

Licensing Sub-Committee

Monday 14 March 2016

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Tom Flynn

Reserves

Councillor Eliza Mann

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 4 March 2016



Licensing Sub-Committee

Monday 14 March 2016
10.00 am

Ground Floor Meeting Room G02C - 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: PAYLESS, 94-96 PECKHAM ROAD, LONDON SE15 5PY	1 - 37
6.	LICENSING ACT 2003: NEAL'S YARD DAIRY LIMITED, 6-8 PARK STREET, LONDON SE1 9AB	38 - 74
ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT		

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 4 March 2016

Item No. 5.	Classification: Open	Date: 14 March 2016	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Payless, 94-96 Peckham Road, London SE15 5PY	
Ward(s) or groups affected:		The Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Imran Shah for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Payless, 94-96 Peckham Road, London SE15 5PY.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 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) Paragraphs 12 to 18 of this report deal with the representations received to the application. Copies of the representations from responsible authorities and related correspondence are attached as Appendix B. A map showing the location of the premises is attached as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 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 premises licence application

8. On 18 January 2016 Imran Shah applied to this council for the grant of a new premises licence in respect of a convenience store known as Payless, 94-96 Peckham Road, London SE15 5PY.

9. The application is summarised as follows:
 - To permit the sale / supply of alcohol for consumption off the premises and allow opening hours as below:
 - Sunday to Thursday between 06:30 and 02:00 hours the following day
 - Friday and Saturday between 06:30 and 03:00 hours the following day

10. The premises licence application form provides the applicant's operating schedule. Parts J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor (DPS) is Imran Shah who holds a personal licence issued by the London Borough of Newham.

Representations from responsible authorities

12. Four representations were submitted by this council's environmental protection team (EPT), The Metropolitan Police Service, this council's trading standards service and this council's licensing service in its role as a responsible authority.
13. The EPT representation stated that "The operational schedule for this premises contains no detail or suggested conditions regarding the prevention of public nuisance other than the provision of a sign on the door. Given the hours proposed EPT consider this inadequate to ensure no public nuisance is caused." The EPT suggested that the application be amended to reduce the proposed hours sought for the sale of alcohol to terminate at 00:00 (midnight) Sunday to Thursday and at 01:00 Friday and Saturday. The applicant agreed to this amendment and the EPT withdrew their representation. A copy of the EPT representation and related correspondence is attached to this report in Appendix B.
14. The police representation contends that an application to vary the existing premises licence issued in respect of the premises should have been submitted instead of an application for a new premises licence, and that the existence of two premises licences, should a new premises licence be granted, could cause problems in respect of future enforcement. The police representation notes that the premises falls within the Peckham cumulative impact policy zone. The police representation notes that the premises is situated in a major town centre as defined in this council's statement of licensing policy and that the hours proposed in the application fall outside the hours suggested in the statement of licensing policy in respect of major town centres. The representation further contends that the grant of the application would cause unnecessary public nuisance to local residents and increase the possibility of anti social behaviour and crime and disorder in the area. The representation states that if the application is granted that the following conditions be included in the licence:
 - 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.
 - That all CCTV footage be kept for a period of 31 days and shall be made immediately available to officers of the police and the council on request.
 - That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises, unless written permission is obtained from the police licensing officer prior. Such permission must be kept at the premises and made available immediately on request to relevant authorities".
 - That no alcohol to be displayed or stored within one metre of the entrance door.
 - That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.

- That a personal licence holder will be on the premises at all times after 20:00 and intoxicating liquor is being offered for sale.
15. A copy of the police representation and related is attached to this report in appendix B.
 16. The trading standards representation notes that there is already a premises licence issued in respect of the premises and that the application for a new licence contains different conditions to those conditions stated in the existing premises licence. Trading standards are of the view that any new licence should include the same conditions as the existing licence and that the existing licence should be surrendered to aid in effective enforcement. Trading standards refer to section seven of this council's statement of licensing policy in respect of suggested hours of operation. A copy of trading standard's representation is attached to this report in Appendix B.
 17. The representation from this council's licensing service notes that a premises licence allowing the sale of alcohol at the premises already exists at the premises and that the application for a new licence omits some of the conditions that were placed on the existing licence to address the prevention of crime and disorder and prevention of public nuisance licensing objectives, and that the application for a new premises licence seeks longer operating hours. The representation notes that in this council's statement of licensing policy the recommended appropriate terminal operating hour in respect of the sale of alcohol in grocers and supermarkets in major town centres is 00:00 daily. The representation notes that the premises falls within the Peckham cumulative impact policy zone and that the proposed hours of operation have the potential to add to the concerns raised in the analysis that the Peckham cumulative impact policy is based on. The representation is submitted in relation to the prevention of crime and disorder and prevention of public nuisance licensing objectives and the licensing service contend that the applicant must demonstrate to the licensing sub-committee that the premises is capable of being operated in the manner intended without further impact upon the local community. A copy of the licensing service's representation is attached to this report in Appendix B.
 18. As the representations submitted by the Metropolitan Police Service, this council's trading standards service and this council's licensing service refer to the existing premises licence (number 845109) issued in respect of the premises and licence number 845109 is held by the applicant in respect of the application being considered in this report, premises licence number 845109 is included in this report as Appendix C. Notwithstanding the fact that the premises already has a premises licence, the sub-committee are reminded that any new application must be considered on its own merit.

Representations from other persons

19. No representations were submitted by other persons.

Conciliation

20. The applicant was sent the representations received and was advised to contact the responsible authorities directly to address the concerns in their representations. The applicant contacted the EPT and agreed to amend the hours sought in respect of the sale of alcohol so that such sales terminate at 00:00 (midnight) Sunday to Thursday and at 01:00 Friday and Saturday. The EPT subsequently withdrew their representation. At the time of the writing of this report the representations submitted by the Metropolitan Police Service, this council's trading standards service and this

council's licensing service remain outstanding and must be considered by the sub-committee. The sub-committee will be updated as to any conciliation of the outstanding representations at the hearing to determine this application.

Premises history

21. A temporary event notice to allow the sale of alcohol at the premises on 27 December 2012 to 31 December 2012 between 06:00 and 23:00 on each day was submitted to this council on 14 December 2012. No objection notice was submitted in respect of the temporary event notice and the temporary event notice was granted.
22. A premises licence was issued to Mohammad Zaheer Ali in respect of the premises on 31 January 2013 following a decision made by the licensing sub-committee at a hearing.
23. On 1 March 2013 an inspection of the premises was undertaken by a licensing officer. The premises were found to be operating non-compliantly and a warning letter was sent to the licensee.
24. On 15 March 2013 the premises were re-inspected by a licensing officer. The premises were found to be fully compliant.
25. On 12 June 2014 an application was submitted to transfer the licence to Imran Shah with immediate effect. On the same date an application was also submitted to specify Imran Shah as the designated premises supervisor of the premises with immediate effect. The applications were not subject to any representations. Licence number 845109 was issued subsequent to these applications.
26. On 18 January 2016 Imran Shah applied to this council for the grant of a new premises licence in respect of the premises.

The local area

27. A map of the area is attached to this report as Appendix D. The premises are identified at the centre of the map by a black diamond.

Southwark council cumulative impact policy for Peckham

28. The premises fall within the Peckham cumulative impact policy zone.
29. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011.
30. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
31. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

32. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.
33. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- **Section 3: Purpose and Scope of the Policy**, which reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - **Section 5: Determining Applications for Premises Licences and Club Premises Certificates**, which explains how the policy works and considers issues such as location, high standards of management and the principles behind condition setting.
 - **Section 6: Local Cumulative Impact Policies**, which sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - **Section 7: Hours of Operation**, which provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification. To be read in conjunction with Appendix B to the policy.
 - **Section 8: The Prevention of Crime and Disorder**, which provides general guidance on the promotion of the first licensing objective.
 - **Section 9: Public Safety**, which provides general guidance on the promotion of the second licensing objective.
 - **Section 10: The Prevention of Nuisance**, which provides general guidance on the promotion of the third licensing objective.
 - **Section 11: The Protection of Children from Harm**, which provides general guidance on the promotion of the fourth licensing objective.
34. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Resource implications

35. A fee of £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 C.

Consultation

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

40. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
41. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
42. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates
 - To refuse to specify a person in the licence as the premises supervisor
 - To reject the application.

Conditions

43. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
44. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
45. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
46. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
47. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

49. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
 - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.

- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
50. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

51. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
52. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
53. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
54. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
55. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when

considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

56. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
57. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
58. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

59. Members are required to have regard to the Department for Culture, Media and Sport 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 (the Act) DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing C/O Community Safety & Enforcement 160 Tooley Street, London SE1 2QH	Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities and related correspondence
Appendix C	Copy of premises licence number 845109
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	29 February 2016	
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		2 March 2016

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I IMRAN SHAH

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description PAYLESS 94-96 PECKHAM ROAD LONDON			
Post town	LONDON	Postcode	SE15 5PY

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£15,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SHAH			First names IMRAN		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		[REDACTED ADDRESS] PLEASE SEND ALL CORRESPONDENCE TO AGENT			
Post town					
Daytime contact telephone number					
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start? AS SOON AS POSSIBLE

DD	MM	YYYY
┆	┆	┆
┆	┆	┆
┆	┆	┆

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

DD	MM	YYYY
┆	┆	┆
┆	┆	┆
┆	┆	┆

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

CONVENIENCE STORE

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

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

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

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- 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)

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

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)					
Mon	00:00	02:00						
	06:30	24:00						
Tue	00:00	02:00						
	06:30	24:00						
Wed	00:00	02:00						
	06:30	24:00						
Thur	00:00	02:00				<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
	06:30	24:00						
Fri	00:00	02:00						
	06:30	24:00						
Sat	00:00	03:00						
	06:30	24:00						
Sun	00:00	03:00						
	06:30	24:00						

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

Name IMRAN SHAH

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
 NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	02:00	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)
	06:30	24:00	
Tue	00:00	02:00	
	06:30	24:00	
Wed	00:00	02:00	
	06:30	24:00	
Thur	00:00	02:00	
	06:30	24:00	
Fri	00:00	02:00	
	06:30	24:00	
Sat	00:00	03:00	
	06:30	24:00	
Sun	00:00	03:00	
	06:30	24:00	

M

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

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

Prevention of crime and disorder

CCTV shall be installed with 31 day recording

There shall be on the premises at all times at least one person who is able to download copies when requested by an authorised officer of the police or licensing authority

CCTV shall be of a high standard recording images of person entering the premises of at least head and shoulders

CCTV cameras shall record alcohol display areas and point of sale

Staff training shall be recorded and updated every 4 months Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, drunks, the consequences of underage sales (fines and punishment) and other relevant matters relating to the licensing objectives, and the responsibilities of staff

The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale (including intoxicated persons, under 18's). The refusal register shall be inspected on a regular basis (at least weekly) by the DPS and signed by the DPS that they have checked the register

At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer

An incident register shall be maintained recording all incidents of crime and disorder or other matters. The incident register shall be inspected on a regular basis (at least weekly) by the DPS and signed by the DPS that they have checked the register

There shall be a documented reporting structure back to the Designated Premises Supervisor (DPS) and premises licence holder which shall include telephone contact numbers. This reporting document shall be immediately available upon request of an authorised officer

The premises licence holder shall ensure that a 'challenge 25' policy is adopted on the premises at all times. Signage of the 'challenge 25' policy shall be prominently displayed on the premises.

Acceptable identification accepted by the premises licence holder, DPS, or other staff members shall be a passport, photo driving licence or PASS accredited identity card

Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly

Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years

b) The prevention of crime and disorder

As above in a)

c) Public safety

As above in a)

d) The prevention of public nuisance

As above in a)

e) The protection of children from harm

As above in a)

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

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

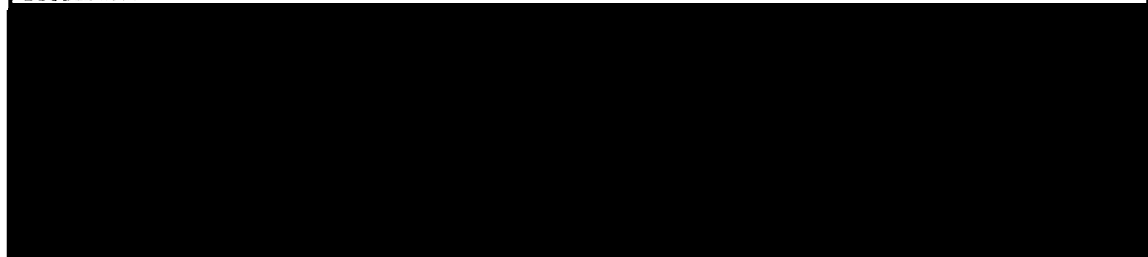
Signature	R. Jordan P.R. RETAIL CONSULTANT
Date	18/1/16
Capacity	AGENTS

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

Signature	
Date	
Capacity	

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

ROBERT JORDAN
 PR RETAIL CONSULTANTS



APPENDIX B**Representations submitted by responsible authorities and related correspondence**

From: Newman, Sarah
Sent: Thursday, January 21, 2016 4:16 PM
To: Regen, Licensing
Subject: Premises License Application - 94-96 Peckham Road

Hi Licensing,

The Environmental protection responsible authority (EPRA) objects to this application. Please advise the applicants agent, to facilitate discussion and, hopefully, conciliation of the objection.

Reasons

This premises is on the ground floor of Pelican House – a residential block.

The current opening hours for this premises are from 06.30 until 23.00hrs 7 days a week. This application is to increase the opening hours unit 02.00hrs Sunday – Thursday and 03.00hrs on Friday and Saturday nights.

The current license for the premises states that after 23.00hrs sales must be made via an external hatch. Should this condition remain on any new license this is likely to result in increase patron voice volume on the pavement outside the premises after 23.00hrs.

There have been no noise complaints regarding this premises to date, however, the 24hr petrol station opposite recently closed, reducing parking-up and vehicle noise in the immediate vicinity in the small hours.

The operational schedule for this premises contains no detail or suggested conditions regarding the prevention of public nuisance other than the provision of a sign on the door. Given the hours proposed EPRA consider this inadequate to ensure no public nuisance is caused.

Suggested alteration

Given the proximity of this premises to residential units EPRA consider that the proposed opening hours are too late into the night/morning for this location. If granted the premises will have significant potential to cause noise disturbance 7 days a week to residents in close proximity; due to voices, car door slams and vehicle acceleration when pulling away from patrons arriving by car, on foot and being served. It is also likely that patrons after 01.00hrs may already be in drink and therefore more exuberant/loud than those at other times of day.

EPRA would ask the applicant to re-consider a smaller increase in opening hours i.e. closing at 00.00hrs Sundays – Thursdays and 01.00hrs on Fridays and Saturdays to extend their hours incrementally, show that later hours can be well managed and minimise the risk of causing public nuisance to residents in the locality.

Or propose management conditions to show how they intend to manage patrons in the early hours to ensure public nuisance is not caused.

Best regards

Sarah Newman

Team Leader
Environmental Protection Team
Southwark Council

From: McArthur, Wesley
Sent: Monday, February 01, 2016 1:43 PM
To:
Subject: Premises License application - Imran Shah, Payless, 94-96 Peckham Road, London, SE15 5PY (our ref: L1U 851109)

Dear Mr Jordan

Attached below is a representation in regards to the above application submitted by Sarah Newman of this council's Environmental Protection Responsible Authority.

Please contact Ms Newman directly to discuss the representation. Ms. Newman's email address is [REDACTED]

If it is not possible to conciliate Ms Newman then a licensing sub-committee hearing will be convened to consider the representation (and any other relevant representations submitted), the application and to then determine the application. A hearing has been scheduled for 14 March 2016 should it be required (you will receive a formal notification of hearing in due course if required).

If you reach any agreement with Ms Newman please copy me into it.

On another matter, please send me a copy of the public notice advertised in respect of the application.

Regards,

Wesley McArthur
Licensing Enforcement Officer
London Borough of Southwark

From:
Sent: Friday, February 19, 2016 12:14 PM
To: McArthur, Wesley; Newman, Sarah
Subject: Re: Premises License application - Imran Shah, Payless, 94-96 Peckham Road, London, SE15 5PY (our ref: L1U 851109)

Thank you Helen Newman

YES THANK YOU
MY apologies FOR DELAY
MY FAULT!

Applicant can agree revised hours of
Sunday to Thursday 06:00hours to 24:00hours and 06:00hours to 01:00hours Friday and Saturday for
lisensable activity

From: Newman, Sarah
Sent: Monday, February 22, 2016 12:04 PM
To: McArthur, Wesley
Cc: Tear, Jayne
Subject: RE: Premises License application - Imran Shah, Payless, 94-96 Peckham Road, London, SE15 5PY (our ref: L1U 851109)

Hi Robert,

Many thanks for your email agreeing to the reduced revised opening hours suggested.

I confirm the Environmental Protection Responsible Authority objection is now conciliated.

Best regards,

Sarah Newman

Team Leader
Environmental Protection Team
Southwark Council



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: [REDACTED]
 Email: [REDACTED]

Our reference: MD/21/2744/16
Date: 10th February 2016

Dear Sir/Madam

Re:- Payless, 94-96 Peckham Road, London SE15 5PY

Police are in possession of an application from the above for a new premise licence. The application is for an off licence type premises. The venue currently has a licence with operating hours 06.30hrs to 23.00hrs seven days a week. This application should have been submitted as a variation and some of the conditions on the current licence have not been included on the current application. Should this application be granted the premises would have two premises licence's. This could cause problems with any future enforcement or prosecution of any offences. We would like to see this application either changed to one of a full variation to include all conditions previously on licence or a surrender of the previous licence with the conditions below included on the new licence.

The premises are Located within the Peckham cumulative impact zone and are situated underneath Pelican House on Peckham Road near the junction with Southampton way. The area is deemed as a major town centre under the New Southwark Statement of Licensing Policy. Pelican House are residential flats and is also next to other residential properties. Although each application is looked at upon its own merits, this application does not offer the exceptional circumstance for consideration to be given to move away from the current licensing policy, which indicates that a terminal hour of Midnight seven days a week, would be considered responsible for the area.

With residential premises situated in the area and the noise that would be generated by people gathered in one place we object to the granting of the application outside the recommended hours within the statement of licensing policy. Any hours set outside the Licensing Policy would cause unnecessary public nuisance to local residents. It would also increase the possibility of anti social behaviour and crime and disorder in the area.

If the application is granted we would like to see the following conditions placed on the licence as they were either included on the previous licence or on the schedule of the new application.

1. 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.

2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises, unless written permission is obtained from the Police Licensing Officer prior. Such permission must be kept at the premises and made available immediately on request to relevant authorities"
4. No Alcohol to be displayed or stored within 1 metre of the entrance door.
5. 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.
6. A personal licence holder will be on the premises at all times after 20:00 and intoxicating liquor is being offered for sale.

The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD

Southwark Police Licensing Unit
[REDACTED]

From: Masini, Bill
Sent: Friday, February 12, 2016 2:14 PM
To: Regen, Licensing
Cc: Tear, Jayne
Subject: application for licence - Payless 94-96 Peckham Road SE15 5PY

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of the application for a new licence for Payless at 94-96 Peckham Road London Se15 5PY and respond accordingly.

We note there is already an existing licence for the premise – licence 845109. The applicant is the same person holding this licence.

The new application makes no reference to some of the conditions already on the current licence that were put on the licence by the licensing sub- committee at the time it was granted. These include condition 128 (no beers/ciders in single cans, bottles or multipacks with an ABV of above 5.5% will be displayed/sold or offered for sale from the premises” and condition 336 “A personal licence holder will be on the premises at all times after 20:00 and intoxicating liquor is being offered for sale”.

Trading Standards are of the view that any new licence shall include existing conditions and that the old licence should be surrendered at the same time a new licence is issued - thereby avoiding any confusion as to what licence is in operation at any time.

With regard to the closing hours, having regard to Southwark’s statement of licensing policy 2016 - 2020 (section 7 Hours of Operation) and the previous hearing with regard to the eventual issuing of the current licence, Trading Standards say 23:00 hours as per the current licence is appropriate and not as per the new application of times up to 3.00am.

Bill Masini - Trading Standards Officer
Southwark Council Trading Standards | Environment & Leisure

MEMO: Licensing Unit

To Licensing Unit **Date** 15 February 2016

Copies

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

Email jayne.tear@southwark.gov.uk

Subject Re: Payless, 94-94 Peckham Road, London SE15 5PY –
Application for a premises Licence.

I write with regards to the above application for the grant of a premises licence to Imran Shah under the Licensing Act 2003 which seeks the following licensable activities:

- The supply of alcohol off the premises on Sunday to Thursday from 06:30 to 02:00 on the following day, Friday and Saturday from 06:30 to 03:00 on the following day.
- Opening times shall be from Sunday to Thursday from 06:30 to 02:00 on the following day, Friday and Saturday from 06:30 to 03:00 on the following day

Mr Imran Shah already holds a licence for the premises for the following licensable activities:

- The supply of alcohol off the premises on Monday to Sunday from 06:30 to 23:00
- Opening times are Monday to Sunday from 06:30 to 23:00

Several conditions to address the four licensing objectives have already been placed on that licence.

The new application omits some of the original conditions designed to address crime and disorder and public nuisance, yet the application seeks longer hours.

This premises falls within a Major Town Centre. Under the Southwark Statement of Licensing Policy 2016 – 2020 the recommended appropriate closing time for off-licences and alcohol sales in grocers and supermarkets is **00:00 hours daily**.

Furthermore I am aware that on 2 November 2015 the Council's Licensing Committee considered the Partnership Analysis of Alcohol Related Violence Etc. for Southwark 2014/15 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 licenses 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 view of the limited information contained on the application form, 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.

The operation of the premises and of people arriving and leaving the premises at night could impact upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises and the possible impact of any rowdy and anti-social behavior or crime and disorder.

Given this I would wish to make a representation under the prevention of crime and disorder and public nuisance licensing objectives. 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.

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

Licensing Act 2003 Premises Licence



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

Premises licence number

845109

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Payless 94-96 Peckham Road London SE15 5PY	
Ordnance survey map reference (if applicable), 176766533659	
Post town London	Post code SE15 5PY
Telephone number 020 7701 6002	

Where the licence is time limited the dates
--

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

The opening hours of the premises	
For any non standard timings see Annex 2	
Monday	06:30 - 23:00
Tuesday	06:30 - 23:00
Wednesday	06:30 - 23:00
Thursday	06:30 - 23:00
Friday	06:30 - 23:00
Saturday	06:30 - 23:00
Sunday	06:30 - 23:00

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

The times the licence authorises the carrying out of licensable activities


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

Sale by retail of alcohol to be consumed off premises

Monday	06:30 - 23:00
Tuesday	06:30 - 23:00
Wednesday	06:30 - 23:00
Thursday	06:30 - 23:00
Friday	06:30 - 23:00
Saturday	06:30 - 23:00
Sunday	06:30 - 23:00

Part 2

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


Imran Shah


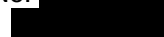
Registered number of holder, for example company number, charity number (where applicable)

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

Imran Shah


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 

Licence Issue date 12/06/2014

11 A MATTHEWS

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

licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

(2) In this condition:—

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

(i) P is the permitted price,

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

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

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

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

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

128 No beers/ciders in single cans, bottles or multi-packs with an ABV of above 5.5% will be displayed/sold or offered for sale from the premises.

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 an 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

308 No entry to the premises will be permitted after 23:00. All sales will take place via a secure night serving hatch.

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

336 A personal licence holder will be on the premises at all times after 20:00 and intoxicating liquor is being offered for sale.

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

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

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

343 All containers of alcohol sold shall be marked with a label identifying the premises and accompanied by a receipt showing the name and address of the premises.

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

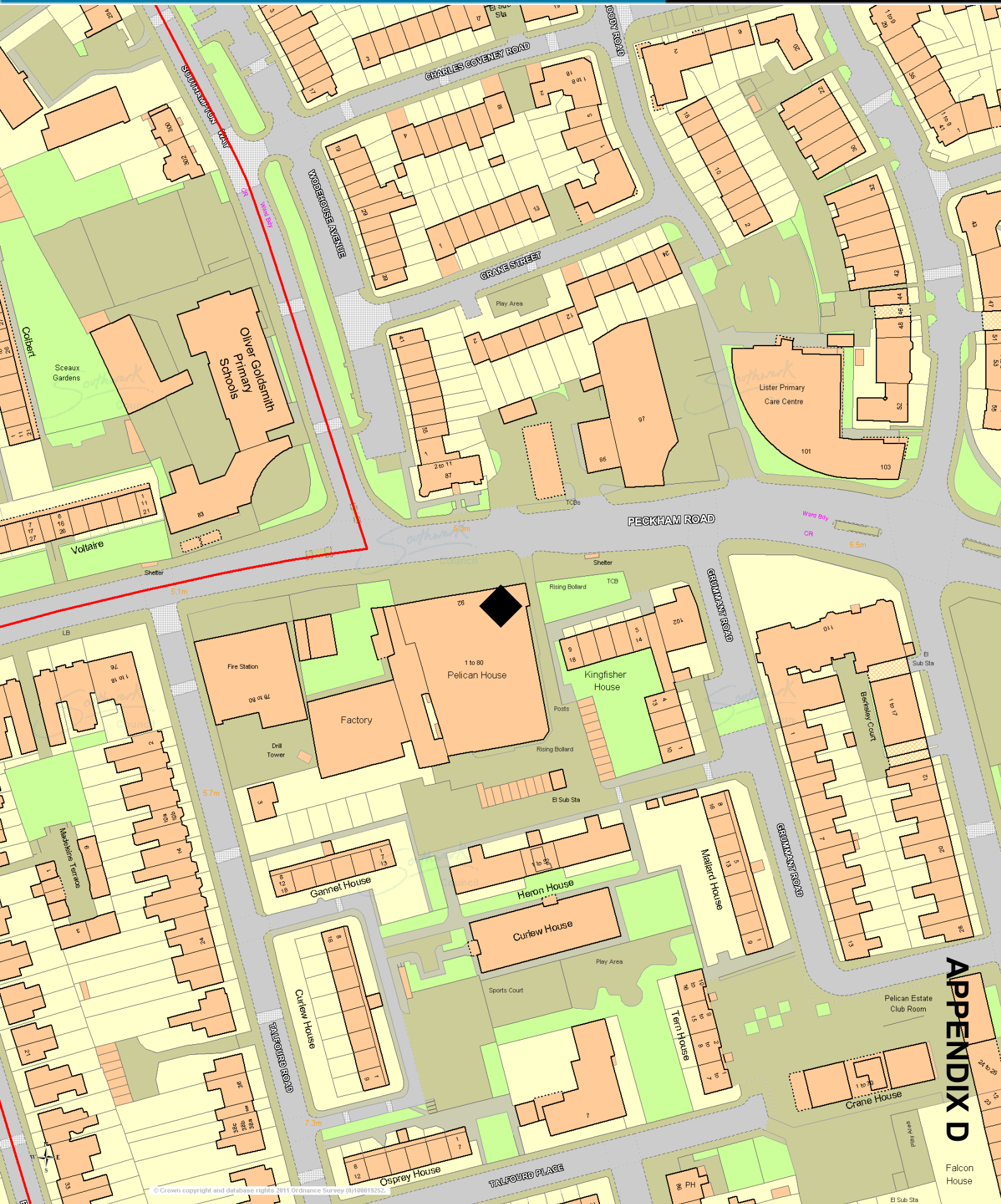
Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 845109

Plan No. N/A

Plan Date 30 Nov 2012



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APPENDIX D

Falcon House

Item No. 6.	Classification: Open	Date: 14 March 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Neal's Yard Dairy Limited, 6-8 Park Street, London SE1 9AB	
Ward(s) or groups affected:		Cathedrals	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Neal's Yard Dairy Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Neal's Yard Dairy, 6-8 Park Street, London SE1 9AB.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 11 to 14 of this report deals with the representations received to the premises licence application. Copies of the relevant representations from a responsible authority and other person and the correspondence are attached as Appendix B, C and D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 21 January 2016 Neal's Yard Dairy Limited applied to this council for the grant of a new premises licence in respect of the premises known as Neal's Yard Dairy, 6-8 Park Street, London SE1 9AB. The premises is located on the edge of Borough Market and retails cheese and dairy produce and other related foods.

The application is summarised as follows:

- Sale and supply of alcohol on the premises:
Monday to Friday from 18:00 to 22:30
Saturday from 12:00 to 22:30
 - Operating hours of premises
Monday to Friday from 09:00 to 22:30
Sat from 12:00 to 22:30
9. The premises licence application form provides the applicant operating schedule. Parts J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

10. The proposed designated premises supervisor is Estelle Emilie Reynolds who has a personal licence issued by the Southwark Council.

Representations from responsible authorities

11. A representation was submitted by the Metropolitan Police Service. The police have offered three conditions for consideration by the applicant. They are listed below:
 - 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.
 - That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon reasonable request.
 - That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
12. A copy of the representation is attached as Appendix B.

Representation from other persons

13. A representation was submitted by one other person (a local ward councillor). The representation was on the grounds of public nuisance, crime and disorder and the detrimental effect of alcohol on public health. It also mentioned the fact that the shop is in the Borough Market area, which is within one of the council's alcohol cumulative impact zones because of the incidences of alcohol related hospital admissions and violence against the person. This representation has however been withdrawn through the conciliation process.
14. Copies of the representation and withdrawal email are attached as Appendix C.

Conciliation

15. The representations were forwarded to the applicant. The applicant responded by a detailed statement to both about the operation of the business. This led to the other person withdrawing their objection. However the applicant has not as yet agreed to the conditions proposed by the police and as such the police representation remains unresolved. Copies of the email responses to the representation are attached as Appendix D.

The local area

16. A map of the area is attached to this report as Appendix E. The premises is identified by a triangle 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 terminal hours are also shown on the map:

Public houses/restaurants

- Southwark Tavern, 22 Southwark, London SE1 (Sunday to Thursday till 00:30, Friday and Saturday till 01:30)
- The Market Porter, 9 Stoney Street, London SE1 (Monday to Thursday till 00:30, Friday and Saturday till 02:00 and Sunday till 23:30)
- Fish! Borough Market, Cathedral Street, London SE1 (Monday to Saturday till 01:00 and Sunday till 00:30)
- Applebee's, 5 Stoney Street, London SE1 (Monday to Saturday till 00:30 and Sunday till 23:00)
- Market Taverns, 8 Stoney Street, London SE1 (Monday to Thursday till 00:30, Friday and Saturday till 02:00 and Sunday till 23:30)
- Black & Blue 1-2 Rochester Walk, London SE1 (Monday to Saturday till 00.30 and Sunday till 00:30)
- The Rake, 14 Winchester Walk, London SE1 (Monday to Thursday till 00:30, Friday and Saturday till 01:30 and Sunday 22:30)
- Le Pain Quotidien, 15 Winchester walk, London SE1 (Monday to Sun till 00:00)
- New Forest Cider 1-2 Winchester Walk, London SE1 (Monday to Saturday till 23:20 and Sunday till 21:20)
- Wheatsheaf, 6 Stoney St, London SE1 (Monday to Sunday till 00:30)
- Wine Pantry Limited, 1 Stoney Street, London SE1 (Monday to Saturday till 23:00)

Late night refreshment

- Feng Shushi, 13 Stoney Street, London SE1 (Monday to Saturday till 00:30 and Sunday till 23:30)
- Tapas Brindisa, 18-20 Borough High Street, London SE1 (Monday to Saturday till 00:30 and Sunday till 00:00)
- Oyster Bar, 11B Stoney Street, London SE1 (Monday to Sunday till 00:00)

Off licence

- Elliots Borough Market, 12 Stoney Street, London SE1 (Monday to Sunday till 00.00)
- German Deli, 3 Park Street, London SE1 (Monday to Sunday till 23.00)
- Brindisa Ltd, Units 9&10 Floral Hall Borough High Street, London SE1 (Tuesday to Thursday till 17.30 Friday till 18:00 and Saturday till 17:00).

Deregulation of entertainment

17. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
18. However, live 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').

Borough and Bankside Cumulative Impact Zone

19. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 5 November 2008, and extended the area in April 2011. This application falls within the policy area.
20. The decision to introduce the saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
21. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
22. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

23. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - **Section 3: Purpose and Scope of the Policy**, which reinforces the four licensing **objectives** and the fundamental principles upon which this authority relies in determining licence applications.
 - **Section 5: Determining Applications for Premises Licences and Club Premises Certificates**, which explains how the policy works and considers issues such as location, high standards of management and the principles behind condition setting.
 - **Section 6: Local Cumulative Impact Policies**, which sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.

- **Section 7: Hours of Operation**, which provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification. To be read in conjunction with Appendix B to the policy.
 - **Section 8: The Prevention of Crime and Disorder**, which provides general guidance on the promotion of the first licensing objective.
 - **Section 9: Public Safety**, which provides general guidance on the promotion of the second licensing objective.
 - **Section 10: The Prevention of Nuisance**, which provides general guidance on the promotion of the third licensing objective.
 - **Section 11: The Protection of Children from Harm**, which provides general guidance on the promotion of the fourth licensing objective.
24. 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

25. 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.

Consultation

26. 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

27. 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

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

Principles for making the determination

30. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso

that the applicant has complied with regulations in advertising and submitting the application.

31. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
32. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates
 - To refuse to specify a person in the licence as the premises supervisor
 - To reject the application.

Conditions

33. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
34. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
35. 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.
36. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

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

Reasons

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

Hearing procedures

39. 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.
40. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

41. 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.

42. 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.
43. 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.
44. 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.
45. 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.
46. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
47. 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.
48. 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

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

BACKGROUND DOCUMENTS

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

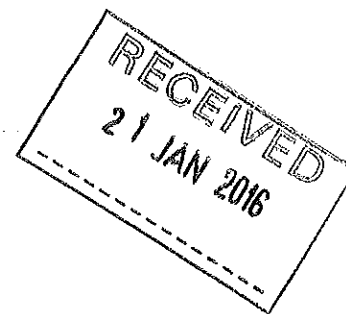
APPENDICES

Name	Title
Appendix A	Application for a new premises licence
Appendix B	Representation from responsible authority
Appendix C	Representation from other person
Appendix D	Conciliation responses
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	2 March 2016	
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	2 March 2016	

SOUTHWARK COUNCIL LICENSING TEAM



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We NEAL'S YARD DAIRY LIMITED

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description NEAL'S YARD DAIRY 6-8 PARK STREET			
Post town	LONDON	Postcode	SE1 9AB

Telephone number at premises (if any)	0207 367 0799
Non-domestic rateable value of premises	£14,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	1	0	3	2	0	1	6

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

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

The premises is located at 6-8 Park Street on the edge of Borough Market. It is a shop retailing cheese and dairy produce and other related foods since 1996. The building covers four floors. The basement houses the staff room, staff kitchen and toilets. The ground floor houses the two main shop rooms, a manager's office, storage space and cold room. The first floor, known as the "warehouse" is a meeting room and kitchen. The second floor houses a bedroom and bathroom used for guests to the business. The shop usually trades Monday to Saturday 9:00 to 18:00.

We are aware that the Borough Market area is an area of "cumulative impact" and we have considered this with the nature of the business we are proposing to operate under a premises licence. We propose to run tutored cheese tasting events with the supply of alcohol, to pair with the food and for consumption on the premises only. The main focus of the events is the tasting and discussion of cheese.

Tickets for the events will be sold in advance and a maximum of 30 people including 2 staff will attend. The events last approximately 3 hours and will be hosted either in the "warehouse" or in the shop. Events taking place whilst we are retailing (12:00 to 18:00) will take place on the first floor in the 'warehouse' and events in the evening after retailing (18:00 to 22:30) will take place either in the warehouse or in the shop space on the ground floor. On all occasions alcohol will only be supplied for consumption on the premises.

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name NEAL'S YARD DAIRY LIMITED
Address c/o JON TASCH, FINANCE DIRECTOR 108 DRUID STREET LONDON SE1 2HH
Registered number (where applicable) 04762419
Description of applicant (for example, partnership, company, unincorporated association etc.) NEAL'S YARD DAIRY IS A LIMITED COMPANY
Telephone number (if any) 02075007520
E-mail address (optional) n/a

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

H

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	18:00	22:30	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	18:00	22:30			
Wed	18:00	22:30			
Thur	18:00	22:30		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	18:00	22:30			
Sat	12:00	22:30			
Sun					

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

Name ESTELLE EMILIE REYNOLDS	
Address 	
Postcode	
Personal licence number (if known) 	
Issuing licensing authority (if known) LONDON BOROUGH OF SOUTHWARK	

K

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

The activities, which may give rise for concern in respect of children are: the supply of alcohol for consumption on the premises and alcohol is also stored on the premises for this purpose.

To manage this risk tickets for these events are only available to over 18s. The terms and conditions of the purchase of the tickets on our website make it clear that the contents of the event includes alcohol and that the tickets are only available to over 18s, by accepting the terms and conditions at purchase the customers are agreeing that they are over 18. On arrival at the events we greet each customer and take their tickets and check them off on our register or attendees, we have a column on our registration document to prompt staff to indicate that the age of customers has been verified.

All alcohol is stored away from public areas in locked fridges and cabinets and is only accessible to trained staff.

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) The premises are open for the retail of cheese only seven days a week from 07:00 to 19:00 from the start of December to the 24 th December annually.
Day	Start	Finish	
Mon	9:00	22:30	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)
Tue	9:00	22:30	
Wed	9:00	22:30	
Thur	9:00	22:30	
Fri	9:00	22:30	
Sat	8:00	22:30	
Sun	12:00	22:30	

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

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

Our steps to promote all four licensing objectives are:

1. Regular staff training to cover the understanding and implementation of the licensing law and conditions of our licence.
2. A consistent system of due diligence which covers regular fire checks, H&S checks and First Aid.
3. We maintain open channels of communication with the local police and EHO to ensure we are abreast of current issues.
4. We actively source the support of other businesses and licensed traders in the area, to share best practice.
5. We are an established business and we have been at this address for 19 years, since 1996. We welcome our neighbours and residents and maintain good communication with them.

b) The prevention of crime and disorder

- The supply of alcohol is to be made or authorised by a person who holds a personal licence.
- A DPS has been specified in the licence and holds a valid licence.
- We do not run drinks promotions.
- Free potable water is available.
- Training for all staff on the supply of alcohol along with a signed, written statement detailing what they have been trained in and what acts are permitted.
- Staff are trained and a process is in place for the verification of age. We have adopted Challenge 25.
- A process is in place as part of the terms and conditions of the ticket sales for the verification of age at the point of sale of tickets online and on the phone.
- Alcohol is sold in the following measures. 25ml/35ml for spirits, 125ml for wine, bottles of beer and tasting measures for wines and beers as specified for each event at the point of sale.
- Alcohol is for consumption On the Premises only.
- We have a limit of 30 for each event including 2 staff.
- We use local and recognised suppliers of alcohol.
- We have a zero tolerance to the use of drugs in our premises.
- Only people with valid tickets are permitted to enter the premises for these events.
- Drinks are only dispensed by trained staff.
- Alcohol is stored in locked cabinets and fridges.
- Food is available through out the event and is the main focus.

c) Public safety

- We offer information and help with public transport and taxis for our customers.
- Fire checks are carried out weekly including detectors, alarms, signage, exits and extinguishers.
- Lighting is maintained daily to ensure all space is safe.
- H&S at work risk assessments are in place and reviewed.
- At the start of events we explain the location of exits, stairs and toilets.
- A trained First Aider is on hand at each event.

d) The prevention of public nuisance

- No music or additional equipment are used during the tasting events.
- Guests can enter the building on arrival and guests leave gradually between 21:00 and 22:30. We ask people not to loiter and consider our neighbours and to be quiet.
- A maximum of 30 people attending the events.
- Clean up noise is contained within the building.
- External lights are off by 22:30

e) The protection of children from harm

- The events we propose to run focus on the history, production and maturation of cheese. Food and eating are the main focus along with pairing drinks and food.
- Tickets are sold in advance of the events and are available to over 18s only.
- Alcohol is stored in locked cabinets and fridges.
- Staff are trained to check ID and how to check it is genuine.
- The guest register also prompts us to check guests age and ID.

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

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

Signature	[REDACTED]
Date	21/1/16
Capacity	DIRECTOR

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

Signature	
Date	
Capacity	

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

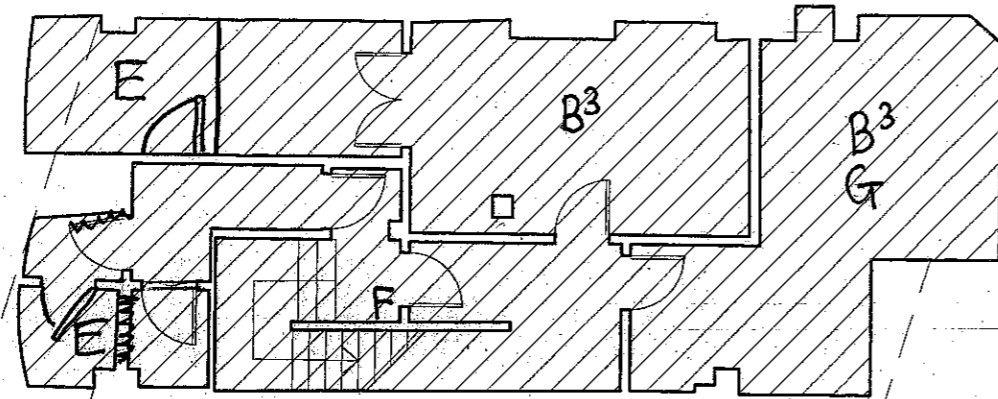
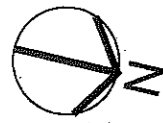
[REDACTED]

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

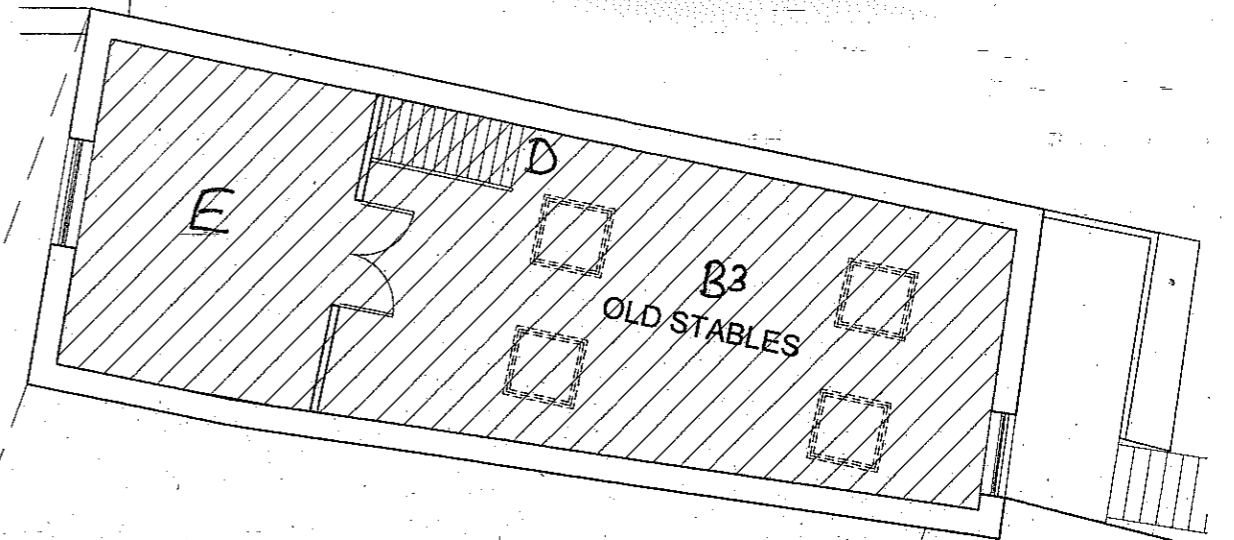
Notes for Guidance

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

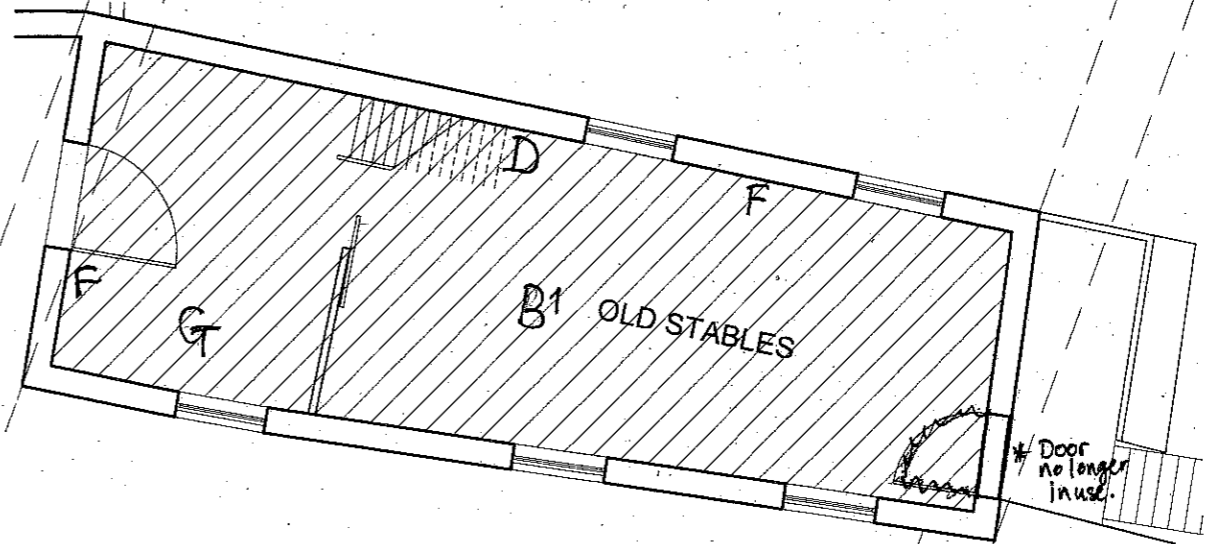
0m 5m 10m



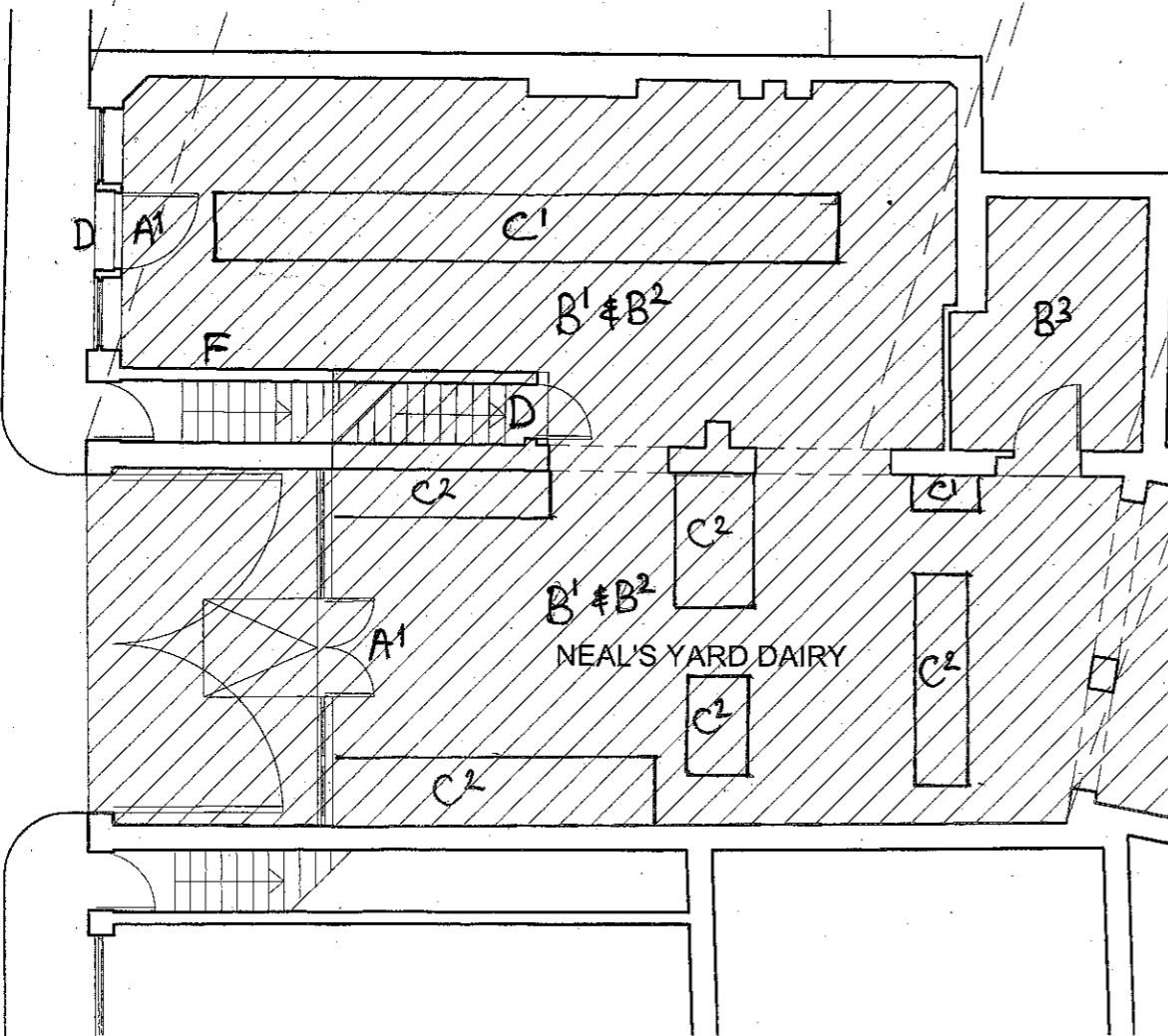
BASEMENT FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN

PARK STREET

KEY

- A¹ = ACCESS & EGRESS
- A² = ESCAPE ROUTE
- B¹ = AREAS USED FOR LICENSED ACTIVITY = GROUND FLOOR SHOP & 1ST FLOOR
- B² = RETAIL WITHOUT LICENCE
- B³ = STAFF ONLY AREAS
- C¹ = FIXED RETAIL COUNTER
- C² = NON-FIXED RETAIL TABLES/SHELVES
- D = STAIRS & STEPS
- E = PUBLIC CONVENIENCES
- F = FIRE SAFETY EQUIPMENT
- G = KITCHENS

Greig & Stephenson
 211 Regent Street
 London W1B 3EJ
 Tel: 020 7402 2891
 Fax: 020 7402 2845
 Email: info@greigstephenson.co.uk

CLIENT
 MR COLEMAN

PROJECT
 NEAL'S YARD DAIRY - 6-8 PARK STREET

DATE		SCALE	DRWN. BY	CHECKED BY	DRWG. NO.	REV.
02.11		1:100 @A3	C.L	H.B	DRAWING NO	/



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/ 2745/15

Date: 10/2/2016

Re:- Neal's Yard Dairy, 6-8 Park Street, London, SE1 9AB

Dear Sir/Madam

Police are in possession of an application from the above for a new premises licence, the application is for the sale of alcohol on and off the premises only between the hours of 18:00 and 22:30 Monday to Friday and 12.00hrs to 22.30hrs Saturday Police would like to see alcohol sales cease 30 minutes prior to closing

The application contains a number of control measures and Police welcome this response, however the wording of each condition is important as to negate and ambiguity.

1. 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.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon reasonable request.
3. 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.

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

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

From: Morris, Adele

Sent: Tuesday, February 09, 2016 8:43 PM

To: Jerrom, Charlie

Cc: Tear, Jayne; Public Health Licensing; 'Ian.Clements@met.pnn.police.uk'; [REDACTED]

[REDACTED]

[REDACTED] RE: New Premises for 6-8 Park Street Neals Yard Dairy

Dear Charlie

I object to this application on the grounds of public nuisance, crime and disorder and the detrimental effect of alcohol on public health. This is a cheese shop, not a bar or a restaurant, and it should not need an on sales licence in an area which is already saturated with licensed premises. Enough is enough now in the Borough Market area, which is within one of the Council's alcohol Cumulative Impact Zones because of the incidences of alcohol related hospital admissions and violence against the person.

Best wishes

Councillor Adele Morris

Cathedrals Ward Liberal Democrat Councillor

Opposition Spokesperson for Regeneration

Vice Chair of Licensing Committee

Member of LGA Environment, Economy, Housing and Transport Board

Tel: 0207 525 4377

twitter.com/AdeleCathedrals

<http://adelemorris.mycouncillor.org.uk/>

From: Morris, Adele
Sent: Friday, February 19, 2016 5:23 PM
To: [REDACTED]
Cc: [REDACTED]; Mills, Dorcas
Subject: RE: Neal's Yard Dairy

Hello David

Apologies for the delayed response. Now that I have heard what is proposed I am happy to withdraw my representation.

Best wishes

Adele

Councillor Adele Morris
Cathedrals Ward Liberal Democrat Councillor
Opposition Spokesperson for Regeneration
Vice Chair of Licensing Committee
Member of LGA Environment, Economy, Housing and Transport Board

Tel: 0207 525 4377

twitter.com/AdeleCathedrals

<http://adelemorris.mycouncillor.org.uk/>

From: [REDACTED]
Sent: Wednesday, February 17, 2016 2:47 PM
To: Morris, Adele
Cc: [REDACTED]; Mills, Dorcas
Subject: Neal's Yard Dairy

Dear Councillor Morris,

I'm writing to you regarding your representation to Neal's Yard Dairy's application for a premises license to supply alcohol on the premises Mon – Fri 18:00 to 22:30 and Saturday 12:00 to 22:30. The application submitted is attached.

Having lived on Park Street from 1999 to 2008 I am keenly sensitive to the issues you raise in your letter of objection. I would like the opportunity to meet with you and discuss our application and operating schedule further which we believe meets the requirements of the licensing objectives. We understand that Borough Market is a "cumulative impact zone" and with that in mind we indicated in our application, that we are not seeking to sell alcohol in our shop or set up a restaurant or a bar. We seek only to provide drinks pairings during our ticketed tutored cheese tastings, for consumption on the premises only. The events will not take place every day and will only last 2-3 hours during the licensed hours requested, attendance is capped at 24 people, though we generally only will sell up to 20 tickets, all of which have been bought in advance of the event. The quantities of whatever is being tasted are limited, and no more is available. The main focus of the events being tasting cheese and discussing its production. I have included our original application for your reference.

Over the last few months we have used Temporary Events Notices to trial these events and see if there was interest from the general public. The events have been successful and we have attracted a low-key crowd of "foodies" often visiting us in couples or small groups. There have been no incidents of crime or disorder or complaints from neighbours or residents and we have managed the events to be as unobtrusive as possible.

Perhaps it was naïve not to speak with others before putting in the application but it didn't even cross my mind that there would be an issue given the controlled and limited nature of what we have applied to do. With this in mind, I would greatly appreciate your time to discuss this matter further with me, and Estelle Reynolds, (the cheesemonger and tasting tutor who put together our license application and will be the Designated Premises Supervisor) in person.

Regards

██████████
████████████████████
NEAL'S YARD DAIRY
108 Druid Street, London, SE1 2HH, United Kingdom
Telephone: +44 (0)20 7500 7520
████████████████████

www.nealsyarddairy.co.uk

Neal's Yard Dairy Ltd is incorporated in England and Wales with its registered office at the above address. Our company number is 04762419.

From: Estelle Reynolds [REDACTED]
Sent: Friday, February 19, 2016 6:27 AM
To: southwarklicensing@met.police.uk; Mills, Dorcas
Cc: [REDACTED]
Subject: Premises Licence - Neal's Yard Dairy, 6-8 Park Street, SE1 9AB

Dear PC Graham White 288MD,

Re: New Premises Licence Application - Neal's Yard Dairy, 6-8 Park Street, SE1 9AB Ref: MD/21/2745/15

We received your representation to our premises licence application this week and we would like to take the time to respond to your comments and also invite you to meet us at the premises.

Our application for the premises licence is for the sale of alcohol on the premises only, between the hours of 18:00 to 22:30 Monday to Friday and 12:00 to 22:30 on Saturday. There will be no off sales. We are willing to cease serving alcohol 30 minutes prior to closing and have accounted for this in our ways of working and we will include this procedure in our operating schedule.

We understand the requirement for training staff in their responsibilities under the licensing act 2003 and that the records be kept and updated every 6 months and that they be made immediately available to officers of the Police and Council.

We would appreciate the opportunity to discuss further with you your request for the installation of CCTV at the premises and to understand fully why it is required. Although we have requested the hours of 18:00 to 22:30 Monday to Friday and 12:00 to 22:30 on Saturday, the nature of the events we propose to run will be as follows: tutored cheese-tasting classes lasting 2 -3 hours. The events will not take place every day. The main focus of

the events is the tasting and discussion of cheese with the pairing of wine, beer or whiskey. Tickets for the tastings are sold in advance, the ticket purchase is for a tasting experience which includes cheese other foods and alcohol. We have a limited supply of alcohol for each event, and no additional alcohol can be purchased. Only a max of 25 people can attend each event; we prefer to sell no more than 20 tickets. Tickets are sold online or over the phone and details (name, address, phone number, email) of the person purchasing the tickets are required at this point, some of this information forms part of a bookings register used to check people in as they arrive at the event. Therefore given the nature of our events and that we are not proposing to run a bar or restaurant open for the general public to walk in, we question the requirement for CCTV.

Over the last few months we have used Temporary Events Notices to trial these events and see if there was interest from the general public. The events have been successful and we have attracted a low-key crowd of “foodies” often visiting us in couples or small groups. There have been no incidents of crime or disorder or complaints from neighbours or residents and we have managed the events to be as unobtrusive as possible.

We appreciate your time and assistance in this matter and look forward to talking to you soon.

Yours Sincerely

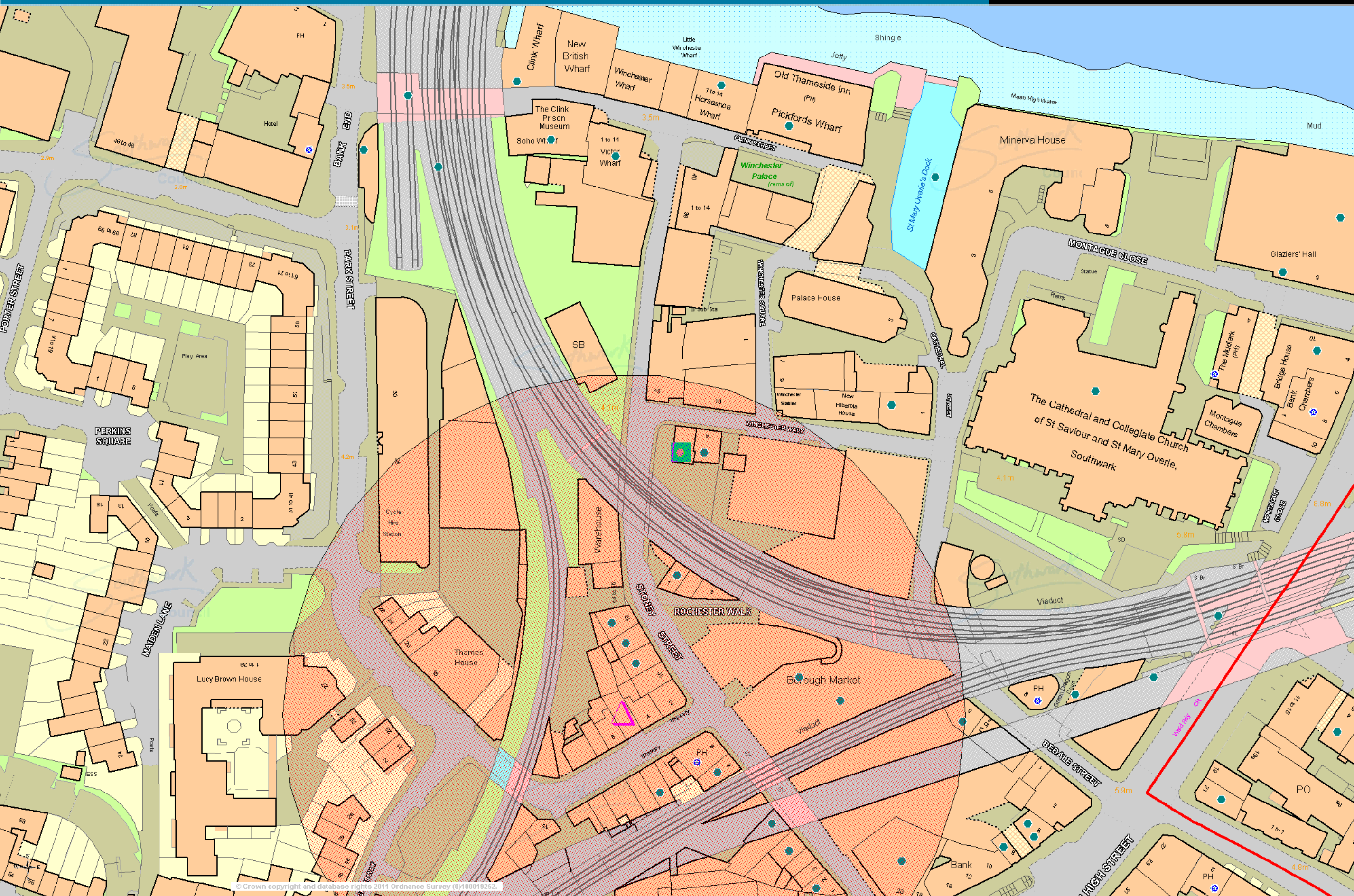
[REDACTED]

Cheesemonger and Tastings Tutor

Neal's Yard Dairy

Tel: 0207 367 0799

[REDACTED]



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Andrew Weir - Tel: 020 7525 7222

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