

Licensing Sub-Committee

Wednesday 13 January 2016

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Jon Hartley
Councillor Eliza Mann

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Andrew Weir on 020 7525 7222 or email: Andrew.weir@southwark.gov.uk
Webpage: www.southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 5 January 2016



Licensing Sub-Committee

Wednesday 13 January 2016
10.00 am
Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: EL PATACON, 16 TOWER BRIDGE ROAD, LONDON SE1 4TR	1 - 40
6.	LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE	41 - 46
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.	

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.”

7. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE

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

Date: 5 January 2016

Item No. 5.	Classification: Open	Date: 13 January 2015	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: El Patacon, 16 Tower Bridge Road, London SE1 4TR	
Ward(s) or groups affected:		Grange	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Café 16 Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as El Patacon, 16 Tower Bridge Road, London SE1 4TR.
2. Notes:
 - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as El Patacon under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from responsible authorities and is therefore referred to the Sub-Committee for determination
 - b) Paragraphs 10 and 11 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) Paragraph 13 of this report deals with the representation received to the variation of premises licence application. A copy of the relevant representation is attached as Appendix C.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act provides a licensing regime for:
 - a) The sale of and supply of alcohol
 - b) The provision of regulated entertainment
 - c) The provision of late night refreshment.
4. Within Southwark, this Council wholly administers the licensing responsibility.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - a) The prevention of crime and disorder
 - b) The promotion of public safety
 - c) The prevention of nuisance
 - d) The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to:
- a) The Act itself
 - b) The Guidance to the act issued under Section 182 of the Act
 - c) Secondary regulations issued under the Act
 - d) The licensing authority's own Statement of Licensing Policy
 - e) The application, including the operating schedule submitted as part of the application
 - f) Relevant representations.
7. The 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 El Patacon, 16 Tower Bridge Road London SE1 4TR was issued on 28 October 2015. It allows the following licensable activities:
- Late night refreshment (indoors)
Friday to Sunday from 23.00 to 01.30
 - Sale of alcohol (on the premises):
Monday to Thursday from 11.00 to 17.30
Friday to Sunday from 11.00 to 01.30
 - Operating hours
Monday to Thursday from 07.00 to 18.00
Friday to Sunday from 07.00 to 02.00
9. A copy of the existing premises licence is attached as Appendix B.

The variation application

10. On 28 October 2015, Café 16 Limited applied to this Council to vary the premises licence issued in respect of the premises known as El Patacon, 16 Tower Bridge Road London SE1 4TR.

The application is summarised as follows:

- Late night refreshment (indoors)
Monday to Thursday from 23.00 to 01.30
- Sale and supply of alcohol
Monday to Thursday from 17.30 to 01.30
- Operating hours
Monday to Thursday from 18.00 – 02.00.

11. The variation to the premises licence application form provides the applicant operating schedule. Parts I, J, K, L and M set out the 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 P of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

12. The designated premises supervisor under the existing premises licence is Edwin Weimar Hincapie Buitrago, who holds a personal licence from Greenwich Council.

Representations from responsible authorities

13. A representation has been received from Metropolitan Police Service. They state that the application is requesting late night refreshments and alcohol until 01.30 with a terminal hour of 02.00 on Monday to Thursday. The premises are situated underneath residential flats and next door to a residential care home for the elderly. When the original licence was applied for the current hours were agreed so the local residence would not be disturbed seven days a week. The hours applied for are likely to cause public nuisance and possibly anti social behaviour in the vicinity and have a detrimental impact on the residence. A copy of the representation is attached as Appendix C.

Representations from other persons

14. There are no representations from other persons.

Operating History

15. In July 2005 the existing licences (justice's licence), were converted to a premises licence under the Licensing Act 2003. There have been no complaints against this premises. There have been no temporary event notices within the last 12 months.

The local area

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

Off licences

- Tower Wines, 33 Tower Bridge Road, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30)

Public houses

- The George P.H, 40 Tower Bridge Road, London SE1 (Monday to Sunday till 01:30)

Southwark Council statement of licensing policy

17. 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.
18. 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

19. A fee of £190 has been paid by the applicant in respect of this application being the statutory fee payable for premises within non-domestic rateable value band C.

Consultation

20. 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

21. 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 and Democracy

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

Principles for making the determination

24. 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.

25. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
26. 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 other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
27. 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

28. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
29. The four licensing objectives are
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
30. 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.
31. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
32. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional 2 conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
33. Members are also referred to the Department for Culture, Media and Sport (DCMS) guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

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

Hearing procedures

35. 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.
36. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

37. 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.
38. 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.

39. 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.
40. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
41. 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.
42. 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.
43. 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

44. 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	C/O Southwark Licensing, Community Safety & Enforcement, 3 rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Kirty Read Tel:02075255748

APPENDICES

Name	Title
Appendix A	Variation application
Appendix B	Current premises licence
Appendix C	Representation from the Metropolitan Police Service
Appendix D	Map of the area

Audit trail

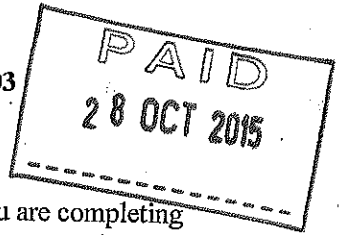
Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	22 December 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 December 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 Cafe 16 Limited
(Insert name(s) of applicant)

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

Premises licence number	<u>848735 850191</u>
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Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<u>EL PATACON</u> <u>16 Tower Bridge Road</u>			
Post town	<u>London</u>	Postcode	<u>SE1 4TR</u>
Telephone number at premises (if any)	<u>0203 720 8500</u>		
Non-domestic rateable value of premises	£ <u>13,000</u>		

Part 2 - Applicant details

Daytime contact telephone number	<u>0203 720 8500</u>		
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)

Late Night Refreshment.

Monday - Thursday

23:00 - 1:30 AM

Sale of Alcohol.

Monday - Thursday

17:30 - 1:30 AM.

Opening Hours

Monday - Thursday = 18:00 - 2:00 AM.

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

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

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	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	1:30	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23:00	1:30			
Wed	23:00	1:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	1:30			
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

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	18:00	2:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	18:00	2:00	
Wed	18:00	2:00	
Thur	18:00	2:00	
Fri			
Sat			
Sun			

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

Please tick as appropriate

- I have enclosed the premises licence *with Southeast Council*
- I have enclosed the relevant part of the premises licence

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

*I am waiting for my DPS
and have paid \$10.50 for
copy.*

M

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

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

SAME Conditions AS Licence
848735

b) The prevention of crime and disorder

Same as Above

c) Public safety

SAME as Above

d) The prevention of public nuisance

Same as Above

e) The protection of children from harm

Same as Above

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	28/10/15
Capacity	Company Director

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

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

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

Licensing Act 2003 Premises Licence

27



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

Premises licence number

850191

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
El Patacon 16 Tower Bridge Road London SE1 4TR	
Ordnance survey map reference (if applicable), 179073533095	
Post town London	Post code SE1 4TR
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
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 07:00 - 18:00
Tuesday 07:00 - 18:00
Wednesday 07:00 - 18:00
Thursday 07:00 - 18:00
Friday 07:00 - 02:00
Saturday 07:00 - 02:00
Sunday 07:00 - 02:00

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

Late Night Refreshment - Indoors

Friday	23:00 - 01:30
Saturday	23:00 - 01:30
Sunday	23:00 - 01:30

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 17:30
Tuesday	11:00 - 17:30
Wednesday	11:00 - 17:30
Thursday	11:00 - 17:30
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 01:30

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

Cafe 16 Limited
16 Tower Bridge Road,
London, SE1 4TR

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

9224561

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

Edwin Weimar Hincapie Buitrago

██████████
██████████

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. ██████████
Authority LB Greenwich

Licence Issue date 28/10/2015



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

Annex 1 - Mandatory conditions

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

(a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

(b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

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

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

255 That suitable fire extinguishers shall be kept at the premises. The fire extinguishers shall be inspected by a person qualified to do so at least once annually to ensure that they are in full working order. The details of the inspection shall be kept at the premises and shall be made available to officers of the council, police or fire brigade upon request. Should extinguishers at the premises be under 1 year old documentation providing proof of the extinguishers purchase date shall be kept at the premises and shall be made available to officers of the council, police or fire brigade upon request.

288 That a CCTV system shall be installed at the premises and shall be in operation and maintained in full working order at all times that the premises are in use in accordance with the premises licence. The CCTV system shall be able to record a clear facial image of any person who enters the premises and shall have a 31 (thirty one) day recording capacity. Footage recorded by the CCTV system shall be made available to officers of the police or council on request.

290 That SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times after 22:00hrs that the premises are in use under this licence.

293 That all staff shall be trained in their responsibilities under the Licensing Act 2003 and records pertaining to such training shall be kept at the premises and updated every 6 months. The records shall be made immediately available to officers of the police and the council upon request.

298 That clearly legible signage stating to the effect that the premises is a drug free zone and that the use of banned substances will not be tolerated will be prominently displayed both in the dining area and in the toilets in such a manner so that it can easily be seen and read. Such signage shall be written in both English and Spanish and shall be maintained free from obstruction at all times.

308 That there shall be no entry or re-entry to the premises after 00:00 hours.

310 That customers shall use no outside area of the premises after 22:30 hours other than those who temporarily leave the premises to smoke a cigarette. No more than 5 customers shall be permitted to smoke outside the premises after 22:30 at one any time.

311 That clearly legible signage requesting to the effect that customers leave the premises in a quiet and orderly manner will be prominently displayed at the exit in such a manner that it can easily be seen and read. Such signage shall be written in both English and Spanish and maintained free from obstruction at all times.

336 That a personal licence holder shall be on the premises and on duty at all times that intoxicating liquor is supplied after 22:00 hours on Friday and Saturday nights.

340 A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.

341 The CCTV system will display the correct time and date on any & all recordings made by the system.

342 That no spirits (liquids / drinks containing more than 20% ABV) are to be sold by the bottle or half bottle. All spirits shall be sold in measures of 25ml or 35ml at a maximum of two measures per container / glass.

343 That all licensable activities shall cease 30 minutes prior to the terminal closing hour.

344 That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal.

345 That customers shall not be permitted access to any food preparation area.

346 That all fire extinguishers kept at the premises shall be kept free from obstruction and shall be located in easily accessible areas at all times.

347 That alcohol shall be stored where it can easily be seen at all times by staff working at the pay counter.

348 That any person who appears to be intoxicated or who is engaging in anti-social behaviour shall not be permitted entrance to the premises.

349 That the depositing of waste glass / earthenware into external waste receptacles shall not take place between 22:00 and 07:00 the following day

350 That the mass depositing of waste glass / earthenware into internal waste receptacles shall not take place between 22:00 and 07:00 the following day. This condition allows the separate depositing of individual pieces of waste glass / earthenware into small internal waste receptacles throughout the operating hours of the premises.

4AA That a "Challenge 25" policy shall be maintained at the premises. The policy shall require any person who is attempting to buy alcohol and who appears to be under 25 years old to provide valid photographic identification comprising of a passport, driving licence or proof of age standards scheme (PASS) accredited card proving that they are at least 18 years old.

4AB All staff involved in the sale or supply of alcohol shall be trained in the Challenge 25 policy. A written log of the training, which shall include the name of the trainee, the date of the training & the trainee's signature shall be kept at the premises and shall be provided to officers of the council or police on request.

4AC That clearly legible signage will be prominently displayed where it can easily be seen and read stating to the effect that a Challenge 25 policy is in place at the premises. Such signage shall be written in both English and Spanish and maintained free from obstruction at all times.

4AI A register of refused sales of alcohol which is clearly marked with details of the premises address and name of the licence holder shall be maintained in order to demonstrate effective operation of the Challenge 25 policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

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

Annex 4 - Plans - Attached

Licence No. 850191

Plan No.

Plan Date



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/ 2711/15

Date: 24th November 2015

Re:- El Patacon, Tower Bridge Road, London SE14TR

Dear Sir/Madam

Police are in possession of an application from the above for a variation to their premise licence.

The applicant has requested late night refreshments and alcohol until 01.30hrs with a terminal hour of 02.00hrs Monday to Thursday.

The premises are situated underneath residential flats and next door to a residential care home for the elderly. When the original licence was applied for the current hours were agreed so the local residence would not be disturbed 7 days a week. The hours applied for are likely to cause public nuisance and possibly anti social behaviour in the vicinity and have a detrimental impact on the residence.

The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

El Patacon, 16 Tower Bridge Road, SE1

Date 17/12/2015



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Item No. 6.	Classification: Open	Date: December 2015	Meeting Name: Licensing Sub-Committee
Report Title:		Licensing Act 2003: Application for a Personal Licence	
Ward(s) or groups affected:		None	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee decide whether to grant the application for a personal licence made under section 117 of the Licensing Act 2003 to the individual specified in the closed report.
2. Notes:
 - a) The representations have been made in respect of this application by the Commissioner of Police for the Metropolis.
 - b) Due to the level of personal data in relation to this application, personal details have been omitted from this report. A closed version will be available to relevant participants at the hearing.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a licensing regime for the sale of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.
4. This new licensing regime became effective as of 24 November 2005. From this date, licensable activities under the Act can only be carried on under the appropriate combination of personal and premises licences, club premises certificates and temporary event notices.
5. Except for circumstances where the police raise representations, properly made applications will be granted.

KEY ISSUES FOR CONSIDERATION

The personal licence application process

6. A personal licence is required under the Act by any person who intends to operate in a position where they will authorise the sale or supply of alcohol in conjunction with a premises licence. Applications for personal licences are made to the local

authority for the area in which the applicant normally resides. Licences do next expire and are portable.

7. Individuals seeking a personal licence must:
 - Possess an accredited licensing qualification or be a person of a prescribed description.
 - Have had no personal licence held by them forfeited in the period of five years ending with the day the application was made.
 - Provide a criminal records disclosure (or certified copy of it).
 - Provide a photograph of him or herself, endorsed to the effect that it is a true likeness.
 - Provide a statement (by way of a form entitled “disclosure of convictions and declaration”) giving details of any relevant or foreign offence of which they have been convicted.
 - Provide a copy of the application to the police within 48 hours of the application being made.
 - Pay the appropriate fee of £37.

8. Where the applicant has been convicted of a relevant offence or foreign offence and the chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, the chief officer of police must give an “objection notice” no later than 28 days after the day on which a copy of the application is provided. Unless this “objection notice” is withdrawn, the local authority must hold a hearing to consider the objection and must determine the matter within a period of three months beginning on the day on which the authority receives the application.

The application under consideration

9. On the 26 November 2015, the applicant applied to this council under section 117 of the Licensing Act 2003 for a personal licence. The application was accompanied by the additional documentation and information outlined in paragraph seven above.
10. A copy of the application and the disclosure certificates are attached as Appendix A of the closed report.

Police notice of objection

11. On 26 November 2015 the Commissioner of Police for the Metropolis made objection in respect of the original application. A copy of the objection notice is attached as Appendix B of the closed report.

12. The police propose that the information provided in the objection notice be taken into consideration and the matter is put to the licensing sub-committee accordingly.

The Licensing Act 2003 and the Southwark Council statement of licensing policy

13. The Licensing Act 2003 requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives, which are:

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

14. In carrying out its 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
- Relevant representations.

15. Council assembly approved the Southwark Council statement of licensing policy on 8 December 2004. Sections of the statement that are considered to be of particular relevance to this application are:

- Section three which sets out the purpose and scope of the policy and reinforces the four licensing objectives.
- Section four covering administration, exercise and delegation of function which deals with the licensing process.
- Section six details other relevant council and government policies including the relevant Articles under the Human Rights Act 1998.

16. The purpose of Southwark's licensing statement of 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 applications placed before it. 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

17. A fee of £37 has been paid by the applicant, being the statutory fee payable in respect of an application for a personal licence. The fee makes a contribution toward the cost of processing the application.

Consultation

18. The provisions of the Licensing Act 2003 do not provide for any consultation beyond that with the Commissioner of Police for the Metropolis.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

19. The sub-committee is asked to determine the application for a grant of personal licence. The application for a personal licence should normally be granted without the need for a hearing if no relevant objections were received from the police on crime and disorder grounds.
20. It is important to distinguish the application for grant/renewal of a personal licence under the Licensing Act 2003 from the type of applications previously heard by the sub-committee, where a licence was renewed or an applicant sought to vary. The principles that apply are significantly different in many respects (although the requirement to give all parties a fair, unbiased hearing remains).
21. The principles which sub-committee members must apply are set out below.

Principles for making the determination

22. The general principle is that applications must be granted unless relevant representation is received. This is subject to the proviso that the applicant has not been convicted of, or committed any of the relevant offences as contained in Schedule 4 of the Licensing Act 2003.

Determination of application for grant of personal licence

23. The sub-committee's discretion is thus limited. It can only grant, or refuse the personal licence, if it is necessary to do so in regards to the promotion of the prevention of crime and disorder.

Hearing procedures

24. 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
 - 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.

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

25. 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.
26. 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.
27. The licensing sub-committee is entitled to consider other information not contained in this document if they are relevant, i.e. are properly attributable to the suitability of the applicant to hold a licence. Guidance is that the licensing authority will primarily focus on the direct impact of granting the personal licence to the applicant on members of the public, living, working or engaged in normal activity in the area concerned.
28. Members will be aware of the council's code of conduct that requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

Guidance

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Southwark Licensing, Hub 2, Floor 3, 160 Tooley Street, London SE1 2QH	Kirty Read 0207 525 5748

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Mark Orton, Licensing Officer	
Version	Final	
Dated	18 December 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	18 December 2015	

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

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