence holder to be on the premise at all times that alcohol sold is supplied – (condition 336)

On 13 March 2015 Trading Standards carried out a joint visit with the Metropolitan Police to this premise. The shop was open to the general public and alcohol was spread across about half of the shop. There were no signs displayed to indicate alcohol was not for sale. The sale of alcohol was clearly a very significant part of the business.

The Police checked the identity of the person working behind the counter. He was the only person working in the shop. He was confirmed to be an illegal immigrant who had been previously removed from the UK in 2014. He was arrested and taken to Walworth Police Station. He did not hold a personal licence to sell alcohol.

Officers also checked the rest of the premise. At the rear of the shop there were very narrow stairs to a store room and an office. Near to the office door was a hole cut into a wall that led to a darkened area. In order to get through anyone had to crawl on their hands and knees. Officers did this but then noticed parts of the floor were missing and the floor was precarious such that parts of the shop below was clearly visible and loose boards had been used as planks over the ceiling beams to the shop. They were evidently there to assist anyone seeking to access what appeared to be a room at the end. There were no external windows to this room. In the room asleep on mattresses on the floor were two men. They were escorted downstairs where their identities were checked. Both men were also illegal immigrants who had previously been removed from the UK. They too were arrested and taken to Walworth Police Station.

The men arrested were [REDACTED]

Goods on the premise were examined.

Six boxes each containing six 70cl bottles of Smirnoff vodka had been placed above the shelves. These were immediately identified as diverted non duty paid products. The UK duty paid label had been covered over with a white round obliteration sticker. The box had the UK duty stamp crossed through and the boxes had been clearly opened and then resealed. Duty on a 70cl bottle is £9.48 including VAT and therefore the duty evaded on these bottles alone is £341.28.

Also on the premise was found:

- 42 bottles of Wray and Nephew white over proof rum (63% abv) - 4 x 70cl, 11 x 375cl and 27 x 200cl bottles
- 11 x 70cl bottles of Alomo Bitter which had an alcohol by volume of 42%
- 1 x 1 litre bottle of Oxley Dry Gin (47% abv)
- 1 x 1 litre bottle of Chilgene Gin (43% abv)
- 1 x 70cl bottle of Bayswater Gin (43% abv)
- 1 x 70cl bottle of Corinthian Gin (40% abv)
- 1 x 70cl bottle of Thunder Toffee Vodka (29.9% abv)
- 1 x 70cl bottle of Geranium Gin

This made a total of 76.725 litres of spirits. The VAT inclusive duty evaded where the strength was "merely" 40% abv was around £1030. Duty on spirits above 40% abv is higher.

The 70cl bottles of Wray and Nephew rum had stated on the bottles "In bond sale only" and appeared to have been directly imported from Jamaica without the duty being paid in either in Jamaica or the UK. One of the outers had a British Airways sticker on it showing it had been brought into the country via Gatwick. They did not contain UK duty paid marks.

The Oxley Gin appeared to have been produced in the UK for the US market and the Corinthian Gin appeared to have been produced in the UK for the German market. Again none of these products bore UK duty paid marks.

The alcohol was seized by The Police.

Also in the shop for sale were 15 x 50 gram packets of duty evaded and illegal shisha tobacco. Trading Standards seized these items.

There was no refusals book available for inspection and no written list of staff authorised to sell alcohol at the shop as required by condition 4AI.

There were also breaches of conditions 488 – age verification scheme, condition 293 (all staff to trained to accept only valid identification concerning underage sales) and condition 4AB (staff training re Challenge 25)

There was no one able to use the CCTV system as condition 342 requires – “A member of staff able to operate the CCTV system must be on the premises when alcohol is supplied.”

A check of the till roll indicated alcohol had been sold a few minutes before this visit was made.

Trading Standards say the premise is clearly unsuitable for the sale of alcohol and recommends to the sub-committee that the licence be revoked.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year  

--	--	--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date 7 April 2015

Capacity Trading Standards Officer acting on behalf of Southwark Council

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

# Licensing Act 2003 Premises Licence

18



Environmental Health & Trading Standards  
Licensing Unit  
Hub 2, Floor 3  
160 Tooley Street  
London SE1 2QH

Premises licence number

837774

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Rye Express Unit 1 137-139 Rye Lane London SE15 4ST	
Ordnance survey map reference (if applicable), 176266534304	
<b>Post town</b> London	<b>Post code</b> SE15 4ST
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
--

<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol to be consumed off premises

<b>The opening hours of the premises</b>	
For any non standard timings see <b>Annex 2</b>	
Monday	00:00 - 00:00
Tuesday	00:00 - 00:00
Wednesday	00:00 - 00:00
Thursday	00:00 - 00:00
Friday	00:00 - 00:00
Saturday	00:00 - 00:00
Sunday	00:00 - 00:00

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b>
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**

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

**Part 2**

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

Naseem Sameer

**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**

Naseem Sameer

**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. LWP2467  
Authority LB Lewisham

Licence Issue date 25/07/2012

.....  
Community Safety Enforcement  
Business Unit Manger  
Hub 2, Floor 3  
160 Tooley Street  
London SE1 2QH  
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

**488** (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

## **Annex 2 - Conditions consistent with the operating Schedule**

**293** All staff shall be trained to accept only valid identification concerning underage sales.

**340** Staff shall be trained during regular meetings as to roles and responsibilities.

**4AA** The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

**4AB** All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

**4AC** Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

**4AI** A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

**432** A contact telephone number shall be provided for neighbours should they have concerns regarding the premises and any incidents that they witness.

**336** No sale of Alcohol shall be made unless the Designated Premises Supervisor or a Personal Licence holder is present in the part of the premises for the retail sale of alcohol.

**341** A "clear glazing" policy, above 1 metre measured from the internal floor level, shall be kept at the premises so that staff will have an unobstructed view of the outside of the premises. The exception to this shall be the display of notices required by law and any required as a condition of the licence.

**288** The CCTV system that shall be installed at the premises shall:

- a) be maintained fully operational and in good working order at all times;
- b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol
- c) show an accurate date and time that the images were made, and
- d) all images shall be retained for a period not less than 31 days.

**342** A member of staff able to operate the CCTV system must be on the premises when alcohol is supplied.

**289** That original, or a copy of the CCTV images, shall be provided in a format that can be viewed on readily available equipment without the need for specialist software. Upon demand to any police office, community support officer or authorised person.

**343** No alcohol shall be sold if the CCTV equipment is inoperative for any reason.

**344** The Premises shall be installed with a Burglar Alarm System.

**305** Signs shall be displayed at the entrance and within the premises asking customers to enter and leave quietly and not to congregate outside the premises and to keep their voices low to prevent disturbing other

residents.

**345** Any waste bins outside the shop shall be emptied at regular intervals and any litter caused by customers of the shop shall be cleared away.

**327** Signs shall be displayed inside and outside of the premises warning adults that it is an offence to buy alcohol on behalf of anyone under the age of 18.

**311** Notices displayed stating that 'only two children at a time can enter the premises, other than those accompanied by their parents or responsible adult'.

**346** Should groups of youths gather outside the premises the Police shall be telephoned for advice.

**347** No Beer or Cider sold in single cans, bottles or multi-packs with an ABV of above 5.5% shall be sold from the premises.

**348** Between the hours of 00:00 and 06:00, all sales shall take place from a service night hatch and the doors to the premises will remain secure.

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

**Annex 4 - Plans - Attached**

Licence No. 837774  
Plan No. 05.03.2010  
Plan Date 05.03.2010

Naseem Sameer  
(sent to home address)

**Licensing Unit**  
Direct Line: 020 7525 5754  
Direct Fax: 020 7525 5705

10 February 2015

Dear Mr Sameer

**RE: THE LICENSING ACT 2003 – WARNING LETTER  
(Rye Express, Unit 1, 137-139 Rye Lane, London, SE15 4ST)**

On 7 February 2015 at 18:56 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

- 1. Breach of condition 288:** *At the time of visit, the CCTV system was not operating to the satisfaction of council and police officers. There was no evidence that the footage was kept for 31 days, nor that it was accurately time and date stamped.*
- 2. Breach of condition 311:** *At the time of visit there were no notices stating that only 2 children at a time can enter the premises.*
- 3. Breach of condition 327:** *At the time of visit there were no notices relating to this condition.*
- 4. Breach of condition 342:** *At the time of visit there were no staff members that could operate the CCTV system.*
- 5. Breach of condition 343:** *At the time of visit, staff were selling alcohol even though the CCTV was inoperative.*

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your licence or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 020 7525 5754 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

**K Ashenden**

Kristie Ashenden  
Principal Licensing Officer  
[licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)



Mr Naseem Sameer  
Rye Express  
Unit 1  
137-139 Rye Lane  
London  
SE15 4ST

**Licensing Unit**

Direct Line: 020 7525 0396  
Direct Fax: 020 7525 5705

25 February 2015

Dear Mr Sameer

**RE: THE LICENSING ACT 2003 – RE-VISIT COMPLIANCE  
(Rye Express, Unit 1, 137-139 Rye Lane, London, SE15 4ST)**

Following the warning letter that was sent to you on the 10 February 2015 a Licensing Enforcement Officer re-inspected your premises on 24 February 2015 at 20:45 hours to check on compliance.

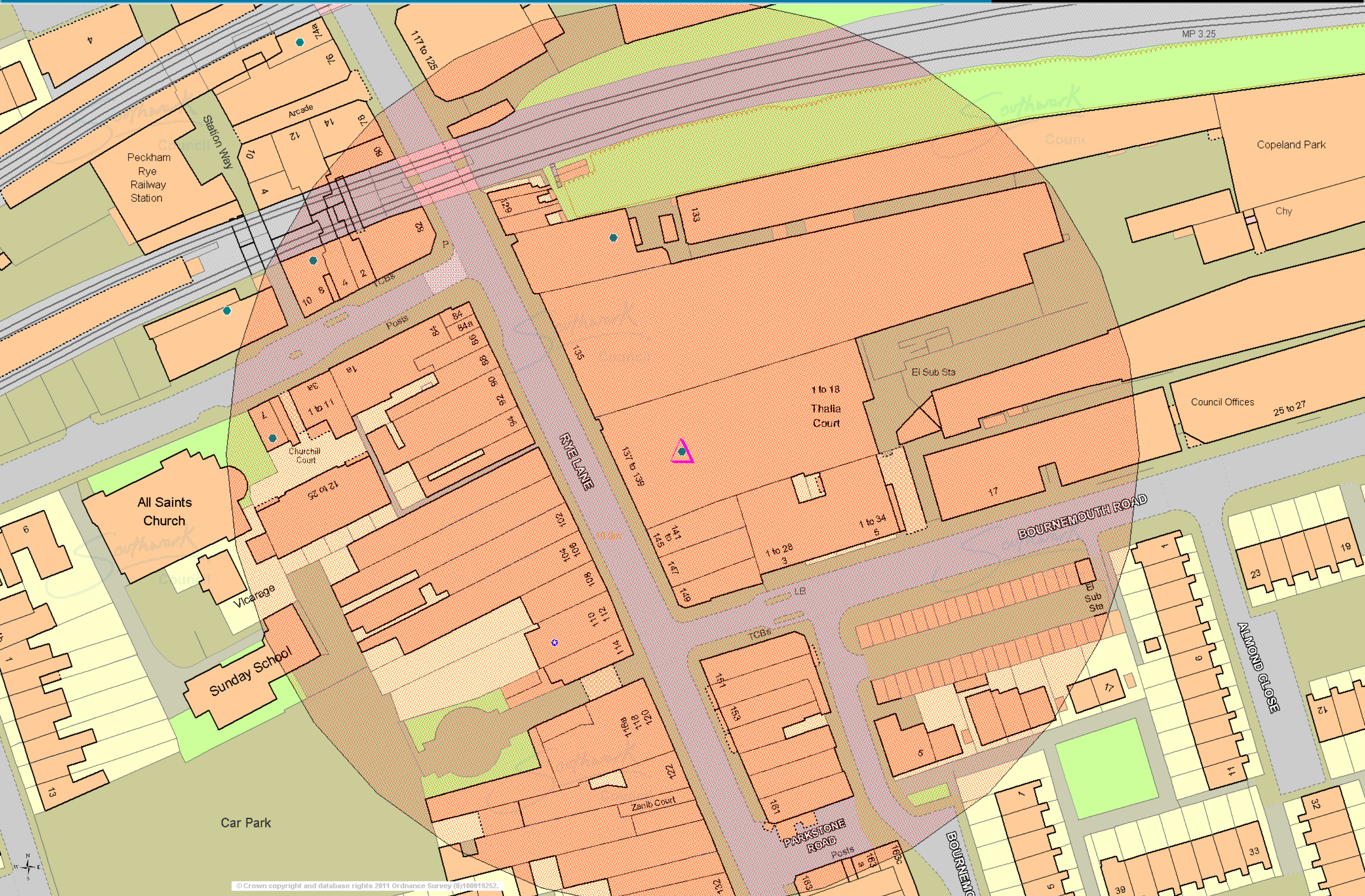
I am pleased to confirm that at the time of that visit the premise was found to be operating in full compliance with terms and conditions of the premises licence.

As a result of the above, the premises has been placed in the 'C' risk category and will be inspected again in 1 year or following a complaint whichever is the soonest.

Should you require any assistance or advice, please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 020 7525 0396 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Jayne Tear  
Principal Licensing Officer  
[Licensing@southwark.gov.u](mailto:Licensing@southwark.gov.u)



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<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 2 June 2015	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Franks Cafe, Level 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST	
<b>Ward(s) or groups affected:</b>		The Lane	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Frank's Cafe Limited, for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Franks Café , Level 9 &10, Multi Storey Car Park, 95A Rye Lane, London SE15 4ST.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and other persons and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 11 to 18 of this report deals with the representations received to the premises licence application. Copies of the relevant representations from responsible authorities are attached as Appendix B. Copies of the relevant representations from other person is attached as Appendix C.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## 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:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

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:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - 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 premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons 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 premises licence application**

8. On 7 April 2015, Franks Café Limited applied to this Council for the grant of a new premises licence in respect of the premises known as Franks Café, Level 9 &10, Multi Storey Car Park, 95A Rye Lane, London SE15 4ST. The application is summarised as follows:
  - The supply of alcohol (for consumption on the premises)  
Monday to Sunday from 11.00 to 00.00
  - Operating hours  
Monday to Sunday from 11.00 to 00.30
  
9. The premises licence application form provides the applicant operating schedule. Parts J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

### **Designated premises supervisor**

10. The details of the proposed designated premises supervisor (DPS) have yet to be provided.

### **Representations from responsible authorities**

11. Representations have been submitted by the Environmental Protection Team (EPT), council's Licensing Unit (acting as a responsible authority and the Health & Safety team).
12. The EPT concerns relate to the applicants intention to may be provide public entertainment using the deregulation provisions of the Licensing Act. in previous years this premises has held many arts events, markets, exhibitions, theatre, orchestral events, film, live music (both amplified and acoustic) and recorded music as part of previous time limited premises licenses and under TEN's applications and there is a substantial history of public complaint regarding noise from events held at this location.
13. This premises is a multi storey car park, is open on all sides and has no roof, therefore, has no effective means of containing noise from any de-regulated entertainment that, given the site history, it is very likely and expected to occur should this full premises license be granted.
14. The licensing representation raises concerns that this premises has submitted a three month time limited application for the past six years and the three month period has taken place in the summer months. However this year the application is not time limited and is a permanent licence, which will operate all year and the hours of operation sought have also been extended.
15. There has also been extensive consultation with the responsible authorities in the past which resulted in the applicant amending the operating schedule to incorporate conditions/control measures to address the four licensing objectives. The good management of this premises in the past have included the control measures on subsequent applications to address the licensing objectives. However most of the previous control measures designed to address the four licensing objectives have not been added to the operating schedule of this application.
16. The Licensing representation also mentions that the premises is situated within the saturation area for Peckham. 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
17. The health and safety team representation is concerned with public safety and have requested for risk assessment, a dispersal policy and an evacuation plan to be submitted for approval.
18. Copies of the representations in its entirety are attached as Appendix B.

### **Representations from other persons**

19. There are three representations received from other persons. They relate to the operation of the premises in the past and issues of noise pollution and public nuisance, and the sheer number of revellers trafficking through the area, they are

also concerned that they will suffer further disturbances with regards to noise if a full and operation licence is granted all year round.

20. Copies of the correspondence received are attached as Appendix C.

### **Conciliation**

21. The applicant has expressed a desire to address the concerns within the representations submitted and a conciliation meeting shall take place on Wednesday 20 May 2015. At the time of writing this report the meeting has not yet taken place and the licensing committee shall be updated at the hearing on 2 June 2015.

### **Previous History**

22. The premises has previously held time limited premises licences over the past 6 years for Levels 7 - 10 of the premises under the Licensing Act 2003. The licence issued has been for a 3 month period.

- **26 May 2014 - 1 October 2014**

The licensable activities granted as follows:

Plays on Tues - Sun from 17.00 to 22.00

Films on Tues - Sun from 17.00 to 22.00

Live music on Tues - Sun from 17.00 to 22.00

Performance of Dance on Tues - Sun from 17.00 to 22.00

Supply of alcohol (on the premises) from Mon 17.00 to 23.45; Tues to Sun 11.00 to 23.00

Opening hours Mon 17.00 to 23.45; Tues to Sun 11.00 - 23.45

Licence granted to Franks Cafe Limited with Frank Boxer as the DPS

- **20 June 2013 - 30 October 2013**

The licensable activities granted as follows.

Plays on Tues - Sun from 17.00 to 22.00

Films on Tues - Sun from 17.00 to 22.00

Anything similar to Live/recorded music on Tues - Sun from 17.00 to 22.00

Performance of Dance on Tues - Sun from 17.00 to 22.00

Supply of alcohol (on the premises) from Tues to Sun 17.00 to 23.00

Opening hours Tues 17.00 – 23.45; Wed to Sun 11.00 - 23.45

Licence granted to Franks Cafe Limited with Siobhan Sweeney as the DPS

- **30 June 2012 - 5 October 2012**

The licensable activities granted as follows:

Plays on Thurs - Sun from 18.00 to 22.00

Films on Thurs - Sun from 18.00 to 22.00

Live music on Thurs - Sun from 18.00 to 22.00

Recorded on music - Thurs - Sun from 10.00 to 22.00

Performance of Dance on Thurs - Sun from 18.00 to 22.00

Supply of alcohol (on the premises) from Mon to Sun 10.00 to 22.00

Opening hours Mon to Sun 11.00 - 23.00

Licence granted to Franks Cafe Limited with Siobhan Sweeney as the DPS

- **29 June 2011 - 2 October 2011**

The licensable activities granted as follows:

Films on a Sun from 18.00 to 22.00

Supply of alcohol (on the premises) from Mon to Sun 11.00 to 23.00.

Opening hours Mon to Sun 11.00 - 23.00.

Licence granted to Franks Cafe Limited with Frances Sarah Astbury as the DPS

- **07 July 2010 - 1 Oct 2010**

The licensable activities granted as follows:

Recorded music (Outdoors) from Thurs to Sunday from 11.00 to 22.00.

Supply of alcohol (on and off the premises) from Thurs to Sun from 11.00 to 22.00.

Opening hours Thurs to Sun from 11.00 to 23.00.

Licence granted to Mr Peter Frank Boxer who was also the DPS.

- **15 July 2009 to 30 September 2009**

The licensable activities granted as follows:

Recorded music (outdoors) from Thurs to Sun from 11.00 to 22.00

Supply of alcohol (on the premises) from Thursday to Sunday from 11.00 to 22.00.

Opening hours from Thurs to Sun from 11.00 to 22.00.

Licence granted to Mr Frank Boxer who was also the DPS.

23. Each year the premises has been inspected by a licensing officer and found to be operating in compliance with the terms and conditions of the licence granted.
24. A copy of the licence issued last year detailing conditions referred to in the representations is attached as Appendix D to the report

### Temporary event notices

25. The temporary event notices submitted from 2009 to date.

Dates 2015	Days and Times	Licensable activities	No of persons
26/5/15 to 31/5/15	Tue to Fri – 18.00 to 23.00 Sat & Sun – 11.00 to 23.00	Sale of alcohol (on premises)	499
2/6/15 to 7/6 /15	Tue to Fri – 18.00 to 23.00 Sat & Sun - 11.00 to 23.00	Sale of alcohol (on premises)	499
Dates 2014			
14 /7/14	18.00 to 23.00	Sale of alcohol on the premises and provision of regulated entertainment	499
7/8/14 to 8/8/14	16.30 to 20.40	Sale of alcohol on the premises and provision of regulated entertainment	499
Dates 2013			
25/7/2013 - 28/7/2013	25 -27/7/2013 - 20.30 to 22.00 28/7/2013 – 14.00 to 17.00;	Provision of regulated entertainment	499

<b>Dates 2015</b>	<b>Days and Times</b>	<b>Licensable activities</b>	<b>No of persons</b>
	and 20.00 to 22.00		
01/08/2013 - 04/08/2013	01/08/13 & 02/08/13 - 19.00 to 22.00 03/08/13 – 12.00 to 14.00 & 19.00 to 20.00 04/08/13 – 14.30 to 16.30 & 18.00 to 21.00	Provision of regulated entertainment	499
16/08/2013	18.00 - 22.00	Provision of regulated entertainment	499
<b>Dates 2012</b>			
20/6/2012	19.00 to 22.00	Sale of alcohol on the premises	499
7/7/2012	13.00 to 22.00	Provision of regulated entertainment	185
18/9/2012	15.30 to 16.30 20.00 to 00.00	Provision of regulated entertainment	220
15/9/2012 – 16/9/2012	16.00 to 22.30	Provision of regulated entertainment	499
29/9/2012 – 30/9/2012	17.00 to 22.00	Provision of regulated entertainment	499
<b>Dates 2011</b>			
30/06/2011	18.00 to 22.00	Sale of alcohol on the premises and provision of regulated entertainment	499
28/7/2011	18.00 to 22.00	Sale of alcohol on the premises and provision of regulated entertainment	150
10/8/2011	19.00 to 23.00	Provision of regulated entertainment	300
20/8/2011	18.00 to 22.00	Provision of regulated entertainment	300
28/8/2011	14.00 to 22.00	Sale of alcohol on the premises and provision of regulated entertainment	200

<b>Dates 2015</b>	<b>Days and Times</b>	<b>Licensable activities</b>	<b>No of persons</b>
3/9/2011	18.00 to 22.00	Sale of alcohol on the premises and provision of regulated entertainment	200
17/9/2011	18.00 to 20.00	Sale of alcohol on the premises and provision of regulated entertainment	200
18/09/2011	19.30 to 23.00	Provision of regulated entertainment	499
24/9/2011	18.00 to 20.00	Sale of alcohol on the premises and provision of regulated entertainment	200
<b>Dates 2010</b>			
30/9/2010	23.00 to 01.00	Sale of alcohol (on premises	200
12/9/2010	20.00 to 21.00	Provision of regulated entertainment	200
8/9/2010	11.00 to 22.00	Sale of alcohol (on premises	300
30/6/2010	11.00 to 22.00	Sale of alcohol on the premises and provision of regulated entertainment	499
<b>Dates 2009</b>			
9/7/2009 – 12/7/2009	11.00 to 22.00	Sale of alcohol on the premises and provision of regulated entertainment	100
2/7/2009 – 5/7/2009	11.00 to 22.00	Sale of alcohol on the premises and provision of regulated entertainment	200
30/6/ 2009	16.00 to 23.00	Sale of alcohol on the premises and provision of regulated entertainment	200
28/6/2009 – 29/6/2009	18.00- 03.00	Sale of alcohol on the premises and provision of regulated entertainment	499

<b>Dates 2015</b>	<b>Days and Times</b>	<b>Licensable activities</b>	<b>No of persons</b>

### Complaints

26. 12 complaints have been received by licensing over the time the premises has been operating. Most of the complaints have been during the use of temporary event notices (Tens).
27. The table below outlines the complaints received.

14 July 2014 (tens)	6 complaints received due to music noise
16 August 2013 (tens)	3 complaints received
3 July 2011 regarding 30 June 2011 (tens)	Passed on by noise enforcement (due to noise complaints received – warning letter sent to designated premises supervisor at the time)
30 June 6 2010 regarding 30 June 2010 Tens	2 complaints received

### The local area

28. A map of the area is attached to this report as Appendix D. The premises is identified by a star at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius. There are two licensed premises within this 100 metre radius. The following licensed premises terminal hours are also shown on the map:

#### Off licences

- Muana London, Unit 2, 12-16 Blenheim Grove, London SE15 (Sun – Thurs till 23.30, Fri and Sat till 01.30)
- Peckham Refreshments Rooms, Unit 3 & 4 Blenheim Grove, London SE15 (Mon – Sat till 00.00 and Sun till 17.00)
- Morrisons, Unit 3, The Aylesham Centre, Rye Lane, London SE15 5EW (Mon – Sat till 23.00 and Sun till 22.30)
- Rye Lane News & Off Licence, 164 Rye Lane, London SE15 4NB (Mon - Sat till 23.00 and Sun till 22.30)
- Rye Express, Unit 1, 137-139 Rye Lane, London SE15 4ST (Mon - Sun 24 hours)
- Stella's African Food, 154 Rye Lane, London SE15 4NB (Sun - Fri till 22.00 and Sat till 23.00)
- Asda, 74 Rye Lane, London SE15 5DQ (Mon - Sat 08.00 till 23.00 and Sun till 22.30)

- Swaizie Food Store, 1A Choumert Road, London SE15 4SE (Mon – Sat till 23.00 and Sun till 22.30)

#### **Late night refreshment**

- Roosters Hut,, 177-179 Rye Lane, London SE15 4TP (Sun - Thurs till 02.00 and Fri and Sat till 03.00)
- Caribbean Spice Jerk Centre, 8-10 Blenheim Grove, London SE15 4QL (Mon - Sun till 06.00)

#### **Restaurant**

- Il Giardino Restaurant, 7 Blenheim Grove, SE15 4QS (Mon – Sat till 00.30, Sun till 00.00)

#### **Night clubs**

- The CLF Art Cafe, Unit A1, A2, A3, AG1 & Basement, Bussey Building, 133 Copeland Road, London SE15 3SN (Sun – Wed till 23.00, Thurs till 02.30 and Fri and Sat till 06.00)
- The Clock Tower, 1A Rye Lane, London SE15 5EW (Mon – Thurs till 23.00, Fri – Sat till 06.00 and Sun till 05.00)

#### **Cinema**

- Peckhamplex, 95A Rye Lane, London SE15 4ST (Sun - Thurs till 00.00 and Fri and Sat till 02.00)

### **Southwark council saturation policy for Peckham**

29. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011.
30. The decision to introduce 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.
31. The effect of this special policy is that 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.
32. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

### **Southwark council statement of licensing policy**

33. Council Assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. 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
  - 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.
34. 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**

35. A fee of £315 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

#### **Consultations**

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

#### **Community impact statement**

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

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Legal Services**

38. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
39. The principles which sub-committee members must apply are set out below.

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

40. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
41. 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.
42. 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 grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
    - Any condition which must under section 19, 20 or 21 be included in the licence.
  - To exclude from the scope of the licence any of the licensable activities to which the application relates.
  - To refuse to specify a person in the licence as the premises supervisor.
  - To reject the application.

### **Conditions**

43. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
44. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
45. 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.

46. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

47. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

48. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

### **Hearing procedures**

49. 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.

50. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

51. 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.
52. 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.
53. 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.
54. 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.
55. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
56. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
57. Under the Human Rights Act 1998. the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
58. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

## Guidance

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

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

## APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations from the responsible authorities
Appendix C	Representations from the other persons
Appendix D	Copy of 2014 time limited premises licence
Appendix E	Map of the local area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Dorcas Mills, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 May 2015	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	No	No
<b>Cabinet Member</b>	No	No
Date final report sent to Constitutional Team	20 May 2015	

## Southwark London Borough Council

Application for a premises licence to be granted  
under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Franks Cafe Limited

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

## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Frank's Cafe  
Levels 9 and 10 Peckham Multi-Storey Car Park  
95A Rye Lane

Post town	London	Post code	SE15 4ST
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£41,000
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## Part 2 - Applicant Details

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

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *   | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *  |                                     |                             |
| i. as a limited company   | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership  | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or  | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club  | <input type="checkbox"/>            | please complete section (B) |
| d) a charity  | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment   | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body  | <input type="checkbox"/>            | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital   | <input type="checkbox"/>            | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/>            | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales   | <input type="checkbox"/>            | please complete section (B) |

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

Please tick yes

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name	Franks Cafe Limited
Address	35 Ballards Lane London N3 1XW
Registered number (where applicable)	07276224
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company
Telephone number (if any)	
E-mail address (optional)	

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
A S A P		

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

Day	Month	Year

**A**

Please give a general description of the premises (please read guidance note1)

Pop-up bar and restaurant situated on the roof of Peckham Multi-Storey Car Park.

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

N/A

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

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

**Provision of regulated entertainment**

Please tick yes

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

- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

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

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

### A

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

### B

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

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			<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</b> (please read guidance note 5)

**D**

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

## F

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

## G

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

## H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11.00	00.00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	11.00	00.00			
Wed	11.00	00.00		<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</b> (please read guidance note 5)	
Thur	11.00	00.00			
Fri	11.00	00.00			
Sat	11.00	00.00			
Sun	11.00	00.00			

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

<b>Name</b> Not yet known
------------------------------

<b>Address</b> Not yet known	
<b>Postcode</b>	
<b>Personal Licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

**K**

<b>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)</b>
None

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	00.30	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Tue	11.00	00.30	
Wed	11.00	00.30	
Thur	11.00	00.30	
Fri	11.00	00.30	
Sat	11.00	00.30	
Sun	11.00	00.30	

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

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

<p>This is an application for Levels 9 and 10 of Peckham Multi-Storey Car Park.</p> <p>The Responsible Authorities will be familiar with Frank's Café which has been licensed on a time limited basis over the last 6 years.</p> <p>This application is similar to those but is not time limited and is only for floors 9 and 10 (as opposed to 7-10). The intention is to operate these floors both as Frank's Café and as a space which will be regularly used by the Arts Organisation (a local arts company) to hold various exhibitions.</p>
---

The applicant also seeks to simplify the number of conditions which were imposed on Premises Licence 844411 which are either irrelevant because they refer to other floors or relate to entertainment activities not included or are covered by new amended conditions.

The applicant has through Frank Boxer established good local relationships and hopes that the grant of the licence will be of benefit culturally to the area. It is mindful that the premises are in the cumulative impact area but bearing in mind the nature of the premises and its previous trading history it does not consider it will add to the impact.

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

See box c), d) and e)

#### **c) Public safety**

1. The Premises Licence Holder will obtain an expert's report in relation to both health & safety and fire safety issues and a copy of this report will be sent to the Responsible Authorities prior to commencement of trading and the premises will operate in accordance with these reports whenever they are open to conduct licensable activities.
2. A capacity limit of 1000 persons shall not be exceeded at any time and will be controlled by use of clickers
3. No open containers of alcohol or any other drink shall be taken outside of the premises.
4. Dedicated members of staff shall ensure that empty or unused drink containers and other materials are now allowed to accumulate on or around the perimeter wall.
5. All suspended equipment e.g. roof canopy shall be examined by a competent person to ensure their structural integrity and a record of this inspection made. Adequate controls and fixtures should be in place to prevent the risk of suspended equipment falling.
6. All parts of the premises shall be provided with adequate illumination.

#### **d) The prevention of public nuisance**

1. A risk assessment will be prepared in relation to the need for SIA door staff including time and number but in any event whenever the premises is open for licensable activities a minimum of four SIA door staff will be on duty from 6pm on Sunday to Thursday until all members of the public have left the premises and a minimum of five from 6pm on Friday and Saturday but rising to eight from 8pm until all members of the public have left the premises.
2. A crowd dispersal strategy shall be implemented to assist with patrons leaving the premises in an orderly and safe manner.
3. Volume control for "background" recorded music shall be stationed behind the bar, and under the sole control of the manager on duty.
4. A dedicated telephone number shall be provided for local residents to contact the site manager whilst the premises is in operation.

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

1. The premises shall operate the "Challenge 25" age identification scheme including full staff training and appropriate signage.

**Please tick yes**

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	<i>Poppleston Allen</i>
Date	01 April 2015
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

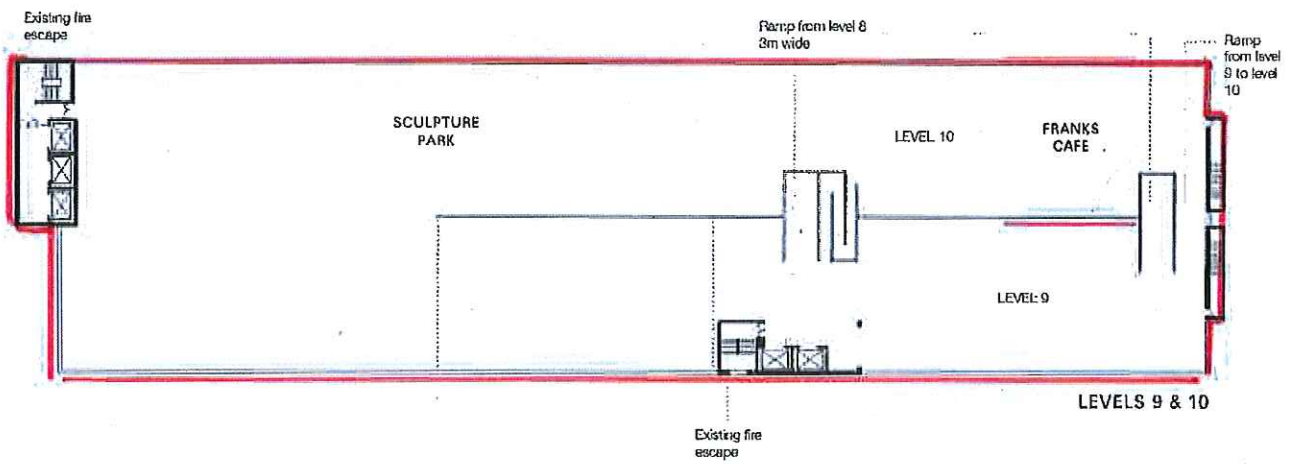
**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 13)			
Vicki Caress Popleston Allen Solicitors 37 Stoney Street The Lace Market			
<b>Post town</b>	Nottingham	<b>Post code</b>	NG1 1LS
<b>Telephone number (if any)</b>	0115 934 9176		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			
v.caress@popall.co.uk			

### Notes for Guidance

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



Plan Number 01

— = Area for licensable activities.

**From:** Newman, Sarah  
**Sent:** Wednesday, April 29, 2015 12:01 PM  
**To:** Regen, Licensing  
**Cc:** Tear, Jayne  
**Subject:** Application for a premises license at Level 9& 10 Peckham Multi Storey Car Park, 95a Rye Lane ( Franks Bar)

Hi Licensing,

EP have just looked at the application for the adjacent space in the Car-Park (Franks Bar).

This application does not mention regulated entertainment and is only for the sale of alcohol. Given the size of the premises; depending where the red lines are going to go once clarified; and whether it is the applicants intention to provide public entertainment using the deregulation provisions of the Licensing Act; there is some uncertainty regarding whether it will be necessary to apply license conditions to ensure the licensing objective the prevention of public nuisance is upheld.

In previous years this premises has held many arts events, markets, exhibitions, theatre, orchestral events, film, live music (both amplified and acoustic) and recorded music as part of previous time limited premises licenses and under TEN's applications and there is a substantial history of public complaint regarding noise from events held at this location.

EP Team have been waiting for the applicants solicitor to give some clarity regarding the business model for the premises and to advise which activities that premises intends to offer that would be covered by the recent de-regulation of the Licensing Act, however, there has been no response to date.

This premises is a multi storey car park, is open on all sides and has no roof, therefore, has no effective means of containing noise from any de-regulated entertainment that, given the site history, is very likely and expected to occur should this full premises license be granted.

The EP Team object to this application

Best regards

*Sarah Newman*

Team Leader  
Environmental Protection Team  
Southwark Council

0207 525 4320

## MEMO: Licensing Unit

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<b>To</b>	Licensing Unit	<b>Date</b>	5 May 2015	
<b>Copies</b>				
<b>From</b>	Jayne Tear	<b>Telephone</b>	020 7525 0396	<b>Fax</b> 020 7525 5705
<b>Email</b>	Jayne.tear@southwark.gov.uk			

---

**Subject** Re: Frank's Café, Level 9 and 10 Peckham Multi Storey Car Park, 95A  
Rye Lane, London, SE15 4ST, Application to vary the premises Licence.

I write with regards to the above application submitted under the licensing act 2003 for a premises licence.

The application seeks the follows licensable activities:

- Supply of Alcohol on Monday to Sunday from 11:00 to 00:00
- The proposed opening hours will be Monday to Sunday from 11:00 to 00:30

This premises has submitted a 3 month time limited application for the past six years. The three month period has taken place in the summer months.

This year the application is not time limited and is a permanent licence, which will operate all year instead of three of the summer months and the hours of operation asked for have been also been extended.

There has been extensive consultation with the responsible authorities in the past which resulted in the applicant amending the operating schedule to incorporate conditions/control measures to address the four licensing objectives. The good management of this premises in the past have included the control measures on subsequent applications to address the licensing objectives.

It is mentioned in the application that regulated entertainment has not been applied for and that the operating schedule has been simplified to reflect this, however most of the previous control measures designed to address the four licensing objectives (that are not related to regulated entertainment) have not been added to the operating schedule of this application.

This premises is situated within the saturation area for Peckham. 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.

**Licensing Unit** - Environment & Leisure, Hub 2, 3rd Floor, PO Box 64529, London SE1P 5LX

**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director of Environment & Leisure** - Gill Davies

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

Please see the following link to download a copy of Southwark's Statement of licensing policy

[https://www.southwark.gov.uk/downloads/download/622/licensing\\_act\\_2003southwark\\_statement\\_of\\_licensing\\_policy\\_2008-2011](https://www.southwark.gov.uk/downloads/download/622/licensing_act_2003southwark_statement_of_licensing_policy_2008-2011)

The operating schedule of the application is inadequate and does not address how the premises will not add to or raise crime and disorder or public nuisance or public safety.

I there submit this representation for the licensing sub-committee to consider

Jayne Tear  
Principal Licensing officer  
In the capacity of the Licensing Responsible Authority

## MEMO: Licensing Unit

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To	Licensing (DCM)	Date	30 <sup>th</sup> April 2015	
Copies				
From	Farhad Chowdhury	Telephone	020 7525 0398	Fax 020 7525 5705
Email	Farhad.chowdhury@southwark.gov.uk			

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**Subject: Frank's Café, Levels 9 and 10 Peckham Multi storey car park, 95A Rye Lane SE15 4ST**

I write in reference to the application submitted by Franks Café Limited for a premises licence to be granted for level 9 and 10 Peckham Multi storey car park, 95A Rye Lane SE15 4ST.

I have read the application and would request further information or clarification on the following points and made some recommendations where appropriate:-

- A comprehensive risk assessments to be done by a competent person. All findings of the risk assessments shall be made available to this authority or the Police and London Fire and Emergency Planning Authority.
- A comprehensive dispersal policy needs to be produced, maintained and updated and all staff needs to be trained and made aware of any changes, a copy of the dispersal policy shall be made available to the Council or Police on request.
- provide an NICEIC approved electrical inspection report of the premises.
- An evacuation plan shall be provided in regards to the premises and shall detail steps to be taken should all or any part of the premises need to be evacuated. The evacuation procedure needs to be in writing and made available to the Council, Police or Fire officers on request.
- All premises staff need to be trained in evacuation procedures including wheelchair users and this needs to be documented. Provide details of training undertaken by staff.
- All equipment, devices and systems used in the premises shall be maintained in good state of repair and effective working order, Please provide details of your maintenance regime.
- In the event of failure of main lighting explain how you would allow guests to leave the premises in a safe manner. Will there be emergency lighting in all areas, how will customers be managed during power failures.

**Licensing Unit** - Environment & Leisure, Hub 2, 3rd Floor, PO Box 64529, London SE1P 5LX

**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director of Environment & Leisure** – Debra Collins

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

- Floors and traffic routes needs to be kept free of obstacles, obstructions and any other article or substances that may cause person to slip, trip or fall.
- All gas appliances and installations to be used on the premises must be inspected and tested by a competent person who must be a GAS SAFE registered engineer.
- An appropriate sloped surface/ structure shall be provided to the flat surface of the perimeter wall to the whole of the licensed areas in order to discourage and minimise the risk of persons sitting on the surface of the wall and placing objects onto the surface of the walls. The structure must be appropriate strength and rigidity to withstand potential pressures which may be applied and be appropriately and substantially fixed, and in such a way that it can not be removed or tampered with by members of the public. The sloped structure/barrier shall be inspected daily by a competent person and any defects shall be repaired immediately.
- Dedicated members of staff shall monitor the outside perimeter walls on both level 9 and 10 to ensure no one attempts horseplay or to climb on the wall, explain your procedure.
- The seating structure shall be constructed and maintained so as to minimise any risk of structural failure or collapse. All demountable temporary structures should be designed and constructed in accordance with the guidance contained in the institute of structural engineers publication “ Temporary Demountable Structures”. The structures shall be inspected by an independent competent person on completion and a certificate obtained to state that the structure has been inspected and is safe and fit for purpose intended.
- Ensure that all drinks are served in polycarbonate glassware to prevent injuries to staff and to prevent incidents of violence where glassware can be used as weapons.

I therefore object to this application on grounds of Public Safety until the matters above have been addressed.

**Farhad Chowdhury**  
**Principal Enforcement Officer**



5<sup>th</sup> May 2015

Dear Sir/Madam,

**Re: Objection to application number 847994, Frank's Café.**

I am making this objection in writing on behalf of my mother [REDACTED]; who resides at [REDACTED] Cerise Road, SE15 5HQ. I do not at this time give any consent for my mother to be identified in any way to the Applicants.

I am happy for you to contact either myself or my mother regarding this objection. My address is listed above.

This objection is based on three areas:

i The Prevention of Crime and Disorder As a local resident my mother has noticed that there are more visitors to the premises/multi-storey car park outside of trading hours. Prior to the arrival of Frank's Café some years ago this was certainly not the case. Indeed, when I was still a resident of 7 Cerise Road, I can recall that the upper levels of the car park remained empty, without any issue or disorder. This sadly is not now the case. On Sunday 3<sup>rd</sup> May 2015, the car park was used by a number of youths on very loud mopeds racing up and down the levels. The Police had to be called to attend the car park after being contacted by worried residents. It seems that the premises attracts people to the area who are intent on being disruptive.

ii Public Safety. Whilst visiting my mother I have often seen revellers peering over the top of the upper wall of the very top of the car park. This means that they have access to the walled area which is easily mountable. As alcohol and legal highs are consumed at Frank's Café, I believe this poses a significant risk to public safety. There are innumerable accounts of intoxicated and/or high revellers believing that they are able to fly or thinking they are far more acrobatic than their reality dictates. It is only a matter of time before someone scales the wall and experiences a significant injury or falls to their death.

iii The Prevention of Nuisance. Noise nuisance is unbearable during the opening hours of Frank's Café. Cerise Road is a quiet residential area. The structure of the multi-story car park with its concrete design means that sound reverberates in a manner that becomes truly unbearable to those nearby. I have personally witnessed and experienced this on countless occasions, with a number of neighbours coming out of their homes to gather on the pavement to vent their frustrations. During the summer on hot nights, it is not unreasonable to have one's window open to promote ventilation. This is not possible when the noise from Frank's Café enters my Mother's home via the open window. Consequently, my Mother is forced to keep her windows closed and use an electric fan. This helps to maintain a bearable temperature within her bedroom, which is at the front of the house. It is my understanding that each person is legally entitled to the 'quiet enjoyment' of their own home. This is not at all possible when Frank's Café is open. The music and noise from the venue does not dissipate away from local homes. It means that my Mother does not feel able to relax at home during opening hours as the noise nuisance is so great. Her home has double glazing throughout, even her external doors are double glazed as are most homes on the road. The noise is still apparent from Frank's Café. Also, my Mother's garden is overlooked by Frank's Café revellers. She has no quiet enjoyment of her home during opening hours. My mother is registered disabled and spends a lot of time at home.

It is also noteworthy that as the venue is open air the music volume increases considerably to allow it to be heard by revellers. This of course means that unabated music is being pumped into the homes of local residents as both my Mother and I can attest to.

It would be helpful to see the test results that Southwark had completed on noise nuisance prior to considering granting the existing licence for Frank's Café. I imagine that Surveyors and Engineers were instructed to attend the Cerise Road Multi-Story Car Park to conduct tests to determine the likely disruption to local residents compared to the legally safe limits. Please advise.

To allow Frank's Café to remain open at all is purposely negating my Mother's right to enjoy her home in the way she would like to. Further insult is added by proposing that she should not be entitled to any day free from this nuisance. To allow Frank's Café to open for seven days a week until after midnight is unconscionable, as it causes such distinct and detrimental levels of nuisance.

I will be happy to respond to any queries you may have.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

## PARTY 2

[REDACTED]  
**Sent:** Tuesday, May 05, 2015 4:52 PM  
**To:** Regen, Licensing  
**Subject:** Objection - Franks Cafe

Dear Southwark Licensing,

I wish to make an objection to granting the following licence application:

Ref: 847994

Frank's Cafe Limited

Levels 9-10

Peckham Multi-storey car park

SE15 4ST

I strongly object to the noise and disorder that results from the activities this establishment and have witnessed how Frank's have pushed their boundaries further each year without any due regard for the disturbance they cause to neighbouring residential surroundings.

I forward a separate email I sent last year to the manager of Frank's and Cllr Jamille Mohammed after a particularly noisy and stressful evening. Note I had no response from Frank's Cafe Limited.

I object in regard to the following:

**The protection of children from harm**

I have a young child who finds it very difficult to sleep when the revellers at Frank's are in full swing - his bedtime is 730pm and during the Summer months we often sleep with open windows. We have to put up with noise for hours in the evening - this is so stressful and upsetting for us as a family and just unacceptable for residents to put up with all Summer, 7 nights a week, until the wee hours of the morning.

**The prevention of crime and disorder**

**The prevention of nuisance**

Frank's Cafe, being an open rooftop/car parking space generates considerable amounts of noise - hubbub people eating and drinking, loud music ranging from 'avant garde' artists (symbols clashing, discordant music, choirs) to full on rock concerts on the roof. The fact that the surrounding built environment is hard surfaces, these sounds strongly reverberate and the result for us as residents down below, is awful. Sitting in my back garden It seems there are 200 other people there. For the entire Summer, so far [from Thursday to Sunday](#), there isn't a corner in my property where I have respite from the noise Frank's brings into my home. Now they are applying for license to grant sale of alcohol 7 days a week for even longer hours.

This is totally inconsiderate of Frank's and I urge the Council to consider the plight of local residents and give them some opportunity for peace and quiet in the evenings. I understand Frank's is a successful organisation and brings 'vibrancy' to Peckham, but at the cost of what? The people who live, work and actually contribute to the local economy and community?

I would like to see:

1. Ideally an end to Frank's licensing
2. Failing that - a return to limited hours of operation - [Thurs - Sat](#) - it's not fair to have to put up with this noise on any night, particularly Sunday until midnight!
3. No music, PAs, sound systems or microphones after [10pm](#) please, even after closing hours, we have to tolerate drunken, loud, echoing noise from people as they descend the open levels of the car park and leave to go home.

I request and urge the Council to take into account objections to this application regarding noise - however few there may be. Just because people are not vocal, does not mean people are not fed up and very upset about this issue.

Many thanks

██████████

█ [Cerise Road](#)

[London](#)

[SE15 5HQ](#)

Sent from my iPad

## PARTY 3

**From:** Regen, Licensing  
**Sent:** Tuesday, May 05, 2015 5:15 PM  
**To:** Jerrom, Charlie  
**Cc:** Mills, Dorcas; Tear, Jayne  
**Subject:** FW: Planning objection - Ref: 847994

[REDACTED]  
**Sent:** Tuesday, May 05, 2015 5:11 PM  
**To:** Regen, Licensing  
**Subject:** Planning objection - Ref: 847994

Dear Southwark Licensing,

I wish to make an objection to granting the following licence application:

Ref: 847994

Frank's Cafe Limited

Levels 9-10

Peckham Multi-storey car park

SE15 4ST

I strongly object to the noise and disorder that results from the activities this establishment and have witnessed how Frank's have pushed their boundaries further each year without any due regard for the disturbance they cause to neighbouring residential surroundings.

I forward a separate email I sent last year to the manager of Frank's and Cllr Jamille Mohammed after a particularly noisy and stressful evening. Note I had no response from Frank's Cafe Limited.

I object in regard to the following:

**The protection of children from harm**

I have a young child who finds it very difficult to sleep when the revellers at Frank's are in full swing - his bedtime is 730pm and during the Summer months we often sleep with open windows. We have to put up with noise for hours in the evening - this is so stressful and upsetting for us as a family and just unacceptable for residents to put up with all Summer, 7 nights a week, until the wee hours of the morning.

**The prevention of crime and disorder**

**The prevention of nuisance**

Frank's Cafe, being an open rooftop/car parking space generates considerable amounts of noise - hubbub people eating and drinking, loud music ranging from 'avant garde' artists (symbols clashing, discordant music, choirs) to full on rock concerts on the roof. The fact that the surrounding built environment is hard surfaces, these sounds strongly reverberate and the result for us as residents down below, is awful. Sitting in my back garden it seems there are 200 other people there. For the entire Summer, so far from Thursday to Sunday, there isn't a corner in my property where I have respite from the noise Frank's brings into my home. Now they are applying for license to grant sale of alcohol 7 days a week for even longer hours.

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I would like to see:

1. Ideally an end to Frank's licensing
2. Failing that - a return to limited hours of operation - Thurs - Sat - it's not fair to have to put up with this noise on any night, particularly Sunday until midnight!
3. No music, PAs, sound systems or microphones after 10pm please, even after closing hours, we have to tolerate drunken, loud, echoing noise from people as they descend the open levels of the car park and leave to go home.

I request and urge the Council to take into account objections to this application regarding noise - however few there may be. Just because people are not vocal, does not mean people are not fed up and very upset about this issue.

Many thanks

██████████

█ Cerise Road

London

SE15 5HQ

# Licensing Act 2003 Premises Licence

68



Environmental Health & Trading Standards  
Licensing Unit  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

**Premises licence number**

844411

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Frank's Cafe Levels 7 – 10 Peckham Multi-Storey Car Park 95A Rye Lane London SE15 4ST	
Ordnance survey map reference (if applicable), 176425534350	
<b>Post town</b> London	<b>Post code</b> SE15 4ST
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
26 May 2014 - 01 October 2014

<b>Licensable activities authorised by the licence</b>
Plays - Indoors and Outdoors Films - Indoors and Outdoors Live Music - Indoors and Outdoors Sale by retail of alcohol to be consumed on premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday            17:00 - 23:45
Tuesday          11:00 - 23:45
Wednesday       11:00 - 23:45
Thursday         11:00 - 23:45
Friday            11:00 - 23:45
Saturday          11:00 - 23:45
Sunday            11:00 - 23:45

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

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

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

**Plays - Indoors and Outdoors**

Tuesday	17:00 - 22:00
Wednesday	17:00 - 22:00
Thursday	17:00 - 22:00
Friday	17:00 - 22:00
Saturday	17:00 - 22:00
Sunday	17:00 - 22:00

**Films - Indoors and Outdoors**

Tuesday	17:00 - 22:00
Wednesday	17:00 - 22:00
Thursday	17:00 - 22:00
Friday	17:00 - 22:00
Saturday	17:00 - 22:00
Sunday	17:00 - 22:00

**Live Music - Indoors and Outdoors**

Tuesday	17:00 - 22:00
Wednesday	17:00 - 22:00
Thursday	17:00 - 22:00
Friday	17:00 - 22:00
Saturday	17:00 - 22:00
Sunday	17:00 - 22:00

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

Monday	17:00 - 23:45
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 23:00
Sunday	11:00 - 23:00

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

Franks Cafe Ltd  
35 Ballards lane  
London  
N3 1XW

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

07276224

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

Peter Frank Boxer

**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. 02387  
Authority L.B Lambeth

Licence Issue date 12/05/2014

Anti-Social Behaviour, Noise Nuisance &  
Licensing Manager  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
[licensing@southwark.gov.uk](mailto: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.

**102** The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself

**107** Any individual carrying out security activities at the premises must be.

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

**485** (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

**486** The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

**487** The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**488** (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**489** The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: ½ pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures

**Annex 2 - Conditions consistent with the operating Schedule**

- 4AA** The premises shall operate the 'Challenge 25' age identification scheme including full staff training and appropriate signage.
- 4AF** No open containers of alcohol or any other drink shall be taken outside of the premises.
- 171** Access shall be made available for emergency services at all times.
- 137** Potable drinking water must be provided to the venue and be made freely available to customers during opening hours.
- 214** No objects or furnishings which would enable easier access/ encourage climbing on to the perimeter wall must be placed in the vicinity of the perimeter wall.
- 265** The electrical installation shall be mechanically and electrically safe and suitable for the intended use of the premises. The electrical installation must be inspected and tested by a competent persons e.g. NICEIC registered contractor and a report detailing the inspection should be obtained. All defects noted in the report must be remedied by a competent person in accordance with the Electricity at Work regulations 1989 and to the standards laid down in the current edition of the IEE wiring regulations.
- 307** A capacity limit of 1200 persons shall not be exceeded at any one time
- 323** Regular patrols and cleaning of the area immediately outside the premises shall be made.
- 336** A personal licence holder shall be on site continuously during opening hours and shall also be responsible for overseeing crowd management
- 340** An SIA Door supervisor with a clicker/counter shall be stationed at the one entrance to the premises from 6pm every night that the premises is open.
- 341** A clear plan highlighting emergency exits shall be prominently displayed visible from any place in the premises.
- 342** Emergency exits shall be clearly marked with standard emergency exit signs (staircases and ramps).
- 343** Emergency numbers shall be displayed for all members of staff behind the counter.
- 344** Anyone seen attempting to climb the barriers around the premises shall be immediately stopped by a member of staff.
- 345** The security team shall be fully briefed to closely monitor the crowd and its presence close to the barriers.
- 346** The designated door supervisor shall stop any client taking anything purchased from the bar outside of the licensed area, where the structural lip is in place.
- 347** That any music provided at the premises shall be unamplified.
- 348** A crowd dispersal strategy shall be implemented to assist with patrons leaving the premises in an orderly and safe manner.
- 349** Volume control for 'background' recorded music shall be stationed behind the bar, and under the sole control of the manager on duty.

**350** Musical performances shall take place on the lower levels of 7 and 9. The holes in the structure of the building shall be blocked out temporarily whilst the performance is taking place to reduce the noise escape from the north and east of the premises.

**351** The management team for all live music shall sign agreements to uphold all license terms.

**352** An enforced rehearsal of all live music shall take place in an afternoon before the performance itself, and a senior member of the events team shall check sound levels from Cerise Road, the location of nearest residents. If these levels are deemed to be unacceptable the performances shall be altered so that the noise levels become acceptable. These rehearsals shall be recorded records of the patrols and all resulting action taken shall be kept on site.

**353** A member of the Bold Tendencies events team shall conduct a noise patrol from the top of Cerise Road during the live performances. If they deem the volume is at an unacceptable level for residents they shall contact the management team via radio, who will take appropriate action to reduce the noise level. The noise patrols shall be recorded records of the patrols and all resulting action taken shall be kept on site.

**354** An appropriate sloped surface/structure shall be provided to the flat surface of the perimeter wall to the whole of the licensed area in order to discourage and minimise the risk of persons sitting on the surface of the wall and placing objects onto the surface of the wall. The structure must be of appropriate strength and rigidity to withstand potential pressures which may be applied and be appropriately and substantially fixed, and in such a way that it can not be removed or tampered with by members of the public.

**355** The sloped structure/barrier shall inspected daily by a competent person and any defects shall be repaired immediately.

**356** Dedicated members of staff shall monitor the outside perimeter wall to ensure no one attempts horseplay or to climb onto the wall.

**357** Dedicated members of staff shall ensure that empty or unused drink containers and other materials are not allowed to accumulate on or around the perimeter wall.

**358** The seating structure shall be constructed and maintained so as to minimise any risk of structural failure or collapse. All demountable temporary structures should be designed and constructed in accordance with the guidance contained in the Institute of Structural engineer's publication' Temporary Demountable Structures'. The structure shall be inspected by an independent competent person on completion and a certificate obtained to state that the structure has been inspected and is safe and fit for the purpose intended.

**359** All portable electrical appliances shall be maintained in a safe condition and suitable for their use. To ensure this they must be inspected and tested by a competent person and appropriate records obtained.

**360** All Gas appliances and installations to be used on the premises must be inspected and tested by a competent persons who must be GAS SAFE registered engineer before use.

**361** Contingency plans should be put in place in case of severe weather such as heavy rain, high winds etc.

**362** All pedestrian traffic routes shall be free from any slip or trip hazards.

- 363** All suspended equipment e.g. roof canopy shall be examined by a competent person to ensure their structural integrity and a record of this inspection made. Adequate controls and fixtures should be in place to prevent the risk of suspended equipment falling.
- 364** All recorded music from the bar shall be played at a background level only.
- 365** Areas shall be suitably monitored to avoid localised overcrowding.
- 366** A counter/ clicker system shall be used by security personnel located at the entrance of the premises to ensure the set accommodation limit is not exceeded.
- 367** All parts of the premises shall be provided with adequate illumination.
- 368** All routes of escape to the outside of the building and all those parts of the premises to which the public have access to shall be provided with adequate and assured illumination from two independent supplies and systems.
- 369** During opening hours all entrances and exits to and from the premises shall be unlocked.
- 370** The area around the waste pipe to Level 10 outside the equipment storage room where there is waste discharging shall be barriered off or otherwise made safe and free from slip/ trip hazards.
- 371** When using the straw seating, the safe capacity limit of the Straw Auditorium shall be a maximum of 115 persons
- 372** When the free standing benches and straw benches are in use the safe capacity limit of the Straw Auditorium shall be a maximum of 118 persons
- 373** The straw auditorium shall be adequately ventilated when in use
- 374** That a safety policy statement is produced within 4-weeks of operating under the premises licence and made available for inspection by authorised officers in the event of an incident or routine inspection.
- 375** That all NIC / EIC document are available for inspection by authorised officers.
- 376** That a list of premises site safety rules should be drawn up and distributed to all members of staff, and made available for inspection by authorised officers.
- 377** That the management creates a clear job functions and responsibility to all members of staff in the event of an emergency.
- 378** That strategy is developed within four-weeks of operating under the new premises licence, to assess how best to manage up to 800 customers leaving the premises over a long and short period without causing a nuisance to local residents in the immediate area.
- 379** That there shall be a ratio of 1 to 100, one SIA member of staff to every hundreded customers on the premises (not including) non SIA staff during peak hours.
- 380** That a film screenings will be located on Level 9 only.
- 381** That performance that are known or expected to be loud will have a sound check or in-performance noise patrol. All noise patrols shall be documented and detail who is performing, when (date& time), where the act is positioned (level number), where monitoring is undertaken, and, a record of any remedial actions taken to reduce noise levels if appropriate.
- 382** That all records regarding sound checks or in-performance monitoringshall be kept until 1 month after

the premises closes for the winter and made available for inspection on request.

**432** A dedicated telephone number shall be provided for local residents to contact the site manager whilst the premises is in operation

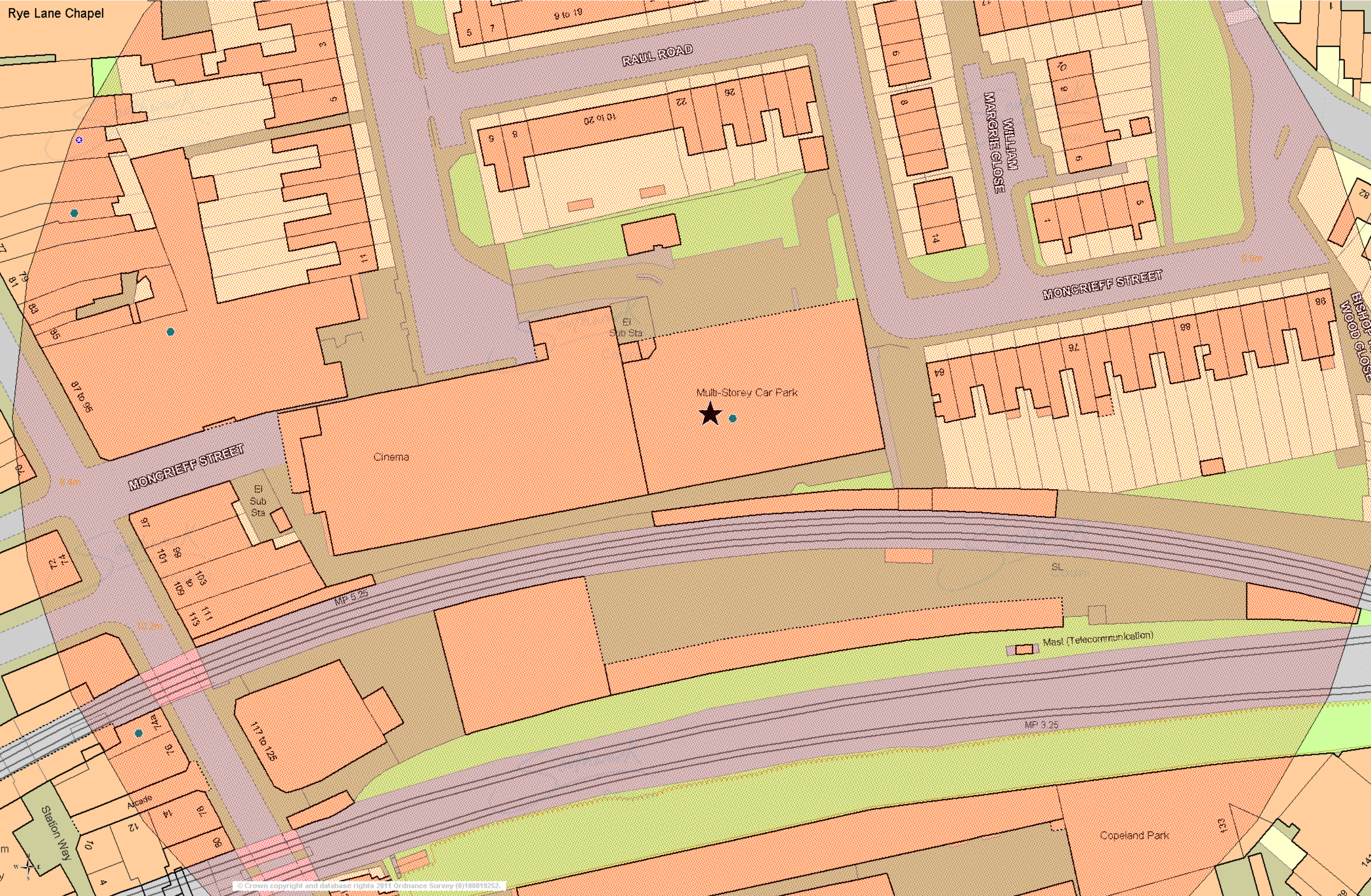
**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans - Attached**

Licence No. 844411

Plan No. N/A

Plan Date March 2014



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