

## Licensing Sub-Committee

Wednesday 4 November 2015

10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Lorraine Lauder MBE  
Councillor Eliza Mann  
Councillor Charlie Smith

### 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

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: [www.southwark.gov.uk](http://www.southwark.gov.uk) or please contact the person below.

#### Contact

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

---

Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 27 October 2015



## Licensing Sub-Committee

Wednesday 4 November 2015  
10.00 am  
Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>ELECTION OF CHAIR</b>	
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
4.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
5.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
6.	<b>LICENSING ACT 2003: FOUR QUARTERS, 187 RYE LANE, LONDON SE15 4TP</b>	1 - 56
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b>	

**Item No.**

**Title**

**Page No.**

**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.”

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

Date: 27 October 2015

# Agenda Item 6

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 4 November 2015	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Four Quarters 187 Rye Lane, SE15 4TP	
<b>Ward(s) or groups affected:</b>		The Lane Ward	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Barcade Ltd, to vary a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Four Quarters, 187 Rye Lane London SE15 4TP
2. Notes:
  - a) This application forms a variation application of a premises licence, submitted under Section 34 of the Licensing Act 2003. The application is subject to representations from the responsible authorities and other persons and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 10 to 15 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 16 to 21 of this report deals with the representations received regarding the premises licence application. Copies of the withdrawn representations from responsible authorities are attached as Appendix C.
  - d) Copies of the relevant representations from other persons are attached as Appendix D.
  - e) 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 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
  
6. In carrying out its licensing functions, a licensing authority must also have regard to
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
  
7. The 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 current premises licence**

8. The current licence in respect of the premises known as Barcade (aka Four Quarters, 187 Rye Lane, SE15 4TP) was issued first issued on 12 January 2013. It allows the following licensable activities:
  - Sale of alcohol (on the premises), films indoors and late night refreshment (from 23.00hrs):  
 Sun to Wed 11.00 – 00.30  
 Thur 11.00 – 01.00  
 Fri and Sat 11.00 – 01.30
  - Operating hours of premises:  
 Sun to Wed 11.00 – 01.00  
 Thur 11.00 – 01.30  
 Fri and Sat 11.00 – 02.00
  
9. A copy of the existing premises licence is attached as Appendix B.

### **The premises licence application**

10. On 9 September 2015, Barcade applied to this council for the grant of a variation application on a premises licence in respect of the premises known as Four Quarters London SE15 4TP.
  
11. The application is summarised as follows:

12. In its current form the premises is licensed for the following times and activities:

- Opening hours  
Monday to Wednesday 11.00 to 01.00  
Thursday 11.00 to 01.30  
Friday to Saturday 11.00 to 02.00  
Sunday 11.00 to 01.00.
- Films  
Monday to Wednesday 00.30  
Thursday 11.00 to 01.00  
Friday to Saturday 11.00 to 01.30  
Sunday 11.00 to 00.30.
- Late night refreshment  
Monday to Wednesday 11.00 to 00.30  
Thursday 11.00 to 01.00  
Friday to Saturday 01.30  
Sunday 11.00 to 00.30.
- Sale of alcohol (On Premises)  
Monday to Wednesday 11.00 to 00.30  
Thursday 11.00 to 01.00  
Friday to Saturday 11.00 to 01.30  
Sunday 11.00 to 00.30.

13. The application seeks to vary the existing premises licence to add and amend the licensable activities as follows.

The increase on existing hours.

- To increase the terminal hour recorded music on Friday to Saturday from 01.30 to 02.30.
- To increase the terminal hour for late night refreshment on Friday to Saturday from 01.30 to 02.30.
- To increase the terminal hour for the supply of alcohol (on the premises) on Monday to Wednesday from 00.30 to 01.00, and on Friday and Saturday from 02.30 to 03.00.

14. The removal of the following licensing conditions.

- 310 - Customers shall use no outside area after 23.00 hours other than those who temporarily leave the premises for a cigarette and no more than 5 people at any one time.
- 360 - No alcohol shall be consumed outside premises after 23.00 hours.
- 349 - No glass shall be allowed outside after 22.00 hours.
- 355 - Patrons will not be permitted to have drinks outside, on the frontage, after 22.00 hours any drinks outside before this times shall be in a plastic or polycarbonate container/vessel (no glass) 343.

To replace conditions 349, 355 and 360 with the wording:

- Customers shall use no outside area after 22.00 hours other than those who temporarily leave to smoke a cigarette.

To amend condition 343 with the following wording:

- The venue will serve food until at least 23.00 hours each night of the week.

To amend condition 4AJ to increase the number of patrons allowed outside to smoke from 5 to 15, 4AJ currently states;

- 4AJ - There will be a maximum of 5 patrons smoking on the premises frontage at any one time. There shall be no patrons congregating to the rear of the premises.

15. 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.

### **Representations from responsible authorities**

16. Three representations have been received from the responsible authorities the environmental protection team, the licensing authority, and the Metropolitan Police Service. The representations are made in regard to the prevention of public nuisance in that the environmental protection team are concerned about the number of patrons outside the premises that could give rise to the disturbance of local residents particularly during the evenings when ambient sound levels in the area subsides. The council's licensing service is concern that the application seeks to change the nature of the business to that of night club. This would impact greatly on the local residents living nearby. This would be because the management would have no control of the patrons once they have left the premises.
17. The premises are located in the Peckham saturation area which places a rebuttal presumption to refuse a licensing application. The applicant must therefore demonstrate within the operating schedule that the application will not have a negative cumulative impact on one or more of the licensing objectives.
18. The licensing police service are concerned that the application is moving away from the original business profile, which stated that the premises was to be a bar/restaurant premises. The application states a number of changes to the hours and licensable activities, but does not address the impact of the additional hours, on the promotion of the licensing objectives. The licensing police conclude that the application should be refused.
19. A copy of the representation is attached to the report as Appendix C.

### **Representations from other persons**

20. There are two supporting representations from other persons. The representations state that the premises are well managed with a good relationship with local residents and the police. The premise also provides a safe drinking environment via the trained SIA staff on the premises.
21. Copies of the representations are attached as Appendix D.

### **Conciliation**

22. The licensing conciliation service has not been offered to the applicant in this instance as both the licensing local authority and the licensing police have concluded that the application should be refused.

### **Previous history**

23. On the 5 March 2015 a variation licence application was submitted by Barcade Ltd. The application was refused. A copy of the Notice of Decision is attached to the report as Appendix E.

### **Temporary event notices**

24. There have been 10 of Temporary Event Notices submitted for this address within the last 12 months.

### **Inspection history**

25. On 25 October 2014 the premises was visited at about 01.00hrs and a licensing inspection was conducted, the following breaches were found and a warning letter sent:
- Condition 344 – no personal licence holder was on site while alcohol was being sold
  - Condition 4AJ – 11 patrons of the premises were located at the front of the premises
  - Condition 289 – the CCTV was not available the inspecting officer.
26. On 21 February 2015 the premises was visited at about 01.20hrs and a licensing inspection was conducted, the premises was found to be operating in compliance with the premises licence.
27. On the 3 July 2015 at about 23.32 licensing officers conducted an inspection of the premises following the sound of loud amplified music. During the inspection the officers found of the following breach of the premises licence.
- Recorded music was being provided for the purposes of entertainment, recorded music is a licensable activity after 23.00 and there is no provision for recorded music on the premises licence.
  - Condition 4AJ – there were more than 5 patrons of the premises located at the front of the premises
28. Following the breach of licensing conditions the licensing was invited to attend a formal interview under the Police and Criminal Evidence Act 1984 which was conducted on 11 August 2015. Mr. Joe Dowling attended and admitted the alleged offence, a simple caution was being considered for this offence.
29. On 9 October 2015 at about 03.10hrs licensing officers were passing the premise and observed lights on and people inside. On investigating the officers found the door locked and on gaining entry that patrons were inside the premises drinking alcohol, the tills were turned on and 18 video games machines were turned on.

- Patrons were allowed on the premises for over an hour past the closing time of the premises and alcohol was available for sale.

### **The Local Area**

30. The other nearest licensed premises within a 100 metre radius are as follows:

- T & S Afro Cosmetics Food Wine 231a Rye Lane
- Stella's African Food 154 Rye Lane
- Rye Lane News 164 Rye Lane
- Netto Food Store Ltd 174 Rye Lane
- Chicken Cottage 177-179 Rye Lane
- Lekki Beach 211 Rye Lane
- Tastie Spice Restaurant and Bar 207 Rye Lane

31. A map of the area is attached to the report as Appendix F.

### **Southwark Council saturation policy for Peckham**

32. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of concentration of licensed premises (saturation policy) on 12 October 2011.

33. The decision to introduce the saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in area.

34. The effect of this special policy is that is to create a presumption that applications for new premises licenses or variations that are likely to add to 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 objective.

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

### **Deregulation of entertainment**

36. On 6 April 2015 entertainment became deregulated and as a result.

- Live unamplified music is deregulated between 08.00 – 23.00 on any premises.
- Live amplified music and recorded music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people on certain classes of premises including those that hold a club premises certificate.

37. However, live and recorded music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

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

38. 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.
39. 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**

40. A fee of £190 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 B.

### **Consultations**

41. 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**

42. 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 Law & Democracy**

43. The sub-committee is asked to determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.
44. The principles which sub-committee members must apply are set out below.

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

45. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
46. The general principle is that variation 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.
47. 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 responsible authority or other person
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious

If relevant representations are received then the sub-committee must have regard to them, in determining whether it is appropriate for the promotion of the licensing objectives to:

If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to

- Add to, omit, and/or alter the conditions of the licence or,
- Reject the whole or part of the application for variation

### **Conditions**

48. 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 appropriate to do so. Conditions must be appropriate 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.
49. The four licensing objectives are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
50. 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.

51. Conditions will not be appropriate if they duplicate a statutory position.

Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 9 and 10.

### **Reasons**

52. If the sub-committee determines that it is appropriate and proportionate to modify the conditions, or to refuse the application for a club premises certificate, it must give reasons for its decision.

### **Hearing procedures**

53. 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.

54. This matter relates to the determination of an application for a variation to a premises licence under section 34 of the Licensing Act 2003 and 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**

55. 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.

56. 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.
57. 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.
58. 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, and working or engaged in normal activity in the area concerned.
59. 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.
60. 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.
61. 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.
62. 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**

63. 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 Phone Tel: 020 7525 5748

## APPENDICES

Name	Title
Appendix A	Variation application
Appendix B	Current premises licence
Appendix C	Representations from the responsible authorities
Appendix D	Representations from the other persons
Appendix E	Notice of Decision dated 5 March 2015
Appendix F	Map of the local area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	David Swaby, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	23 October 2015	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Legal & Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
Date final report sent to Constitutional Team		26 October 2015



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

### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We BARCADE LTD  
(Insert name(s) of applicant)

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

Premises licence number	842964
-------------------------	--------

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
FOUR QUARTERS 187 RYE LANE			
Post town	PECKHAM	Postcode	SE15 6TP
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£14000		

#### Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

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

 Yes  
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)

Minor extension to our opening hours  
 Addition of Recorded music to our license  
 Removal of conditions ~~343~~ and 310  
 Amend condition 343 + 4AJ  
 Conditions 349, 355 and 360 removed and  
 replaced with one clear condition  
 Amendments to non-standard timings

Please see attached sheet for further  
 explanation

If your proposed variation would mean that 5,000 or more people are  
 expected to attend the premises at any one time, please state the number  
 expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment****Please tick all 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 checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

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

**Sale by retail 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"/>
				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 performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<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)		
Fri					
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
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)			Will the boxing or wrestling entertainment 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	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>  <u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>  <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 (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
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 checked="" 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					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri	23:00	02:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	02:30			
Sun					

THURSDAY BEFORE GOOD FRIDAY 02:30  
SUNDAY BEFORE A BANK HOLIDAY 02:30  
NEW YEAR'S EVE 04:30  
CLOSEST FRI OR SAT TO HALLOWEEN 03:30

## G

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

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (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 <u>place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<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 provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri	23:00	02:30	<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) THURSDAY BEFORE GOOD FRIDAY 02:30 SUNDAY BEFORE A BANK HOLIDAY 02:30 NEW YEAR'S EVE 04:30 SUPERBOWL SUNDAY 03:30		
Sat	23:00	02:30			
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	11:00	01:00			
Tue	11:00	01:00			
Wed	11:00	01:00			
Thur	11:00	01:00			
Fri	11:00	02:30			
Sat	11:00	02:30			
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	11:00	<del>01:00</del> 00:30	THURSDAY BEFORE A BANK HOLIDAY 02:30 FR SUNDAY BEFORE A BANK HOLIDAY 02:30 NEW YEAR'S EVE 04:30 SUPERBOWL SUNDAY 03:30 CLOSEST FRI OR SAT TO HALLOWEEN 03:30		

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).

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	
Mon	11:00	01:30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)</p> <p>THURSDAY BEFORE <del>BE</del> GOOD FRIDAY 03:00            SUNDAY BEFORE A BANK HOLIDAY 03:00            NEW YEAR'S EVE 05:00            SUPERBOWL SUNDAY 04:00            CLOSEST FRI OR SAT TO HALLOWEEN 04:00</p>
Tue	11:00	01:30	
Wed	11:00	01:30	
Thur	11:00	01:30	
Fri	11:00	03:00	
Sat	11:00	03:00	
Sun	11:00	01:00	

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

4AJ, 310, 349, 355 and 360

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON 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 5 – Signatures (please read guidance note 10)

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

Signature	[REDACTED]
Date	4/9/2015
Capacity	MANAGER

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

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

JOSEPH DOWLING  
24 CHURCHILL COURT  
3A BLENHEIM GROVE

Post town	PECKHAM	Post code	SE15 4QW
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, please give your e-mail address (optional)			
[REDACTED]			

**Conditions to be amended**

**Condition 4AJ** –The 5 persons is based on our frontage being directly on Rye Lane, but we have a recessed smoking area which can comfortably hold 15people without anyone standing on the pavement. Enforcing the 5 persons at any one time has proved near impossible on busy nights, with up to 15 people waiting to go out and smoke, blocking the entrance for patrons coming in or wanting to leave. We also feel this condition is unfair as non-patrons stopping outside, or patrons leaving and waiting for friends or a taxi could in theory be counted as part of the five persons. Our venue capacity has recently been increased and 5 persons is now even more woefully inadequate for our needs.

**Condition 343** – We would like this changed to ‘the venue will serve food until at least 23:00 each night of the week’. The venue can get very busy on certain nights and it becomes very problematic taking orders. The vast majority of our patrons are not interested in eating after this time. It is worth noting our planning consent is now a3/a4 mixed use and no longer temporary a3.

**Conditions to be removed**

**Condition 310** – This relates to condition 4AJ, and we would like to have it removed.

**Condition 349, 355 & 360** - We would like these conditions simplified to one condition –  
'Customers shall use no outside area after 22.00hrs, other than those who temporarily leave the premises to smoke a cigarette'

## OPERATING SCHEDULE

### "General – all four objectives"

- We will liaise with our SIA provider 4 times per year to ensure our door policy is appropriate and a log will be kept of this. *Condition*
- We will review our dispersal policy to ensure it is still appropriate for a later opening venue. This updated dispersal policy will be submitted to the licensing department for approval before this variation takes effect. *Condition*
- A member of management will regularly attend the local Pubwatch scheme. *Condition*
- We will ensure a positive staff and management presence after last orders, and also outside the venue at closing to help with dispersal of patrons in a quiet and orderly manner. *Condition*

### "Prevention of crime & disorder."

- We will enact a discretionary dress code and staff will be trained in its use. *Advisory – could be conditioned if necessary*
- We will operate a policy of no new admissions or re-admissions after 02:15 with signage to that effect. *Condition*
- We will ensure leaflets and notices are visible encouraging vigilance for thefts of personal property, as well as training staff and management to be on the lookout for thieves. Any patrons who do not seem intent on purchasing a meal or a drink will be encouraged to leave the venue. *Condition*
- Any beggars or hawkers will be asked to leave the venue, or where possible not allowed entry, and staff & management will be trained to deal with any hawkers or beggars attempting to engage patrons outside the venue. *Advisory*
- All staff & management, especially SIA staff, will be trained to be vigilant for any patrons attempting to take glassware from the premises. *Condition*

### The following conditions will apply only to DJ events that continue or start post 23:00

- We will employ a minimum of 3 SIA staff, including 1 female. *Condition*
- We will submit a 696 risk assessment for all new DJs and new events involving recorded music 14 days prior to the event. *Condition*
- We shall ensure security staff and management can communicate with each other effectively and easily (provide two way radios & headsets) and will equip one member of SIA staff with a working body cam. *Condition*
- We will conduct bag searches upon entry and random full body searches using a wand. Anyone refusing searches will be denied entry. *Condition*

"Public safety."

- We will use polycarbonate glasses after 01:30 during any DJ events or times when recorded music other than background music is being played. *Condition*
- All staff & management, especially SIA staff, will be actively encouraged to be vigilant for any patrons attempting to take glassware from the premises. *Condition*
- If speakers are suspended from the ceiling or wall they will be double chained for safety to secure mountings. *Condition*
- We shall secure any trailing cables to prevent tripping or tangling. *Advisory*

"The prevention of public nuisance"

We have agreed a series of conditions with Environmental Protection to ensure there will be no loss of amenity and to prevent nuisance occurring from the addition of recorded music to our license.

- 1). Before any licensed entertainment occurs on the premises a sound limiting device shall be installed.
- 2). The sound limiting device shall be set, with the assistance of a qualified sound engineer, to ensure that the maximum levels of volume and bass permitted by the system do not cause a public nuisance outside the premises, nor a disturbance with nearby residential premises.
- 3). The sound limiting device shall be maintained at the set level thereafter.
- 4). Musical instruments and audio equipment used in the premises shall be played through the sound limiting device wherever possible.
- 5). Any additional equipment/electronically amplified instruments imported on to the premises by third parties shall be connected to, and use, the installed sound limited circuit wherever possible.
- 6). Before any licensed entertainment occurs on the premises the main entrance/exit to the street shall be fitted with a noise lobby of adequate dimensions and residence time.
- 7). All external doors and doors to noise lobbies shall have seals, brushes and self-closers fitted in accordance with BS 6459 Pt. 1 1984.
- 8). When music is being played on the premises above conversational/background level all doors and windows, including fire doors, shall remain closed (except for access or egress).
- 9). All speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
- 10). No loud acoustic instruments (e.g. brass, drums or pipes) shall be permitted unless they are effectively muted so that they do not cause a public nuisance outside the premises, nor a disturbance with nearby residential premises.
- 11). There shall be no movement of musical or amplification equipment from the premises between the hours of 00.00hrs midnight and 08.00hrs.

In addition to this

- The location/s and direction/s of any speakers shall be carefully considered to minimise noise outbreak. *Condition*
- We shall make regular checks for noise volumes outside the premises and at the nearest or most exposed residence to ensure compliance with the licensing objective regarding the prevention of public nuisance. *Condition*
- We will ensure staff and SIA are able to offer patrons advice on the opening hours of other venues in the area and public transport or taxis to get home. *Condition*
- On Friday & Saturday nights we will rope off the boundary of our recessed smoking area and to prevent patrons from blocking the pavement. *Condition*
- One member of staff or SIA will overseethat smokers remain behind the boundary rope, while any patrons loitering or smoking on the pavement are asked to move on or return to the venue or recessed area. Once they have finished smoking, patrons will be asked to return inside the venue immediately. *Condition*

*“The protection of children from harm” objective is unaffected by this variation*

Yours Sincerely,  
Joe Dowling  
Barcade Ltd

## Statement to accompany Barcade Ltd Variation Application

### **Firstly some background on the business....**

Four Quarters Arcade Bar & Kitchen opened at the end of June 2014 and has quickly become a much-loved fixture in Peckham's up & coming night-time economy. Numerous glowing reviews and mentions in publications such as metro, Time Out and Southwark News have cemented our reputation as one of London's must visit cult venues and we have brought many people to the area as well as proving popular with locals of all backgrounds. Our position on Rye Lane does offer some challenges but we play an important part in bridging that gap between the ever popular Bussey Building and the Artistic Quarter around Peckham Rye station with the likes of Canavan's and newer establishments such as Lerryn's and Peddler further down Rye Lane. We also play an important role on helping with the overspill from popular nights at Bussey & Canavans which are often sold out or have long queues by 23:00.

We feel the business is well-managed and run which is backed up by our excellent record of public disorder and noise complaints. We are members of the local pubwatch scheme, we were one of the first businesses to sign up to the Southwark Women's Safety Charter and we also have a good working relationship with the local police and SNT, providing intelligence where possible.

### **Addition of regulated Entertainment**

It's important to state that the core of the business remains as was suggested originally, i.e. a primarily seated, café slash bar business.

However, we have reacted to the nature of the area's night-time economy and have been doing a monthly DJ night by way of TENS. The feedback has been excellent with no problems reported at all. The addition of recorded music to our license will play a part in moving the business forward and offering another option for the many people who come to the area on the weekend. These DJ nights will be very much focused on Saturday nights with the occasional Friday/bank holiday event, whereas the rest of the week we will continue with our usual style of offering, i.e. a primarily seated and relaxed restaurant/bar environment.

Also please note we have agreed a series of conditions with Sarah Newman from Environmental protection to avoid any issues of public nuisance

### **Extension of Opening hours and sale of alcohol**

The requested extension to opening hours is focused on Friday and Saturday nights, with a very minor addition to midweek hours. The request for a small midweek extension is less important, but the reasoning behind it is to allow a little bit of flexibility on busy nights, where there are a lot of patrons still in the venue at last orders.

The extension to weekend hours is for two reasons. Firstly to cover the Saturday DJ nights, and secondly so we can service the numerous patrons who wish to continue their evening here, or have failed to get into the Bussey Building/Canavans due to capacity being reached earlier in the night. As you are probably aware there is a big problem with capacity in the Rye Lane area, primarily on Saturday nights and especially during the likes of Soul Train. There are only a handful of late licenses in the area, and such is the popularity now that both Bussey Building and Canavans often reach capacity before midnight, or at least have large queues for most of the night. That often leaves many people roaming the area with nowhere to go and we tend to pick up a lot of that overspill. However, as we close at 02:00, and Bussey and Canavans are usually still at capacity at that time on a Saturday, and we have to turn large numbers of patrons away or onto the street with nowhere to go.

Several representations to a previous application voiced concerns over the *impact the additional hours for operation might have on the promotion of the licensing objectives, and also on the lives of local residents.*

We have actually found that patrons disperse much more gradually during events when we have used TENs, leaving in small numbers with the venue near empty at closing time. This minimises any chances of anti-social behaviour or crime & disorder. For this reason management & SIA staff have even more control on dispersing patrons towards the end of these events, not less. Patrons who stay in the venue past 02:00 tend to go straight home after these events, rather than looking for an alternative venue and potentially impacting on the local residents. I hope it can be appreciated that the areas' night time economy is quite different on a Friday & especially Saturday to any other day of the week.

### **IN SUMMARY**

In summary, the Four Quarters has quickly become a prominent and much-loved fixture in the Peckham area, winning plaudits and acclaim from many websites and magazines and being mentioned in the same breath as many of the area's much more established venues. We offer something completely unique to not only the local area but the whole city as we are the only venue of our kind. Indeed many visitors travel to the area specifically to visit us, which can only be a good thing for the local economy. However, we fully realise our responsibilities as an operator and we are absolutely 100% committed to ensuring the safety and enjoyment of all our patrons whilst minimising any negative effects on the local area and its residents.

We have developed a good understanding of the local night-time economy and our part within that. Four Quarters has quickly become a much-loved and important part of the Peckham night-life, bringing people to the area specifically as well as servicing our many local customers. There are numerous positive online and physical articles that can be found, including regular coverage from Time Out as well as pieces in the Metro and Southwark News and many others.

# Licensing Act 2003 Premises Licence



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

Premises licence number

842964

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Barcade 187 Rye Lane London SE15 4TP  Ordnance survey map reference (if applicable), 176116534373	
<b>Post town</b> London	<b>Post code</b> SE15 4TP
<b>Telephone number</b> 020 7732 6292	

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Films - Indoors  
Late Night Refreshment - Indoors  
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	11:00 - 01:00
Tuesday	11:00 - 01:00
Wednesday	11:00 - 01:00
Thursday	11:00 - 01:30
Friday	11:00 - 02:00
Saturday	11:00 - 02:00
Sunday	11:00 - 01:00

**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

**Films - Indoors**

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 01:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:30

**Late Night Refreshment - Indoors**

Monday	23:00 - 00:30
Tuesday	23:00 - 00:30
Wednesday	23:00 - 00:30
Thursday	23:00 - 01:00
Friday	23:00 - 01:30
Saturday	23:00 - 01:30
Sunday	23:00 - 00:30

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

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 01:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:30

## Part 2

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

Barcade Ltd  
 430 Streatham High Road London  
 SW16 3PX  
 020 3489 6146  
[shop@retrogamebase.co.uk](mailto:shop@retrogamebase.co.uk)

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

08274474

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

Thomas William Humphrey  
 63 Menlo Gardens  
 Upper Norwood  
 London  
 SE19 3DT

**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. 13/00706/LIPERS  
 Authority L.B Croydon

Licence Issue date 12/11/2013



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

## **Annex 1 - Mandatory conditions**

**100** No supply of alcohol may be made under the Premises Licence -

- (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

**101** Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

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

**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.

**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.

**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

(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.

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**

**4AA** The premises shall operate a challenge 25 policy and will not allow any under 18's on site at any time if not accompanied by a responsible adult.

**4AJ** There will be a maximum of 5 patrons smoking on the premises frontage at any time. There shall be no patrons congregating to the rear of the premises.

**112** This licence allows for the premises to remain open for non standard timings as stated on the days below. Christmas Eve until 02:30, New Years Eve until 03:30, Sunday before bank holiday 01:30, Thursday before good Friday until 03:00

**113** This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: Christmas Eve until 02:00am, New Years Eve until 03:00, Sunday before bank holiday Monday - 01:00 Thursday before good Friday until 02:30am

**172** A first aid kit shall be made available at the premises at all times.

**255** Fire extinguishers and equipment shall be inspected yearly at the premises and staff shall be trained in their use.

**262** Waste collections, deliveries, the cleaning of external areas and external waste handling shall take place between the hours of 08.00hrs and 22.00hrs.

**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.

**291** A minimum of two (2) SIA registered Door Supervisors, shall be employed at all times after 20.00hrs till the terminal hour on Friday and Saturday and on all occasions when a DJ is being used or recorded Music is being played other than back ground music.

**293** 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 the Council.

**302** The premises shall operate zero tolerance on all illegal substances.

**310** Customers shall use no outside area after 23.00hrs other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time.

**311** Suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.

**340** Children shall only be allowed entry into the premises before 19:00 and only if accompanied by a responsible adult.

**341** Children shall not be allowed on site at the premises after 19:00.

**342** A challenge 25 policy will be in operation at the premises.

**343** Food shall be served throughout the opening hours of the premises.

- 344** A personal licence holder will be on site after 20:00 when alcohol is supplied.
- 345** All persons appearing under 25 years of age shall be asked for ID.
- 346** Any person who appears intoxicated and/or aggressive will be prevented from entering the premise or if inside will be encouraged to leave and not served alcohol.
- 347** SIA supervisors will be equipped with mechanical counting devices to ensure maximum capacity is not breached.
- 348** Empty glasses will be cleared regularly.
- 349** No glass shall be allowed outside after 22:00.
- 350** At closing time there shall be staff presence to ensure crowds disperse promptly at closing time.
- 351** No alcohol to be taken off the premises.
- 352** There shall be regular staff training to ensure compliance.
- 353** Before the premises license can take effect the ceiling between the premises and the flat above shall be acoustically insulated. The expected internal noise levels shall be considered by the applicant when the insulation is specified and commissioned.
- 354** Before the premises license can take effect the applicant shall install a premises frontage.
- 355** Patrons will not be permitted to have drinks outside, on the frontage, after 22.00hrs any drinks outside before this time shall be in plastic or polycarbonate containers/vessel (no glass).
- 357** Before the premises license can take effect the applicant shall prepare a Dispersal Policy to be submitted to the Licensing Authority for approval.
- 358** Before any food preparation commences, full particulars and details of a scheme for the ventilation of the kitchen to an appropriate terminus, including details of sound attenuation for any necessary plant (noise output shall be 10 dB below the quietest ambient background during the hours the system will be used) and the standard of dilution expected, has been submitted to and approved by the Environmental Protection Team. The installation shall not be installed other than in accordance with any approval given.
- 359** Before any food preparation commences a scheme shall be agreed with the Environmental Protection Team which specifies the provisions to be made for the control of odour emanating from the unit/kitchen extraction system. Further details/plans of the external flue location and terminus are also requested to be submitted. The installation shall not be installed other than in accordance with any approval given.
- 360** No alcohol shall be consumed outside premises after 23.00hrs.
- 361** All licensable activities shall cease 30 minutes prior to the terminal hour.

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

**Annex 4 - Plans - Attached**

Licence No. 842964  
Plan No. N/A  
Plan Date October 2013



The Licensing Unit  
Floor 3  
160 Tooley Street  
London  
SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
Southwark Police Station,  
323 Borough High Street,  
LONDON,  
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/2703 /15

**Date:** 6th October 2015

**Re:- Four Quarters 187 Rye Lane SE15 4TP**

Dear Sir/Madam

Police are in possession of an application from the above to vary the premises licence, the applicant is requesting consideration be given to extending the hours for the current licensable activities and opening times and to include the provision for regulated entertainment by way of recorded music.

The premises previously applied for a variation earlier this year which was heard by the Licensing Sub Committee on the 5th March and was refused.

The original premises licence application was for a Bar/Restaurant type premises with the addition of popular and retro gaming machines. This and the previous application appear to be moving away from this business profile with the addition of regulated entertainment by way of recorded and the clear reference to the use of DJ's every week. This would move the premises more towards a nightclub operation and away from that of a bar/restaurant.

The application also sights several late night Temporary event notices where regulated entertainment formed part of the application that have passed without incident however that does not say that the impact of the premises did not contribute on those nights to higher crime and disorder within the impact zone.

The current licence was granted with a number of control measures to promote the prevention of crime and disorder licensing objective, these include the provision for SIA registered door supervisors.

It was agreed through consultation that if the premises would close at 01:00 on a Monday through to Wednesday then this would negate the requirement for door supervisors on these days. It should also be noted that consideration was given to the fact that there would be no regulated entertainment being provided at the premises.

The premises are located within the cumulative impact zone and as such should be able to provide evidence to the licensing authority that any variation to the licence would not have a negative impact on the licensing objectives. The area is already saturated with late night venues which cause considerable Anti-social behaviour and crime and disorder which

recently include serious sexual assaults, serious violent assaults and general alcohol fuel violence.

The applicant has applied to for an extension to the opening hours, additional licensable activities including recorded music, yet has asked that the conditions to promote the licensing objectives are relaxed or removed. Any terminal hour after 01.00hrs police would normally require SIA security. However due to the original nature the premises was purported to be, this was relaxed so SIA was only required when a DJ was performing. However any further extension to the opening hours either on a weekday or Friday and Saturday we would like to see SIA employed on a permanent basis, for staff and customer safety.

The premises have also applied to remove or change a number of conditions placed on the licence to promote the licensing objectives.

These included the number of smokers and drinks allowed outside. This was placed on the licence to avoid public nuisance both to local residents and other members of the public using the public highway. The calmativie impact of 15 people outside can cause a considerable nuisance and be intimidating for people walking past as such police would like to see the numbers restricted to a maximum of 10 with no drinks after 23.00hrs.

The applicant has offered a condition of no new entry after 02.15hrs which is only 15 minutes prior to the end of licensable activities. The reason for such conditions is to stop the flow of people between venues late at night to reduce public nuisance, anti social behaviour and crime and disorder. Any last new entry should be at latest 01.00hrs and any person leaving the designated smoking area be refused re admission.

The applicant has failed to address what impact the additional hours for operation might have on the promotion of the licensing objectives. I am of the opinion that this variation should put before the licensing sub committee unless further evidence is forthcoming.

Police believe the application should be refused on the above grounds however if the sub committee grants the application we would like to see the following conditions place on the Licence.

### **Monday - Wednesday**

1. *At least one SIA registered Door Supervisor shall be employed at **all** times after 22.00hrs Monday to Thursday.*

### **Friday - Saturday (and Non standard timings)**

2. *That SIA registered Door Supervisors, at least one of whom shall be a female, shall be employed at **all** times after 22.00hrs and the terminal hour that the premises are in use under this licence and provided with Hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and Mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded. When DJ's are being used and recorded music played Three (3) SIA will be required.*
3. *There shall be no new entry or re-entry to the premises after 01.00am except those who leave to smoke in the designated area.*

### **All Week**

4. *A 696 must be submitted for any occasion in a premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded background music, operating any time between 10pm and 6am, that is promoted in*

*some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket."*

5. *Customers shall use no outside area after 23.00hrs other than those who temporarily leave the premises to smoke a cigarette. No drinks shall be taken outside and on Friday, Saturday and non standard times those who do temporarily leave for this reason shall be the subjected to the requirement of a further search.*
6. *A clear designated smoking area shall be in place outside the premises that is clearly separated from other members of the public by roped area or similar barrier.*

Submitted for your consideration

Yours Sincerely

**PC Graham White PC 288MD**

Southwark Police Licensing Unit

Tel: 0207 232 66756

# MEMO: Licensing Unit

---

**To** Licensing Unit      **Date** 7 October 2015

**Copies**

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

**Email** Jayne.tear@southwark.gov.uk

---

**Subject** Re: Barcade Ltd, The Four Quarters, 187 Rye Lane, London, SE15 4TP  
Application to vary the premises Licence – REF 847186

I write with regards to the above application to vary the premises licence which seeks to add the following licensable activities to the premises licence:

- To increase the terminal hour for recorded music on Friday and Saturday from 01:30 to 02:30
- To increase the terminal hour for late night refreshment on Friday and Saturday from 01:30 to 02:30
- To increase terminal hour for the supply of alcohol (on the premises) on Monday to Wednesday from 00:30 to 01:00, and on Friday and Saturday from 01:30 to 02:30

Should this application be granted the closing times of the premises affected by the variation will increase on Monday to Wednesday from 01:00 to 01:30 and on Friday and Saturday from 02:00 to 03:00

The application also seeks to remove the following conditions already placed upon the existing licence:

**4AJ** - *There will be a maximum of 5 patrons smoking on the premises frontage at anytime. There shall be no patrons congregating to the rear of the premises.*

**310** - *Customers shall use no outside area after 23.00hrs other than those who temporarily leave the premises to smoke a cigarette and no more than 5 people at one any time*

**360** - *No alcohol shall be consumed outside premises after 23.00hrs.*

**349** - *No glass shall be allowed outside after 22:00.*

**355** - *Patrons will not be permitted to have drinks outside, on the frontage, after 22.00hrs any drinks outside before this time shall be in plastic or polycarbonate containers/vessel (no glass).*

**343** - *Food shall be served throughout the opening hours of the premises*

and to replace conditions 349, 355 and 360 above with the following wording:

*'customers shall use no outside area after 22:00hrs, other than those who temporarily leave to smoke a cigarette'*

and condition 343 with the following wording

*'the venue will serve food until at least 23:00hrs each night of the week'*

Adding more licensable activities, increasing the operating hours and asking for the removal of conditions designed as control measures to address crime and disorder and public nuisance would have a detrimental impact on those licensing objectives.

The application seems to be seeking to change the nature of the business to that of a nightclub. The late operation of the premises and of people leaving the premises late at night would impact upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises if it were allowed to open later and the possible impact of any rowdy and anti-social behavior or crime and disorder.

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 licenses 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.

I am aware that on 3 November 2014 the Council's Licensing Committee considered the Partnership Analysis of Alcohol Related Violence Etc. for Southwark 2013 and decided upon the basis of this, that the council's current cumulative impact policy for the Peckham area remained appropriate and necessary. This policy has the effect of introducing a rebuttable presumption to refuse applications for new / extended licences within the specified area where representations are raised that an application potentially adds to the concerns that gave rise to this policy decision. This premises falls within the boundaries of the policy area. It is my opinion that, in the form presented, this application has the potential to add to the concerns raised within the analysis over high local levels of alcohol related violence / crime and disorder and / or London Ambulance Service call-outs.

Given this I would wish to make a representation under the prevention of crime and disorder and public nuisance licensing objective. It should be for the applicant to demonstrate to the licensing committee that he has adequately addressed the concerns raised by the partnership analysis and that the premises is capable of being operated in the manner intended without adding further impact upon the local community

I therefore submit this representation for the licensing sub-committee to consider and my recommendation is that the application is refused.

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

**From:** [Regen. Licensing](#)  
**To:** [Swaby, David](#); [McArthur, Wesley](#)  
**Cc:** [Franklin, David](#)  
**Subject:** FW: Variation of Premises Licence Application-Four Quarters Bar, 187 Rye Lane, SE15 4TP  
**Date:** 29 September 2015 11:46:01

---

---

**From:** Turay, Michael  
**Sent:** Tuesday, September 29, 2015 10:51 AM  
**To:** 'fourquartersbar@gmail.com'  
**Cc:** Regen, Licensing; 'SouthwarkLicensing@met.police.uk'  
**Subject:** Variation of Premises Licence Application-Four Quarters Bar, 187 Rye Lane, SE15 4TP

Dear Sir/Madam,

The Environmental Protection Team has no objections to the variation of the wording of the conditions 4AJ, 349, 355 and 360 to the following :

**Condition 4AJ**-There shall be no more than **12 persons maximum permitted to smoke on the premises frontage at any time** (NB The EPT permit this because of the double frontage shop and the recess area which should minimise or prevent patrons blocking the pavement)

**Condition 349 & 360**- The applicant shall not permit Patrons to use the outside area of the premises for drinking after 22:00 hours only, other than those who temporary leave the premises to smoke

**Condition 355**- All drinks taken outside of the premises at any time shall be in plastic or polycarbonate containers/vessels

**Condition 343**-The EPT has no objections to the provision of Late Night Refreshment until 23:00 hours weeknights only, however, the Responsible Authority may want to comment on this.

Regards,

Michael Turay  
Principal Environmental Protection Officer  
Environmental Protection Team  
| 3rd floor | Hub 2 | 160 Tooley Street | London | SE1 5LX.  
Tel: 020 7525 7235 | Fax: 0207 525 5705  
Email: [michael.turay@southwark.gov.uk](mailto:michael.turay@southwark.gov.uk)

Please consider the environment - do you really need to print this email?

**From:** [Turay, Michael](#)  
**To:** [Swaby, David](#)  
**Subject:** Four Quarters  
**Date:** 22 October 2015 15:52:08

---

David,

The Environmental Protection Team makes representation to the variation application under the licensing objective of the prevention of public nuisance. The team is concerned that the number of patrons outside the premises could give rise to noise disturbances to local residents, particularly late in the evening when ambient sound levels in the area subsides

Regards

Michael

Appendix D - Party 1

[REDACTED]  
[REDACTED]  
[REDACTED] Lugard Road  
Peckham  
London  
SE15 2SZ

Letter of Support for License Variation Application 849688

Dear Sir or Madam,

I would like to offer my support to the License Variation Application 849688 from Barcade Ltd on the grounds that it will positively affect the licensing objectives 'Prevention of Public Nuisance', 'Public Safety' and 'Prevention of Crime and Disorder'.

Four Quarters is a well-managed venue and has a good relationship with local residents and police. If the license variation is successful it will provide much needed extra capacity in the area late at night on weekends. With Bussey Building and Canavans often at capacity by midnight there are often numerous patrons with nowhere to go. Four Quarters provides a safe drinking environment and it is better for some of these people to be inside a venue with trained SIA staff and management rather than on the streets potentially causing a nuisance or worse.

As someone who has attended a wide variety of their events I have also noticed that when people leave this venue after 02:00 during nights run on Temporary Event Notices they tend to disperse gradually rather than en masse and they also are more likely to leave the area and return home rather than seeking entry to another establishment. This will cause a positive effect on the licensing objectives 'Prevention of Public Nuisance', 'Public Safety' and 'Prevention of Crime and Disorder'.

Yours sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dated: 06/10/2015

Party 2

[REDACTED]  
Churchill Court  
Blenheim Grove  
London  
SE154TP

Letter of Support for License Variation Application 849688

Dear Sir or Madam

I would like to offer my support to the License Variation Application 849688 from Barcade Ltd on the grounds that it will positively affect the licensing objectives 'Prevention of Public Nuisance', 'Public Safety' and 'Prevention of Crime and Disorder'.

Four Quarters is a well-managed venue and has a good relationship with local residents and police. If the license variation is successful it will provide much needed extra capacity in the area late at night on weekends. With Busséy Building and Canavans often at capacity by midnight there are often numerous patrons with nowhere to go. Four Quarters provides a safe drinking environment and it is better for some of these people to be inside a venue with trained SIA staff and management rather than on the streets potentially causing a nuisance or worse.

I have also noticed that when people leave this venue after 02:00 during nights run on Temporary Event Notices they tend to disperse gradually rather than en masse and they also are more likely to leave the area and return home rather than seeking entry to another establishment. This will cause a positive effect on the licensing objectives 'Prevention of Public Nuisance', 'Public Safety' and 'Prevention of Crime and Disorder'.

Yours sincerely,

[REDACTED]  
Dated: 01/10/2015 [REDACTED]

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 5 MARCH 2015****LICENSING ACT 2003: FOUR QUARTERS 187 RYE LANE, PECKHAM, SE15 4TP****1. Decision**

That the variation application submitted by Barcade Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Four Quarters 187 Rye Lane, Peckham, London SE15 4TP is refused.

**2. Reasons**

This was a variation application submitted by Barcade Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Four Quarters 187 Rye Lane, Peckham London SE15 4TP.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that the premises had been open since June 2014 and that they had been operating monthly DJ nights on Saturday nights by way of temporary event notices and had not to date received any complaints.

The applicant sought to reduce the variation application in respect of the extended hours and stated that they considered that staff training and a dispersal policy would assist in reducing the negative cumulative impact.

The applicant acknowledged that they had breached various conditions of their licence in October 2014 and stated that this was due to teething problems. A recent inspection in February 2015 confirmed that at that time they were compliant with the license conditions.

The applicant also stated that they are members of the local pub watch scheme.

The applicant stated that they would seek to ensure that patrons were encouraged to leave the venue in a quiet and orderly manner. However, within the application, the applicant sought to reduce the required times for SIA door staff to be on duty.

The applicant emphasised that the operation of the premises as a café restaurant venue remained their priority and indicated that they intended to submit a planning application with a view to change the current use of the premises.

The licensing sub-committee heard from the Metropolitan Police representative who stated that he did not consider the variation application to extend the hours and alter conditions to accord with the current licence and operating schedule. He further stated that that he considered the variation application to be similar to that of a night club venue.

Whilst he acknowledged that at present the premises appeared to be compliant with the licensing conditions he emphasised that this is in accordance with the premise's current format and expressed strong concern that the variation application, of extended hours throughout the week and at weekends, along with the removal or amendment of the current conditions would have a negative cumulative impact on the area.

He expressed concern with regards to the impact of crime and disorder, for example, by extending the

hours and reducing the requirement for SIA door staff the applicant would encounter further difficulty in policing the licensing conditions.

He further stated that the variation application had not sufficiently addressed the requirement that the application demonstrates that there will be no negative cumulative impact on one or more of the licensing objectives, particularly the prevention of crime and disorder and the promotion of public safety.

The licensing sub-committee heard from the planning officer who expressed concern that the variation application, in its current form, was similar to that of a night club venue and therefore not in accord with the current licence.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who stated that the premises are situated in the Peckham saturation zone. She highlighted that the effect of this special policy is to create the presumption that applications for new premises licence applications or variations, that are likely to add to the existing cumulative impact would normally be refused, following 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.

The licensing officer stated that the variation application, in its current form, strongly indicates the intention to operate the premises in a similar manner to that of a nightclub and does not adequately address how the variation application, to extend the hours and remove and amend current conditions, will not add to or raise crime and disorder or public nuisance in the saturation zone.

The licensing sub-committee noted that the environmental protection team had conciliated with the applicant and had proposed several conditions, agreed to by the applicant, in the event that the sub-committee granted the application.

The sub-committee were of the view that this variation application did not adequately demonstrate that there would be no negative cumulative impact of the licensing objectives so as to deviate from the presumption not to grant such applications within the saturation zone.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate to address the licensing objectives.

### **3. Appeal rights**

The applicant may appeal against any decision

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That the licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions on the licence, or ought to have modified them in a different way

May appeal against the decision.

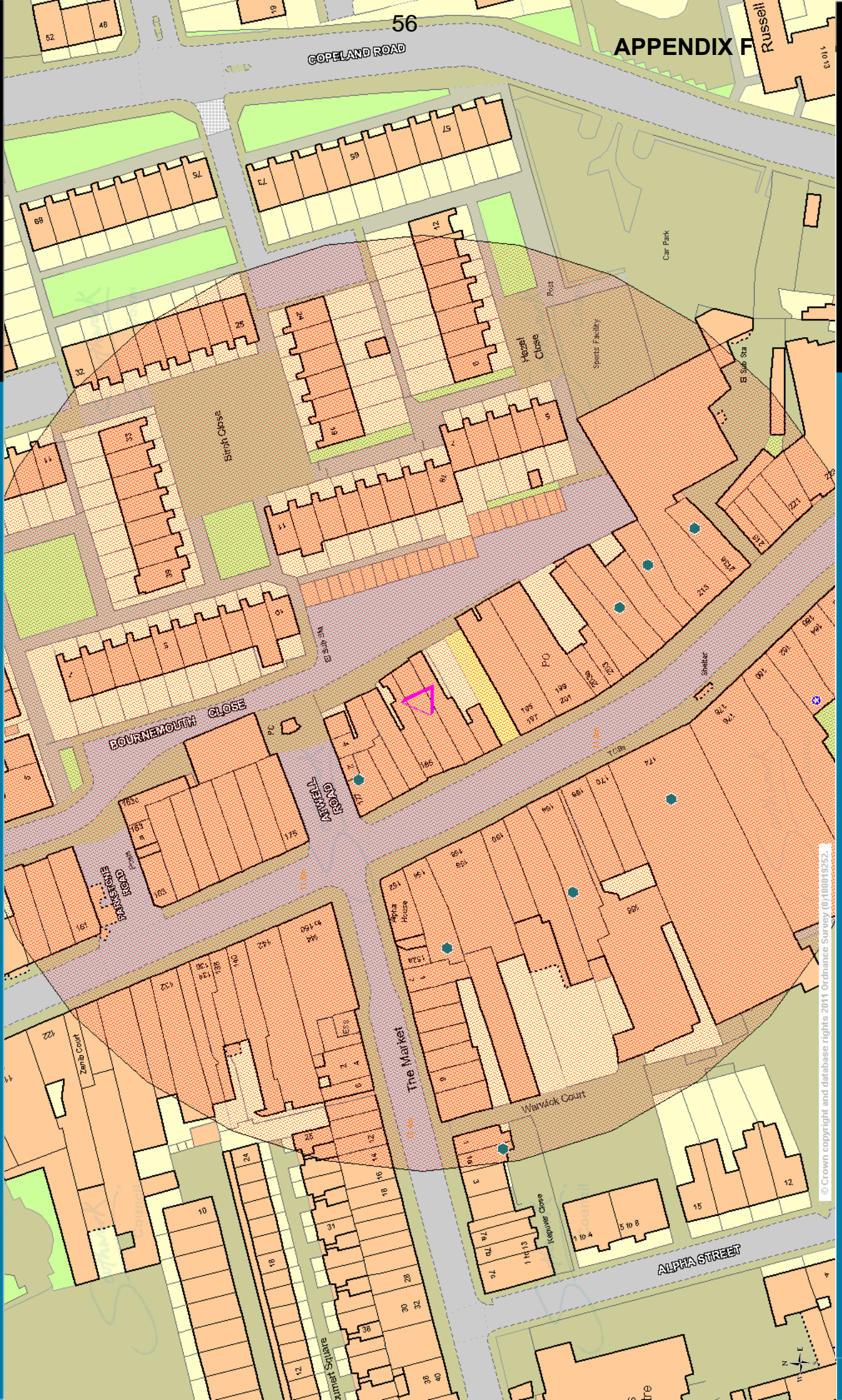
Any appeal must be made to the magistrates' court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was

notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 5 March 2015

Date 23/10/2015



© Crown copyright and database rights 2011 Ordnance Survey (0100019252).

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

**NOTE:** Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

Name	No of copies	Name	No of copies
<b>Members</b>		<b>Officers</b>	
Councillor Lorraine Lauder	1	Debra Allday, Legal team	1
Councillor Eliza Mann	1	David Franklin, Licensing team	1
Councillor Charlie Smith	1	David Swaby, Licensing team	1
<b>Reserve</b>		Jayne Tear, Licensing team	
Councillor Adele Morris	1	Michael Turay, Environmental protection team	1
		<b>Others by email</b>	4
		Andrew Weir (spares)	5
		<b>Total printed copies: 13</b>	
		<b>Dated: 27 October 2015</b>	