

Licensing Sub-Committee

Monday 8 June 2015

10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Eliza Mann

Reserves

Councillor Adele Morris

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

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Contact

Andrew Weir on 020 7525 7222 email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 29 May 2015



Licensing Sub-Committee

Monday 8 June 2015
10.00 am
Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

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

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

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

5. LICENSING ACT 2003: ALI BABA SNACK BAR, LEVEL 7 & 8, PECKHAM MULTI STORY CAR PARK, 95A RYE LANE, LONDON SE15 4TG

1 - 45

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

- | | | |
|-----------|---|----------------|
| 6. | CONFIDENTIAL: DETAILS OF OTHER PERSONS - ALI BABA SNACK BAR | |
| 7. | LICENSING ACT 2003: SOUTHWARK THE CUT EXPRESS, (TESCO), 3-11 THE CUT, LONDON SE1 8JZ | 46 - 91 |

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

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- | | | |
|-----------|---|--|
| 8. | CONFIDENTIAL: DETAILS OF OTHER PERSONS - SOUTHWARK THE CUT EXPRESS (TESCO) | |
|-----------|---|--|

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

Agenda Item 5

Item No. 5.	Classification: Open	Date: 8 June 2015	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Ali Baba Snack Bar, Level 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4TG.	
Ward(s) or groups affected:		The Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Pamphlet Limited, for a time limited premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Ali Baba Snack Bar, Level 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4TG.
2. Notes:
 - a) This application forms a new application for a time limited premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from a responsible authority and an other person 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 17 of this report deals with the representations received to the premises licence application. A copy of the relevant representation from a responsible authority is attached as Appendix B. A copy of the relevant representation from an 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 15 April 2015, Pamphlet Limited applied to this Council for the grant of a new time limited premises licence in respect of the premises known as Ali Baba Snack Bar, Level 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4TG. The application is summarised as follows:
- The supply of alcohol (for consumption on the premises)
Monday to Sunday from 11:00 to 23:00
 - Operating hours
Monday to Sunday from 11:00 to 23:00

The application is time limited, to run from 26 May 2015 to 9 October 2015.

9. The premises is not to be open to the general public Monday –Wednesday as these days are reserved for private functions.
10. 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

11. The proposed designated premises supervisor (DPS) is Alexandre Christopher Abitbol. He has a personal licence from Southwark.

Representations from responsible authorities

12. A representation has been submitted by the council's licensing service (acting as a responsible authority).
13. The licensing representation raises concerns that the premises is 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.
14. The operating schedule states that there will be a dispersal policy however this policy has not been provided in order to ascertain whether the policy is adequate.
15. There are also concerns on the capacity limit of the event space.
16. A copy of the representation is attached as Appendix B.

Representations from other persons

17. There is one representation received from other persons. It addresses concerns to the operation of premises within the car park in the past and issues of noise pollution and public nuisance, and the sheer number of revellers passing through the area, they are also concerned that they will suffer further disturbances with regards to noise if a licence is granted.
18. A copy of the representation is attached as Appendix C.

Conciliation

19. The applicant has expressed a desire to address the concerns within the representations submitted. The licensing committee shall be updated at the hearing on 8 June 2015.

Previous History

20. The application is for a licence within a multi level car park where other applicants have 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. The licence for last year is as follows:
 - 26 May 2014 - 01 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.
21. 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.
22. A copy of the licence issued last year is attached as Appendix D to the report.

Temporary Event Notices

23. The Temporary Event Notices submitted for the car park within the last 12 months are as follows:

Dates 2015	Days and Times	Licensable activities	No of persons
26/05/15 to 31/05/15	Tue to Fri – 18:00 to 23:00 Sat & Sun – 11.00 to 23.00	Sale of alcohol (on premises)	499
02/06/15 to 07/06/15	Tue to Fri – 18:00 to 23:00 Sat & Sun - 11.00 to 23.00	Sale of alcohol (on premises)	499

Complaints

24. There have been no complaints received by the licensing team within the last 12 months.

The local area

25. A map of the area is attached to this report as appendix E. The premises is identified 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 100m radius.
- Frank's Cafe, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 (still at application stage – proposed hours: 11.00 – 00.30hrs, 7 days a week)
 - Peckhamplex, 95A Rye Lane, SE15 4ST (Sun - Thurs till 00:00, Fri & Sat till 02:00).

Southwark council saturation policy for Peckham

26. 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.
27. 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.
28. 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.
29. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

30. 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.
31. 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

32. A fee of £100 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

33. 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 exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

34. 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

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

Principles for making the determination

37. 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.
38. 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
39. 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:
- 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

40. 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.
41. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. 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.
43. 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.

44. 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

45. 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

46. 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.

47. 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

48. 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.

49. 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.
50. 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.
51. 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.
52. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
53. The sub-committee can only consider matters within the application that have been raised through representations from 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.
54. Under the Human Rights Act 1998. The sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. 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.
55. 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

56. 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	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

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Kristie Ashenden, Principal Licensing Officer	
Version	Final	
Dated	21 May 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	21 May 2015	



RECEIVED
15 APR 2015

Community Safety EHTS, Health Safety & Licensing Team, Southwark Council, 3rd Floor
 Hub 2, P-O-BOX 65429, London, SE1P 5LX

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We PAMPHLET LTD.
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Ali Baba Snack Bar Level 7 & 8 Peckham Multi-Storey Car Park 95a Rye Lane London SE15 4TG			
Post town	London	Postcode	SE15 4ST

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ n/a

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

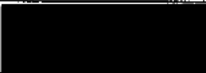
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
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	Pamphlet LTD
Address	All Baba Bar Caravan Unit Copeland Park 133 Copeland Road London SE15 3SN
Registered number (where applicable)	08332683
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company
Telephone number (if any)	
E-mail address (optional)	alibabajuce@gmail.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
26	05	2015

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

DD	MM	YYYY
09	10	2015

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

The premises is situated on the lower ground floors 7-8 of the Peckham Multi-Storey Car Park which showcases Bold Tendencies and hosts Frank's Cafe each summer. We have been invited and commissioned to be the new food and drinks vendor on the bottom level - at the back of level 7 and directly to the left of the auditorium. A small temporary circular bar and a series of benches will be featured in this back area. We will be serving light refreshments - alcoholic and non-alcoholic drinks, pastries, and small pre-made snacks to be offered to Bold Tendencies visitors. We wish to only be open to the general public Thursday - Sunday (with private parties to be made available for pre-booking Monday, Tuesdays and Wednesdays).

The site will have it's own SIA-security employed as usual, and they will be responsible for our area as well - all guest to Bold Tendencies are monitored, controlled and searched upon entering the site's gated entrance. All materials will be plastic and NOT glass, and absolutely no alcohol will be allowed off the Bold Tendencies site. Please see the attached plan of the space for clarity, the immediate area of the bar is highlighted in green, and two diagrams are

provided at different scale.

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 any that apply

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

Provision of 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)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon.			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

F

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

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
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)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					




I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (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 (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p>State any seasonal variations for the supply of alcohol (please read guidance note 4)</p> <p>There will be no seasonal variations for the supply of alcohol, we will only be operating temporarily during the summer season.</p> <p>Please note: We will NOT be open to the GENERAL PUBLIC Monday - Wednesday. These days are reserved exclusively for private functions, should they arise. We felt it best to include these in our application as standard days and timings.</p> <p>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>With regards to non-standard timings, the only days we would request to allow ourselves to be open and serve alcohol would be the following:</p> <p>Day Casual Press Preview Day / Test Run - Tuesday 26th May 2015: 11:00 - 23:00*</p> <p>Evening Private View and Private Opening Party - Wednesday 27th May 2015: 11:00 - 23:00*</p> <p>Summer Bank Holiday - Monday 31 August 2015: 12:00 - 23:00</p> <p>*please note! these are private events prior to the official launch open to the public, and as such only a select ticketed / RSVP guests will be allowed entrance.</p>		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

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

Name	Alexandre Christopher Abitbol
Address	
Postcode	SE15 
Personal licence number (if known)	
Issuing licensing authority (if known)	London Borough of Southwark

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

none!

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	<p>As this is a limited license, we will have no seasonal variations!</p> <p>It is worth mentioning here however that the proposed operating schedule accompanied here takes into consideration any private bookings; we will NOT be open to the GENERAL PUBLIC on Monday, Tuesday or Wednesday. We will be open to all members of the public Thursday, Friday, Saturday and Sunday.</p> <p>We felt it best to include these allocated 'private function' days on the operating schedule for complete transparency and in the event that those wishing to book the space request an open bar where guests can purchase drinks.</p> <p>During any private events, the bar will <u>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</u> (please read guidance note 5)</p> <p>The only non standard timings we request are:</p> <p>Day Casual Press Preview Day / Test Run - Tuesday 26th May 2015: 11:00 - 23:00*</p> <p>Evening Private View and Private Opening Party - Wednesday 27th May 2015: 11:00 - 23:00*</p> <p>Summer Bank Holiday - Monday 31 August 2015: 12:00 - 23:00</p> <p>*please note! these are private events prior to the official launch open to the public, and as such only a select ticketed / RSVP guests will be allowed</p>
Mon	11:00	23:00	
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:00	
Sat	11:00	23:00	
Sun	11:00	23:00	

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

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

Bold Tendencies is a fantastic organisation and event which takes place in Peckham each summer, and we believe we will only greater benefit the space. We aim to promote a more family-friendly environment, and our day menu will reflect this - we aim to be more 'snack stop' / juice bar than alcoholic bar during these hours. In the evening, the menu changes and becomes more adult.

The site is always under security supervision, within no direct proximity of schools or residential property, and is completely contained within the car-park itself. In order to best observe the licensing objections further, we will:

- make clear outside our premises our operating schedule and when we are open to the general public.
- a strict age policy will be adopted to ensure that absolutely no children under the age of 18 are at any risk of harm.
- we will ensure adequate access is left out front of the premises for emergency vehicles
- we will ensure all entrances and exits are clearly marked and left clear of obstruction in any case of emergency.

b) The prevention of crime and disorder

- Bold Tendencies has its own gated entrance, where SIA-security staff are employed to monitor crowds, check bags, etc. Guests entering our space will have all been searched and controlled by these members of staff accordingly, and an entrance policy is already in place to monitor capacity on site.
- as far as is possible, we will remind patrons to leave in an orderly fashion and conduct themselves appropriately. A dispersal policy will be put into place, and our staff will be fully trained to adhere to the policy.
- a ZERO DRUGS policy will be put into effect. If anyone is suspected of taking or administering drugs, they will be removed from the premises immediately, and where appropriate, reported to the police.
 - we are and will continue to employ the 'Challenge 25' policy, and all bar staff will be trained to employ this policy.
 - there will be NO GLASS on site - all drink receptacles will be plastic; all other crockery will be safe (i.e. no sharp knives) and / or disposable.
 - an incident log book will be kept on the premises.
 - any patrons who are deemed intoxicated or any threat at all will be removed from the premises by security.

c) Public safety

- we will make clear that cold drinking water is always available at the bar, and that this is adequately communicated to our clientele.
 - any clientele who appear obviously intoxicated will be refused any additional alcoholic refreshments.
 - all areas of the bar will be properly illuminated, particularly those areas leading to exits.
- every element of the premises will be properly maintained, in order to prevent any accidents from occurring to the best of our ability.
 - fire extinguishers are provided indoors and outdoors on site, and our staff will be trained to use them.
 - our DPS will complete a First-Aid course, in case of emergency. We will also train one other member of staff in First-Aid.
- management will ensure that each member of staff has their own job function, and that a strategy is put into place in the unlikely event of emergency.
 - all electrics will be deemed safe and routinely checked to ensure their safety.
 - no benches or other furnishings will be placed in any areas likely to be used in emergency.
- staff will regularly ensure that all areas within the premise and directly outside the premises will be regularly and efficiently cleaned.

d) The prevention of public nuisance

- we will do our absolute best to ensure that any noise emanating from the premises, whether through crowd control or volume limitation on background music, will be to an appropriate level so as to not disturb any neighbours or residents in the vicinity. Management will ensure background recorded music will be at an appropriate non-disruptive level. This will be determined by checking at street level outside the cinema.
- all deliveries, waste disposal, and other relevant and potentially bothersome activities will take place at suitable times in order to minimise disturbance within the park,
- upon closing at 11pm, all customers will be asked to leave promptly and quietly. Staff will all be trained to monitor this as guests leave the premises. A dispersal policy will be in place and will be seamlessly linked with on-site security.

e) The protection of children from harm

-As stated previously, we will employ a 'Challenge 25' policy, and always ensure our staff are full and regularly trained in order to best service this policy.
 -any children under the age of 18 in our space must be accompanied by an adult.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	[REDACTED]
Date	13/04/2015
Capacity	MD of Pamphlet

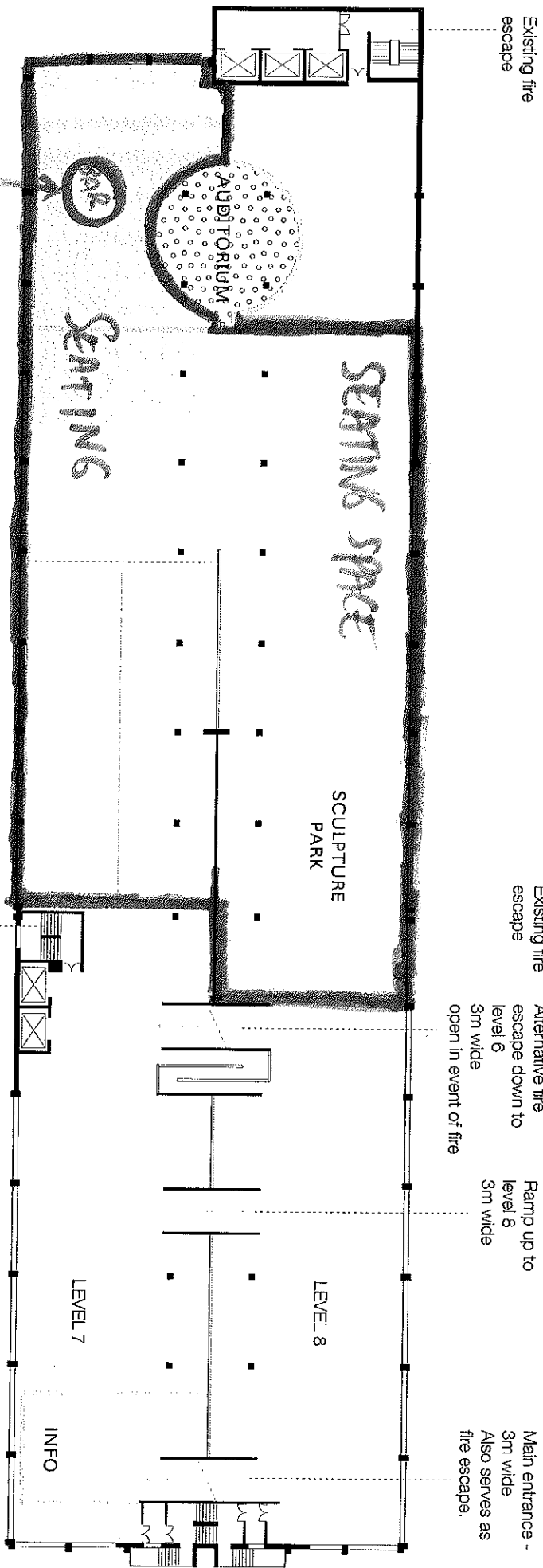
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

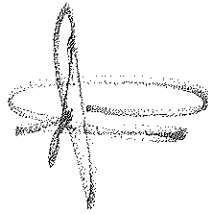
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



PREMISES DEFINED
 BY THICK BOLD LINE
 (FIXED)



ALEXANDRE
 CHARPENTIER

30/04/15

current

APPENDIX B**MEMO: Licensing Unit**

To Licensing Unit **Date** 6 May 2015

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax** 020 7525 5705

Email Jayne.tear@southwark.gov.uk

Subject Re: Ali Baba Snack Bar, Level 7 & 8, 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 23:00
- The proposed opening hours will be Monday to Sunday from 11:00 to 23:00

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.

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

This premises is surrounded by local residents and the operation of the premises and of people leaving the premises would impact upon those residents living nearby in Cerise Road, Raul Road and other surrounding streets. The management would have no control of patrons that have left the premises and the possible impact of any rowdy and anti-social behaviour or crime and disorder.

The operating schedule states that there will be a 'dispersal policy' which shall be adhered to, yet details of the policy have not been provided for comment to see if the policy is adequate.

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

Licensing Unit - Environment & Leisure, Hub 2, 3rd Floor, PO Box 64529, London SE1P 5LX
Switchboard - 020 7525 5000 **Website** - 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

Furthermore the operating schedule also states that there is an 'entrance policy already in place to monitor capacity', yet the application does not include a copy of the policy nor state what the capacity limit will be and how it will be monitored in the interest of public safety.

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

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

APPENDIX C

██████████
Westfield Road
Croydon
CR0 3RH

5th May 2015

Dear Sir/Madam,

Re: Objection to application number 848075, Ali Baba Snack Bar.

I am making this objection in writing on behalf of my mother ██████████ who resides at ██████████ 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.

The basis for this objection is the problems faced by local residents who have experience of noise nuisance and other issues from the existing Frank's Café.

This objection covers 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 the existing Frank's Café some years ago, this was certainly not the case. Indeed, when I was still a resident of ██████████ 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 3rd May 2015, the car park was used by a number of youths on very loud mopeds racing up and down on the levels earmarked by Ali Baba. The Police had to be called to attend the car park after being contacted by worried residents. It seems that the venue attracts people to the area who are intent on being disruptive. The sounds of the mopeds reverberated terribly in an area which is proposed to have great numbers of people with music and gaiety.

ii Public Safety. The semi-open air nature of the venue/premises, with its easily mountable walls, 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. As alcohol and legal highs are to be consumed at Ali Baba, it is only a matter of time before someone scales a wall and experiences a significant injury or falls to their death.

iii The Prevention of Nuisance. The current 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. 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. Ali Baba will only add to this. My Mother does not feel able to relax at home during current 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. She has no quiet enjoyment of her home during opening hours. My mother is registered disabled and spends a lot of time at home.

Frank's Café has caused many problems to local residents and it is fair to extrapolate that Ali Baba's Snack Bar will not be very different. In fact it can be argued that the introduction of an additional Café/Snack Bar will be a greater hindrance and nuisance to local residents as there will be twice the noise pollution and nuisance to a semi-open air venue, this will be utterly intolerable.

As there already current objections lodged against the issuing of another license to the existing Frank's Café, it is fair to say that residents are experiencing great dissatisfaction with this type of venue.

It is also noteworthy that as the venue is semi-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 licences for the Cerise Road Multi-Story Car Park. I imagine that Surveyors and Engineers were instructed to conduct tests to determine the likely disruption to local residents compared to the legally safe limits. Please advise.

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

Yours faithfully



APPENDIX D

Licensing Act 2003

Premises Licence



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

Premises licence number

845690

Part 1 - Premises details

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

Where the licence is time limited the dates

Licensable activities authorised by the licence

Plays - Indoors and Outdoors
Films - Indoors and Outdoors
Live Music - Indoors and Outdoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

For any non standard timings see **Annex 2**

Monday	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

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

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

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

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	12:00 - 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

[REDACTED]

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

[REDACTED]

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 [REDACTED]

Authority L.B. Lambeth

Licence Issue date 28/08/2014

H A Matthews

Anti-Social Behaviour, Noise Nuisance &
Licensing Manager
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
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.

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: 1/2 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

491 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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.
- 137** Potable drinking water must be provided to the venue and be made freely available to customers during opening hours.
- 171** Access shall be made available for emergency services at all times.
- 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 hundred 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.

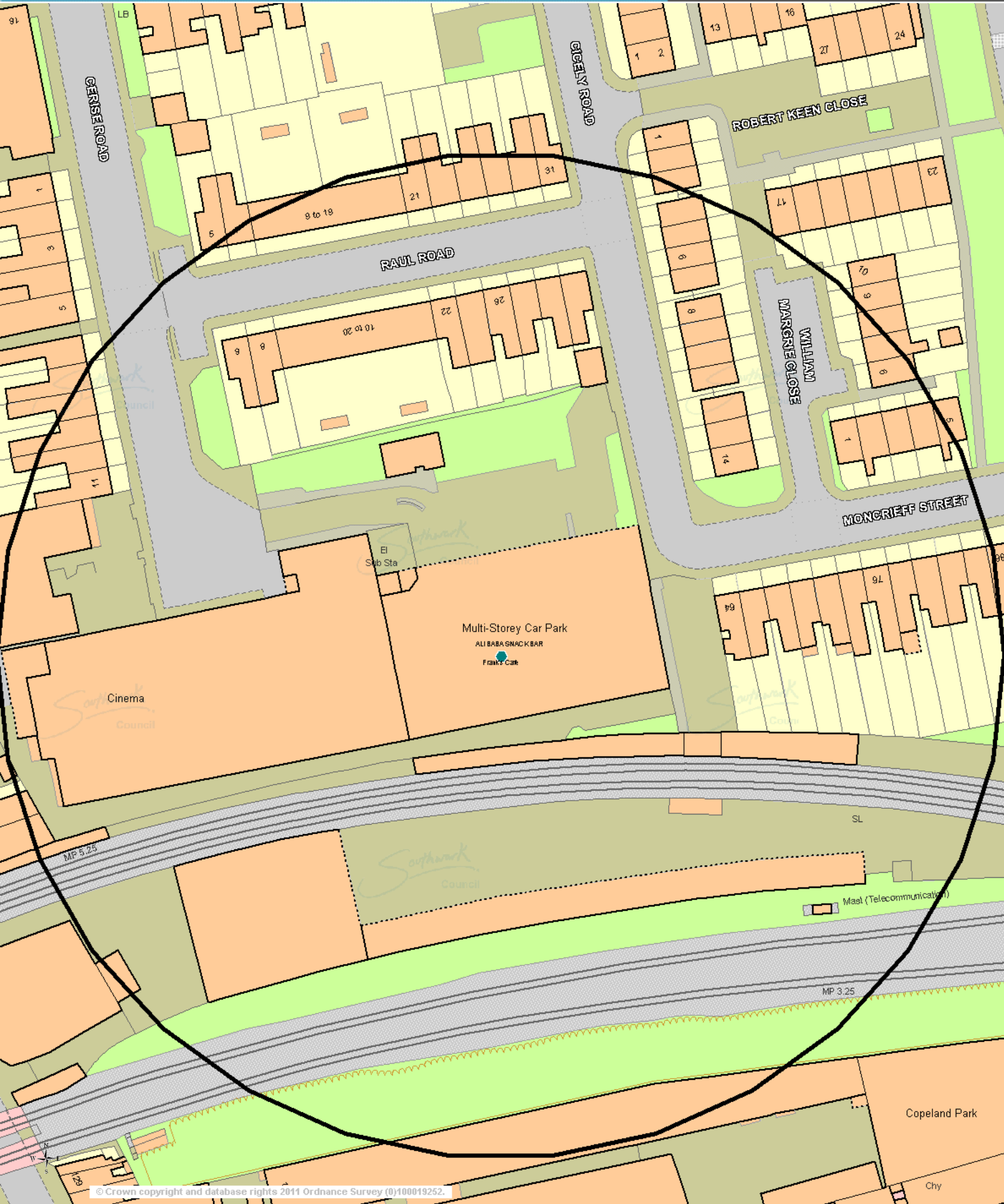
382 That all records regarding sound checks or in-performance monitoring shall be kept until 1 month after the premises closes for the winter and made available for inspection on request.

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. 845690
Plan No. N/A
Plan Date March 2014



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Item No.	Classification: Open	Date: 8 June 2015	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Southwark The Cut Express, (Tesco), 3-11 The Cut, London SE1 8JZ	
Ward(s) or groups affected:		Cathedral	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Tesco Stores Ltd for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Southwark The Cut Express (Tesco) 3-11 The Cut, London SE1 8JZ.
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. Copies of the relevant representations from other persons are attached as Appendix B.
 - 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 16 April 2015 Tesco Stores Ltd applied to this Council for the grant of a new premises licence in respect of the premises known as Southwark The Cut Express (Tesco) 3-11 The Cut, London SE1 8JZ. The application is summarised as follows:
 - The supply of alcohol (for consumption on the premises)
Monday to Sunday from 06:00 to 00:00

 - Operating hours
Monday to Sunday from 06:00 to 00:00

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 proposed designated premises supervisor is Gary Adam Bignell who has a personal licence issued by the Bexley Council.

Representations from responsible authorities

11. There are no representations from responsible authorities.

Representations from other persons

12. There are 5 representations received from other persons. They relate to the operation of the premises and issues of noise pollution and public nuisance, they are concerned that this will lead to an increased level of nuisance and disorder which is in conflict with licensing objective of public safety and public nuisance. It is anticipated that they will suffer further disturbances with regards to noise if the licence is extended to midnight. Any extended hours will also lead to an increase in anti-social behavioural issues which are already problematic for The Cut, where many members of the street population sit and beg for money before spending this in local premises with an 'off-premises' licence.
13. Copies of the correspondence received are attached as Appendix B.

Conciliation

14. The representations have been forwarded to the applicant, however none of these issues have been resolved and as such the application is being referred to the licensing sub-committee for determination.

Current premises licence

15. The premises has a current and operational premises licence. The licensable activities permitted are for sale and supply of alcohol till 23.00 (Mon – Sun). A copy of this licence is attached as Appendix C.

The local area

16. A map of the area is attached to this report as Appendix C. 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.

Off Licences

- Tradium Ltd, 75-76 Blackfriars Road, SE1 (Mon- Sun – 03.00)

Public Houses and Latenight Refreshment

- Tas Restaurant, 33 The Cut, SE1 (Mon – Sun till 01.30)
- Southwark Tandoori, 39 The Cut, SE1 (Mon – Sat to 00.30 Sun to 00.00)
- Calder Books, 51 The Cut, SE1 (Mon – Sun till 22.00)
- Mason Don Felipe, 53 The Cut, SE1 (Mon – Sat till 00.30; Sun till 00.00)
- Thai Silk Restaurant and Bar, Railway Arches 94-95, Joan Street, SE1 (Mon-Sun till 03.00)
- Jacks, Railway Arch 96, Joan Street, SE1 (Mon- Wed till 23.30; Thurs - Sat till 00.30; Sun till 22.30)
- Ev Restaurant and Bar, 97-99 Isabella Street, SE1 (Mon – Sun 01.00)
- The Ring, 72 Blackfriars Road, SE1 (Mon- Wed till 23.30; Thurs - Sat till 01.30; Sun till 23.00)
- The Baltic, 74 Blackfriars Road, SE1 (Mon – Sat till 00.00; Sun till 23.30)

Southwark council saturation policy for Borough and Bankside

17. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011.
18. 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.
19. 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.
20. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

21. 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.
22. 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

23. 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

24. 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 notices exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

25. 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

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

Principles for making the determination

28. 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.
29. 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.
30. 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:
- 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

31. 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.
32. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
33. 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.
34. 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.
35. 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

36. 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

37. 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.
38. 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

39. 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.
40. 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.
41. 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.
42. 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.

43. 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.
44. 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.
45. 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.
46. 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

47. 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 new premises licence
Appendix B	Representations from the other persons
Appendix C	Current premises licence
Appendix D	Map of the local area

AUDIT TRAIL

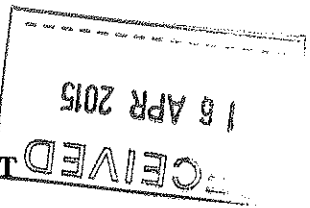
Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	27 May 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		27 May 2015

848112

Southwark Licensing Team, Community Safety EHTS, London Borough of Southwark, 160 Tooley, Street,
PO Box 64529 London Ref No. 600623

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST



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

You may wish to keep a copy of the completed form for your records.

I/We Tesco Stores Ltd

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 SOUTHWARK THECUT EXP 3 - 11 The Cut Southwark			
Post town	London	Postcode	SE1 8JZ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£36250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input 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 Tesco Stores Ltd
Address Tesco House, Delamare Road Cheshunt Herts EN8 9SL
Registered number (where applicable) 519500
Description of applicant (for example, partnership, company, unincorporated association etc.) Ltd company
Telephone number (if any) 01707 634 837
E-mail address (optional) Licensing.team@uk.tesco.com

Part 3 Operating Schedule

When do you want the premises licence to start?

ASAP

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

Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan

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 any that apply

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

Provision of 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)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed					
Thur			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
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)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					



I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (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 – <u>please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	06:00	24:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) N/A		
Tue	06:00	24:00			
Wed	06:00	24:00			
Thur	06:00	24:00	<u>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</u> (please read guidance note 5) N/A		
Fri	06:00	24:00			
Sat	06:00	24:00			
Sun	06:00	24:00			

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

Name Gary Adam Bignell	
Address 	
Postcode	
Personal licence number (if known) 14/00731/BEXLEY/LI	
Issuing licensing authority (if known) London Borough of Bexley	

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

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

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. All stores currently comply with our 'Think 25' policy, this is brought to customer's attention through point of sale material within the store. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine, should we be successful with our application. Images will be retained for a minimum of 21 days and made available on enforcement request. Ordinarily, a member of the Management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open.

c) Public safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community. We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

e) The protection of children from harm

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.
 A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.
 The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	
Date	17/04/2015
Capacity	Licensing Manager

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

Signature	
Date	
Capacity	

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

Licensing Team
 Cirrus C
 Shire Park

Post town	Welwyn Garden City	Postcode	AL7 122
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Telephone number (if any)	
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
 Licensing.team@uk.tesco.com

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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Gary Adam

[Redacted]

Full Name Date of Birth Place of Birth

Home Address:

[Redacted]

I hereby confirm that I give my consent to be appointed as the designated premises supervisor in relation to the application for varying a premises licence to specify an individual as designated premises supervisor under section 87 of the Licensing Act 2003 by Tesco Stores Ltd relating to a premises licence

Tesco Stores Ltd

for

Store Number 4474
Store Address 3-11 The Cut
Southwark
London
SE1 8J2

and any premises licence to be granted or varied in respect of the application made by Tesco Stores Ltd concerning the supply of alcohol at the above premises.

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

14/00731/BEXLEY/L1

Personal Licence issuing authority

LONDON BOROUGH OF BEXLEY

Signed

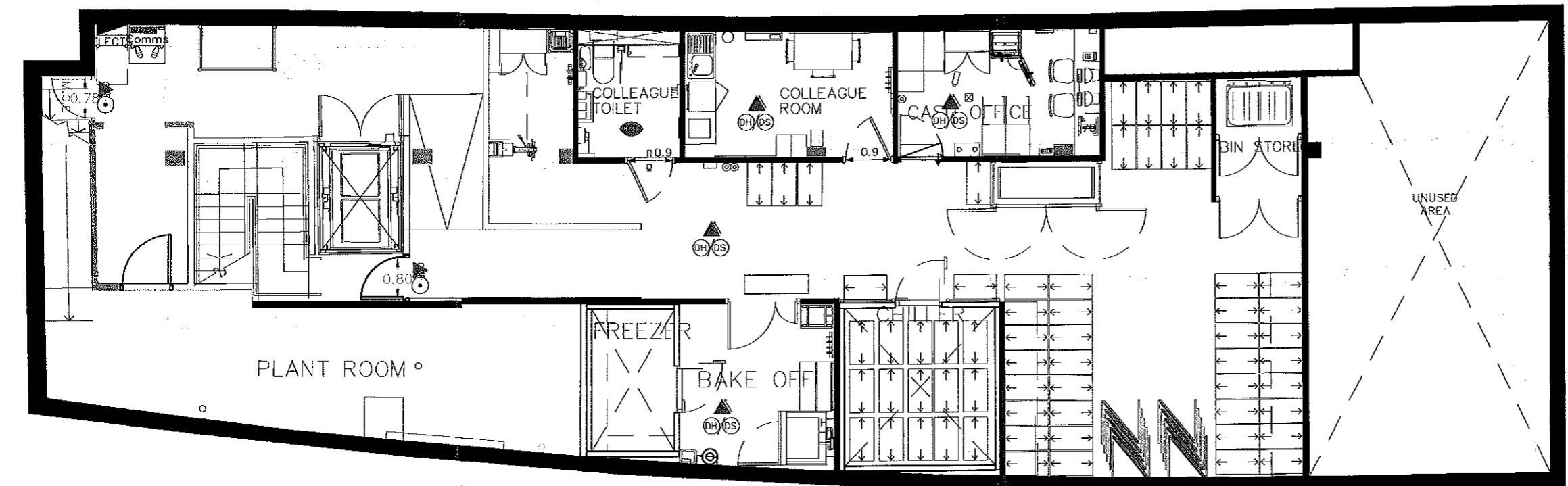
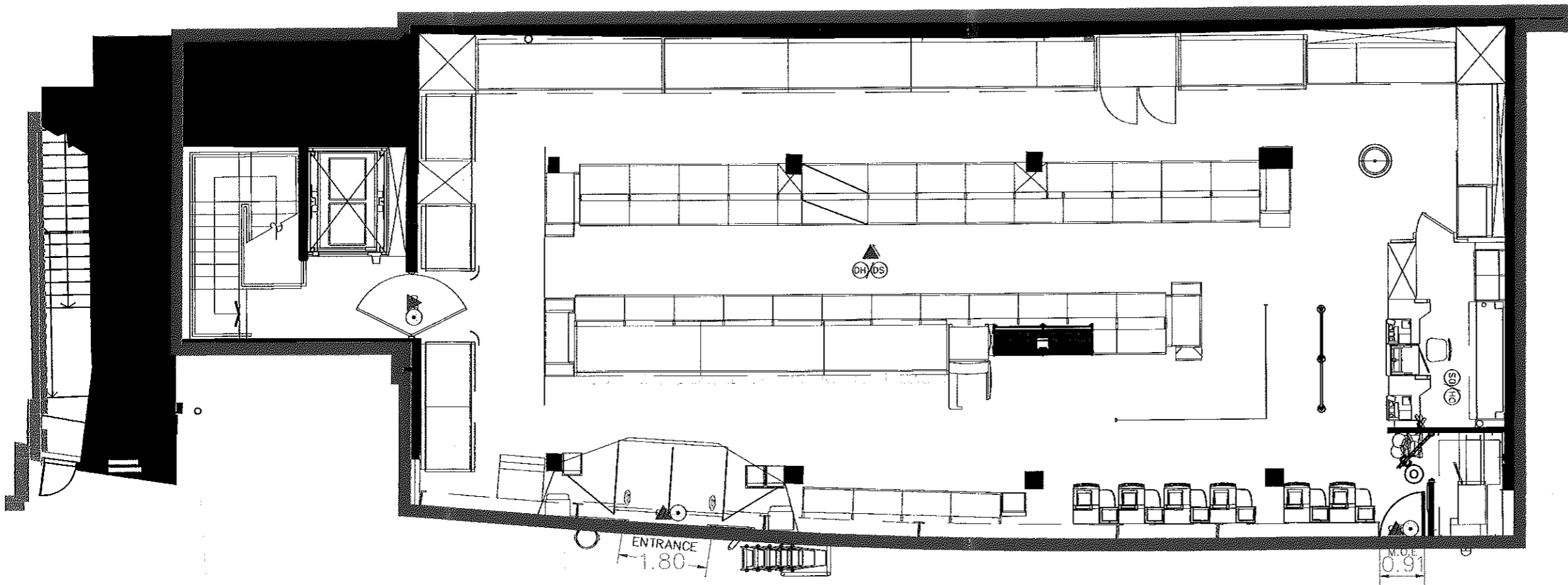
[Redacted Signature]

Name (Please Print)

GARY BIGNELL

Date

08.04.2015



REV	DATE	AMENDMENTS
<p>ADDRESS: 3-11 THE CUT SOUTHWARK LONDON SE1 8JZ LONDON ENGLAND</p>		
<p>FIRE DETECTION LEGEND</p> <ul style="list-style-type: none"> ▲ SOUNDER ● VISUAL INDICATOR (BEACON) ⚡ 6KG 27A FOAM & 2KG CO2 EXTINGUISHERS Ⓢ AREA COVERED BY SMOKE DETECTION Ⓞ BREAK GLASS CALL POINT 		
<p>PROJECT: 4474 SOUTHWARK THE CUT EXPRESS</p>		
<p>DESCRIPTION PROPOSED RETAIL ALCOHOL LICENSE LAYOUT</p>		
<p>DRAWING NO 4474gag1#BWSPLAN.DWG</p>		
PHASE	ISSUE	1#
SYSTEM ID. No.	4474hg1#BWSPLAN.dwg	4474hg1#BWSPLAN.dwg
SCALE	DATE	1:100@A3 27.03.2015
PLANNER	SEAN QUINNEY	
<p>TESCO STORES LIMITED STORE PLANNING DEPARTMENT PROPERTY SERVICES P.O. BOX 400, CIRCUS BUILDING, SHIRE PARK WELWYN GARDEN CITY, HERTS. AL7 1GA TELEPHONE: 01707 305150</p>		

PARTY 1

From: [REDACTED]
Sent: Wednesday, May 06, 2015 4:27 PM
To: Regen, Licensing
Subject: RE: Objection to License no. 848112 Tesco Stores Limited - extended off-premises alcohol license

Dear Sir/Madam,

Could I please add to my previous objection that the 'single can' policy should be included in the new license as it was already included in the previous license due to large street population in Waterloo?

Many thanks,

Maris

From: [REDACTED]
Sent: 05 May 2015 14:23
To: 'licensing@southwark.gov.uk'
Subject: Objection to License no. 848112 Tesco Stores Limited - extended off-premises alcohol license

Dear Sir/Madam,

RE: Extended (up to midnight) alcohol licence at Tesco Express, 3-11 The Cut .

Waterloo Quarter is the Business Improvement District (BID) for Waterloo. Representing over 330 businesses, the BID aims to create a destination where people want to spend time and money; a safer and more pleasant trading environment; a great place to set up a business; a creative and connected community in which to work.

Tesco occupies a prime location on The Cut, a retail street that is in close proximity to Southwark and Waterloo Station, a number of world class theatres and tourist attractions on the Southbank as well as many residential properties nearby. I believe that the proposed 'extended off-premises alcohol license' will lead to an increased level of nuisance and disorder which is in conflict with the following licensing objectives.

1. The prevention of crime and disorder
2. The prevention of nuisance

We would like to express our concern over the application submitted for an extended alcohol licence for the Tesco Store on The Cut for the following reasons:

Firstly, whilst we support the animation of this road with A1 retail, we feel that more consideration must be taken with regards to the character and requirements of this area. In particular, we feel that the retail units along this part of The Cut are aimed primarily at commuters and users of Southwark and Waterloo Station - a market which is likely to be intoxicated when they are travelling this late hour. We would therefore like to suggest that a midnight alcohol licence is inappropriate, taking into account that Sainsburys just few hundred meters down the road closes at 11pm.

Secondly, extended hours will also lead to an increase in anti-social behavioural issues which are already problematic for The Cut, where many members of the street population sit and beg for money before spending this in local premises with an 'off-premises' licence.

Through the convening of the Waterloo Licensing Forum, Waterloo Quarter works to combat anti-social behaviour through co-operation between local businesses, the Police, the Council and local residents. One of the key aims of this group is to combat street drinkers in and around Waterloo. We therefore feel strongly that a midnight alcohol licence will hinder these efforts and contribute towards increasing anti-social behaviour and street drinking in Waterloo.

We hope that you will take this into account with regards to the application.

[Redacted]

Operations and Finance Manager

Waterloo Quarter BID

[Redacted]

PARTY 2

From: [REDACTED]
Sent: Wednesday, May 06, 2015 3:59 PM
To: Regen, Licensing
Cc: Morris, Adele; [REDACTED]
Subject: Re License Number 848112 Tesco The Cut

Dear Sirs

Re License 848112 Tesco, 3-11 The Cut

I am Chair of Bishops Ward SNT Panel, a member of Cathedrals Ward SNT Panel, Waterloo Licensing Forum and Lambeth Licensing Working Party but wish to object to this License in a personal basis.

The issuing of this License in its present form would I believe lead to a marked increase in public nuisance and disorder and would contravene the following licensing objectives

- 1) The prevention of crime and disorder
- 2) Public Safety
- 3) Prevention of Public nuisance

I believe that a midnight license for these premises is totally inappropriate and sales would be targeted at persons who are already intoxicated who are making their way to either Southwark or Waterloo Station.

Other Supermarkets in the area are only serving Alcohol until 23.00 and as an example Sainsbury's in The Cut close at 23.00.

Waterloo unfortunately suffers with a large amount of Street drinkers and beggars and I believe that to serve Alcohol until midnight would lead to an increase in anti-social behaviour and street drinkers in Waterloo.

I have read through the conditions on this application and am not at all happy, as it would seem that many of the conditions of their original license 84729 dated 23rd January 2015 have been omitted or deleted from this application. I refer to these in particular

- 288 – CCTV
- 289 – CCTV
- 340 – All training
- 341 – All Staff will be trained
- 342- Till prompt
- 343- Store will display signage
- 344- That all staff are trained
- 345- No single cans or miniatures
- 346-No alcohol within 2 metres of entrance

These are conditions that were agreed by Tesco and are conditions applied to all Supermarkets in Waterloo

I sincerely hope that this application can be amended to include these very important conditions and that they will withdraw this application completely

Regards



PARTY 3

From: [REDACTED]
Sent: Wednesday, May 06, 2015 10:41 PM
To: Regen, Licensing
Subject: License Number 848112 Tesco The Cut

License 848112 Tesco, 3-11 The Cut

I am a local resident living directly opposite the tescoon the cut and would like to object to them extending its alcohol license.

The issuing of this License would lead to a marked increase in public nuisance and disorder and I raise my objections under the following area:

- 1) The prevention of crime and disorder – the supermarket is in a saturation zone and this was brought in because of the problems associated with street drinking. This has improved in recent years because of the removal of the extending license and allowing Tescos to sell alcohol after the pubs and bars has closed is likely to reverse this.
- 2) Public Safety – There are many bars in the area and it is likely that many patrons will flock to this late night supermarket and there is likely to be problems associated with already inebriated customers queuing for more drinks.
- 3) Prevention of Public nuisance – for the reasons stated above, and in additions there is a large number of street drinkers and beggars in Waterloo who often clash with drinkers from the bars.

I understand that some of the conditions in their original application have been withdrawn; I would like these reinstated.

[REDACTED]

PARTY 4

From: [REDACTED]
Sent: Thursday, May 07, 2015 10:46 AM
To: Regen, Licensing
Subject: 848112-tesco

Dear licencing people,

I live opposite Tesco on the Cut. The area is full of establishments that sell alcohol – the effect is already that every evening, and more so Friday and Saturday, I have to endure a high level of noise – people get drunk and sing, run, shout and swear on the street I am living on.

It is the time when I would like to sleep.

I am against giving a longer licence to Tesco to sell alcohol. It would mean that people coming from the pubs etc will have another bottle and hang around on the street and our garden.

Additionally: the shop that had this licence before attracted numerous homeless people who shouted out their problems and despair all night.

I am against it – please let me know that you received this message and that it counts as an official statement.

Best wishes

[REDACTED]

PARTY 5

From: [REDACTED]
Sent: Wednesday, May 06, 2015 7:25 PM
To: Regen, Licensing
Subject: License 848112 Tesco, 3-11 The Cut

I would like to make an objection to Tesco's application to extend its alcohol license from 6am until 12 midnight. This supermarket is located near a number of bars that close before midnight and it is likely that most of the customers after 11pm will be purchasing alcohol to 'top up' their intake. The supermarket is in a saturation zone because there has been a number of drink related incidents in this area in the past, and any extension of a license is likely to reverse this trend. As it is located near to a tube station, it is likely that it will be passing trade purchasing alcohol to consume on the streets, rather than local residents. Other premises in the area are only allowed to sell alcohol until 11pm and I think this is a more sensible time.

[REDACTED]

6 May 2015

Licensing Act 2003 Premises Licence

82 APPENDIX C



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

Premises licence number

847294

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Tesco 3-11 The Cut London SE1 8JZ	
Ordnance survey map reference (if applicable), 179985531620	
Post town London	Post code SE1 8JZ
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

The opening hours of the premises	
For any non standard timings see Annex 2	
Monday	06:00 - 23:00
Tuesday	06:00 - 23:00
Wednesday	06:00 - 23:00
Thursday	06:00 - 23:00
Friday	06:00 - 23:00
Saturday	06:00 - 23:00
Sunday	06:00 - 23:00

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

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises

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

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

Tesco Stores Limited
 Tesco House, Delamare Road,
 Cheshunt, Waltham Cross, EN8
 9SL
 017 0729 8345
 licensing.team@uk.tesco.com

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**

Gary Bignell

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. 14/00731/Bexley/LI
 Authority

Licence Issue date 23/01/2015



Anti-Social Behaviour, Noise Nuisance &
 Licensing Manager
 Hub 2, 3rd Floor
 PO Box 64529
 London, SE1P 5LX
 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 must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

485 (1) The responsible person must 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 -

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster 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; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person

is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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: 1/2 pint;

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

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

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence;

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a

change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

340 All training and revision/refresher materials are reviewed regularly

341 All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol

342 A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18

343 The store will display signage around the premises informing both staff and customers of the 'Think 25' policy on alcohol

288 That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council

344 That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to officers of the police and council

345 No beers/ciders in single cans, bottles or multi-packs with an ABV of above 5.5% will be displayed/sold or offered for sale from the premises unless written permission (email will suffice) is obtained from the police licensing officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities.

346 No alcohol is to be displayed or stored within 2 metres of the entrance door

347 That sales of spirits shall be in vessels sized over 30cl, unless in gift packs.

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

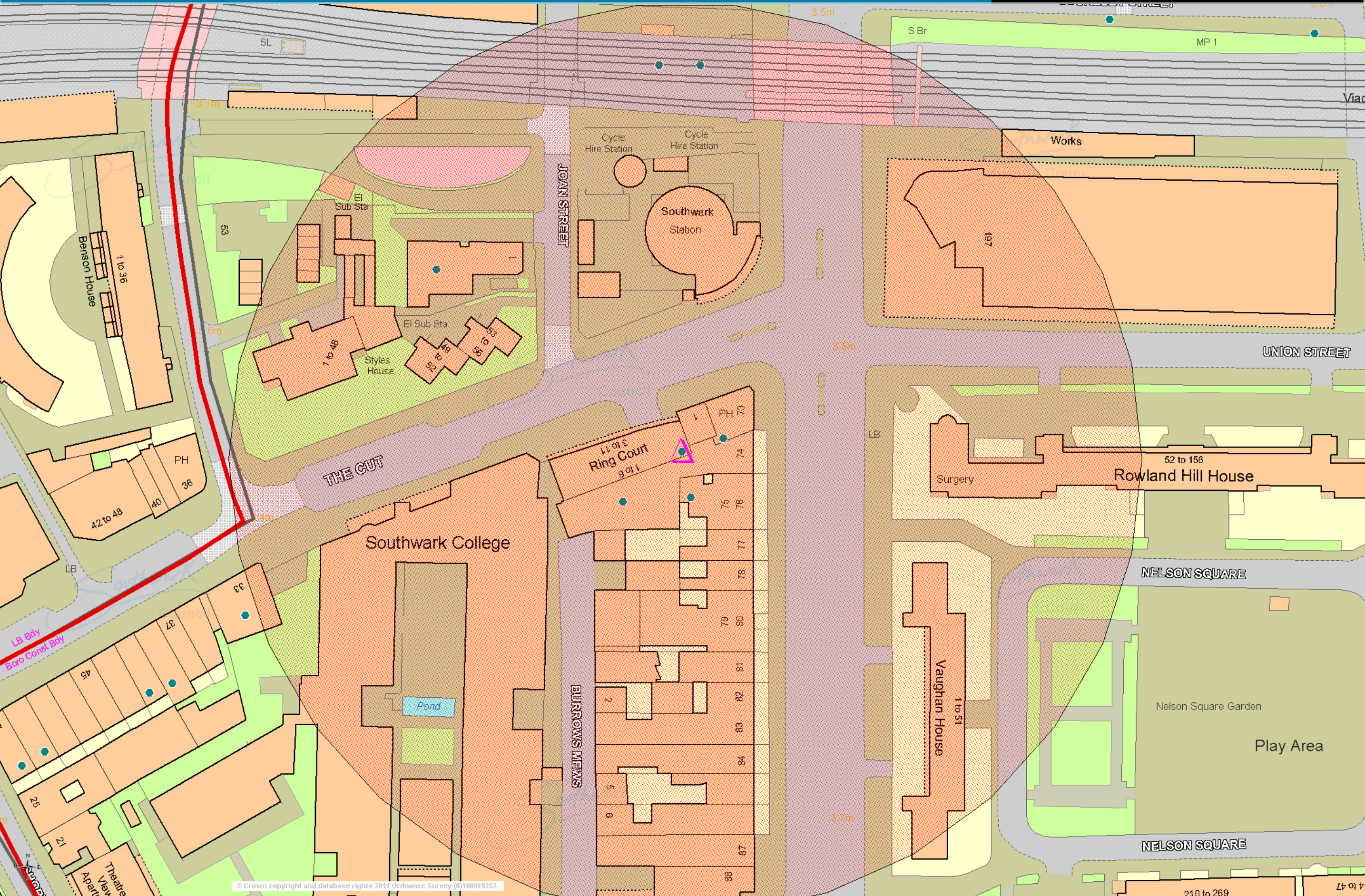
Annex 4 - Plans - Attached

Licence No. 847294

Plan No. 4474gagARDGAPPROVED

Plan Date 05/02/2014

Date 21/5/2015



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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2015-16**

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