

Licensing Sub-Committee

Tuesday 19 April 2016
10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Charlie Smith
Councillor Sandra Rhule

Reserves

Councillor David Hubber

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: 11 April 2016



Licensing Sub-Committee

Tuesday 19 April 2016
10.00 am

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

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: ARCH 144, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP	1 - 31
6.	LICENSING ACT 2003: ARCHES 32 & 33, FLAT IRON SQUARE, UNION STREET, LONDON SE1 1SG	32 - 77
7.	REPORT: LICENSING ACT 2003: ARCH 35A, FLAT IRON SQUARE, SOUTHWARK BRIDGE ROAD, LONDON SE1 0NQ	78 - 109

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8.	LICENSING ACT 2003: ARCH 35B, FLAT IRON SQUARE, SOUTHWARK BRIDGE ROAD, LONDON SE1 1TD	110 - 141

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: 11 April 2016

Item No. 5.	Classification: Open	Date: 19 April 2016	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Arch 144, Eagle Yard, Hampton Street, London SE1 6SP	
Ward(s) or groups affected:		Newington	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Ponce's Corporation Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Arch 144, Eagle Yard, Hampton Street, London SE1 6SP.
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 15 of this report provide information in regards to representations in respect of the application. A copy of the representation submitted by a responsible authority and related correspondence are attached to this report as Appendix B. A map showing the location of the premises is attached as to this report as Appendix C.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 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 4 February 2016 Ponce's Corporation Limited applied to this Council for the grant of a new premises licence in respect of Arch 144, Eagle Yard, Hampton Street, London SE1 6SP.

9. The application is summarised as follows:
 - To permit the provision of live music and recorded music (indoors only):
Friday to Sunday between 14:00 and 02:00 the following day

 - To permit the provision of late night refreshment (indoors only):
Friday to Sunday between 23:00 and 02:00 the following day

 - To permit the sale of alcohol for consumption on the premises only:
Monday to Thursday between 14:00 and 22:30
Friday to Sunday between 14:00 and 01:30 the following day

 - Opening hours:
Monday to Thursday between 09:00 and 23:00
Friday to Sunday between 09:00 and 02:00 the following day.

10. The premises licence application form provides the applicant's operating schedule. Parts E, F, I, J, K, L and M set out the proposed operating hours and proposed operating control measures in full with reference to the four licensing objectives as defined 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 Luis Ernesto Barragan Ponce who holds a personal licence issued by the London Borough of Lambeth.

Representations from responsible authorities

12. Representations were submitted by the Metropolitan Police Service (MPS) and this council's environmental protection team (EPT).
13. The MPS's representation suggests that there should be a break of 30 minutes between the finish time in respect of licensable activities and the finish closing time of the premises. The police state that on 12 December 2015 they visited the premises and witnessed the 'apparent' sale of alcohol, provision of regulated entertainment and provision of late night refreshment at the premises. At this time no authorisation was in place under the Licensing Act 2003 to permit these activities. The MPS include a witness statement in respect of their visit to the premises of 12 December 2015. The MPS contend that during their dealings with the applicant for this licence, the applicant has acted dishonestly and therefore the MPS do not have any confidence that, should a licence be granted subsequent to this application, the applicant would operate the premises in line with any limitations placed on the licence or that the applicant will promote the licensing objectives. The MPS further contend that the intended operating hours of the premises are likely to have a negative impact in respect of residents in the immediate vicinity of the premises. The MPS recommend that the application is refused in its entirety. The representation submitted by the MPS is attached to this licence as Appendix B.
14. This council's EPT submitted a representation stating that the EPT does not object to the application, but also proffering a number of recommended control measures that the EPT suggested would minimise the potential for public nuisance. The comments from the EPT did not state that an objection to the application would be submitted if the applicant did not agree to include the conditions in the operating schedule of the application. In any case, the applicant agreed to include in the application the conditions suggested by the EPT. The EPT subsequently confirmed that they had no further comments in respect of the application. The representation submitted by the EPT and related correspondence are attached to this report in Appendix B.

Representations from other persons

15. No representations were submitted by other persons.

Conciliation

16. The applicant's agent was sent the representation submitted by the police and was advised to contact the police directly to address the concerns in the police's representation. At the time of the writing of this report the representation submitted by the police remains outstanding and must be considered by the sub-committee. The sub-committee will be updated as to any conciliation of the representation at the hearing to determine this application.

17. Although the EPT did not object to the application, they submitted a representation in which they proffered a number of conditions that they suggested would minimise the potential for public nuisance. The applicant agreed to include into the application the conditions suggested by the EPT. The EPT subsequently confirmed that they had no further comments in respect of the application. The representation submitted by the EPT and related correspondence are attached to this report in Appendix B.

Premises history

18. No premises licence, or similar authorisation granted under prior legislation, has been held or is currently held in respect of the premises. No temporary event notices have been submitted in respect of the premises. No complaints have been received by this council's licensing service in respect of the premises. No visits to the premises have been undertaken by this council's licensing service.

The local area

19. A map of the area is attached to this report as Appendix C. The premises are identified at the centre of the map by a black diamond. The following premises are shown on the map and are licensed to provide activities as stated:

- **Hampton Court Palace Hotel**, 35 Hampton Court Palace Hampton Street SE17 3AN licensed for:

Live music, recorded music, anything similar to live / recorded music on Sunday to Thursday between 10:00 and 00:00 (midnight) and Friday and Saturday between 10:00 and 01:00.

The sale of alcohol for consumption on and off the premises on Sunday to Thursday between 07:00 and 00:00 and Friday and Saturday between 07:00 and 01:00

Indoor sporting events on Sunday to Thursday between 10:00 and 01:00 and Friday and Saturday between 10:00 and 02:00

Films on Monday to Thursday between 07:00 and 01:00, Friday and Saturday between 07:00 and 02:00 and on Sunday between 10:00 and 01:00

Late night refreshment on Sunday to Thursday between 23:00 and 01:00 and Friday and Saturday between 23:00 and 02:00

- **Dragon Castle**, Ground Floor 114 Walworth Road SE17 1JL licensed for:

The sale of alcohol for consumption off the premises on Monday to Sunday between 11:00 and 23:30

Late night refreshment on Monday to Sunday between 23:00 and 00:00

- **Winemasters**, 101 Newington Butts SE1 6SF licensed for:

The sale of alcohol for consumption off the premises on Monday to Saturday between 08:00 and 20:30 and on Sunday between 10:00 and 22:30

- **Mamuska**, 16 Elephant And Castle SE1 6TH licensed for:

Live music, recorded music, anything similar to live / recorded music and performances of dance on Monday to Saturday between 09:00 and 02:00 and Friday and Saturday between 09:00 and 23:00.

The sale of alcohol for consumption off the premises on Monday to Saturday between 10:00 and 02:00 and Friday and Saturday between 12:00 and 23:00

Late night refreshment on Monday to Saturday between 23:00 and 02:30 and Friday and Saturday between 23:00 and 23:30

- **Ivory Arch, 80-82 Walworth Road SE1 6SW** licensed for:

Live music on Monday to Sunday between 11:00 and 23:30

Films, anything similar to live / recorded music, plays, the sale of alcohol for consumption on and off the premises on Monday to Sunday between 11:00 and 00:00

Late night refreshment on Monday to Sunday between 23:00 and 00:00

- **Chatkhara Restaurant, 84 Walworth Road SE1 6SW** licensed for:

Late night refreshment on Monday to Sunday between 23:00 and 02:00

- **Longwave Bar and Café, 1 The Artworks Elephant Road SE17 1AY** licensed for:

The sale of alcohol for consumption on and off the premises on Monday to Sunday between 11:00 and 00:30

Late night refreshment on Monday to Sunday between 23:00 and 01:00

Southwark statement of licensing policy 2016-20

20. Council Assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. 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..
 - 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.
21. 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

22. 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

23. 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

24. 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

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

Principles for making the determination

27. 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.

28. 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.
29. 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

30. 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.
31. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm
32. 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.
33. 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.
34. 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

35. 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

36. 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.
37. 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

38. 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.
39. 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.

40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. 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

46. Members are required to have regard to the Home Office 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

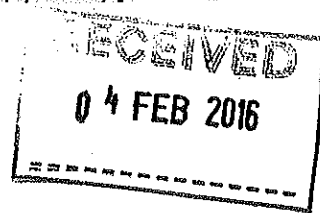
Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations from responsible authorities and related documents and correspondence
Appendix C	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	5 April 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		7 April 2016

[Insert name and address of relevant licensing authority and its reference number (optional).]

**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 Ponce's Corporation 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 Arch 144 Eagle Yard Hampton Street			
Post town	London	Postcode	SE1 6SP
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£7300	

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)					

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 Ponce's Corporation Limited

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY					
1	1	1	1	1	1	1	1

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 situated in a railway arch in Eagle Yard and is to be run as a restaurant and karaoke bar.

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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play 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 performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Provision of karaoke to be included.		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur					
			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)		
Fri	14:00				
		02:00			
Sat	14:00				
		02:00			
Sun	14:00				
		02:00			

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 checked="" 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 playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri	14:00		<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
		02:00			
Sat	14:00				
		02:00			
Sun	14:00				
		02:00			

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	14:00	22:30			
Tue	14:00	22:30			
Wed	14:00	22:30			
Thur	14:00	22:30			
Fri	14:00	01:30			
Sat	14:00	01:30			
Sun	14:00	01:30	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)		

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

Name Luis Ernesto Barragan Ponce

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	09:00	23:00	
Tue	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	02:00	
Sat	09:00	02:00	
Sun	09:00	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)			

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)

The premises licence holder/DPS has carried out a risk assessment with consideration of the four licensing objectives.

All staff will be trained to understand their responsibilities with regard to the retail sale of alcohol.

Records of staff training will be maintained and updated accordingly.

b) The prevention of crime and disorder

There is a 9 camera CCTV system which record continuously whilst the premises is open to the public and whilst any patrons remain on site. The recordings will be stored securely for a period of no less than 31 days and made available to the police upon request with the minimum of delay.

When the premises is open after 12:00am, there will be a minimum of two SIA trained door staff on duty.

Any incidents of crime and disorder will be logged and reported accordingly. The log book will be available for inspection at any time by a responsible authority.

A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

c) Public safety

The premises will be maintained in a safe manner at all times.

All exits will be clear of hazards.

All staff will be trained in emergency procedures and training records maintained.

d) The prevention of public nuisance

All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner.

e) The protection of children from harm

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS hologram.

The premises will operate a "No ID, No Sale" policy at all times.

Staff will be trained in the understanding of this policy, with refresher training provided every six months. Training records will be maintained at the premises for inspection if requested by the police or any other responsible authority.

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	Claire Danson
Date	02/02/2016
Capacity	Authorised Agent

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)

Claire Danson

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.

Your reference:



Our reference: MD/21/2755/16

Date: 25th February 2016

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 2ER

Tel: [REDACTED]

Dear Sir/Madam

Ponce's Arch 144 Eagle Yard Hampton St SE1 6SP

Police are in receipt of an application from the above for a new premises licence under the Licensing Act 2003.

Premise open	Mon - Thu	09:00 to 23:00
	Fri - Sun	09:00 to 02:00
Sale of Alcohol	Fri - Sun	14:00 to 01:30
Live/Recorded music	Fri - Sun	14:00 to 02:00
Refreshment	Fri - Sun	14:00 to 02:00

With the limited information provided I can see that this application relates to restaurant and karaoke bar. From the plan provided I note that there is what appears to be a dance floor area.

The application however does not ask for the provision of dancing or anything similar.

The application is for the sale of alcohol, recorded and live music and late night refreshment only.

Save for the sale of alcohol the applicant intends to provide all other licensable activities up until the same time they intend to close the premises to the public.

This could prove problematic when it comes to the dispersal of patrons, there should be a break in the times between the provision of licensable activities and the closure of the premises. If a licence is granted then police recommend that this is at least 30 minutes.

The premises in question were visited by Police on the 12th December 2015, following information from our partners that the venue was operating without the correct authorisation under the licensing act 2003.

On arrival at the venue PS Dempster from the night time economy team witnessed the apparent sale of alcohol, regulated entertainment and late night refreshment. The applicant for this licence was present at the time and identified himself as the person in charge at the time.

I have attached the statement of PS Dempster for your reference, it should be noted that the applicant was dishonest at the time of the visit.

I believe the information came from a visit the previous night where the premises were found to be in operation at around 02:30.

This limited track record does not give me any confidence that if a premises licence were to be granted the applicant would operate the venue in line with limitations put upon it, or promote the licensing objectives.

The venue is situated in what is considered to be a major town centre, however the venue is located within very close proximity of a number of dwellings, essentially this is an light industrial unit within a housing estate.

Any premises operating until 2am within this environment is likely to have a negative impact on those residents in the immediate vicinity.

Due to this, the display of dishonesty and the evidence that the premises has already been in operation without any authorisation under the licensing act I recommend that this application should be refused in its entirety.

Submitted for consideration

Ian Clements

Licensing Officer Southwark Borough



WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Keith Dempster**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of:**2**.... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (*supply witness details on rear*)

On SATURDAY 12th DECEMBER 2015, I was on duty in full uniform in the company of PC 915MD SPEDDING and SC HUNWICK. We patrolled in a marked police carrier with a call sign of MD49N. I am the Police Sergeant of the Night Time Economy Team, a partnership team tasked with patrols and visits of licensed premises on the borough. One of the objectives of NTE team is to reduce victim with injuries and acquisitive crimes to make Southwark a safe place for people to enjoy the night time economy offered from all venues.

I had been informed by licensing officers at local authority, that a premises at 144 Eagle Yard SE1, may be operating without a licence. They had visited the area, the previous night at approximately 0230 to see the shutters three quarters of the way down, and music heard from inside.

At approximately 2320 hours, we visited the premises. The premises was open and there were people eating and drinking at tables. There were a number of cans of Foster's lager on tables. I asked to speak to the person in charge, and was met by a male who introduced himself as Luis PONCE. I asked if he could show me his premises licence. He explained his mother had the licence, and was unable to produce it. I could not see a summary displayed, and asked where this was. He did not answer, but assured me there was a premises licence, and closed at midnight and was able to sell alcohol and late night refreshments. I asked him how much he sold the cans of Foster's for, to which he replied £3.00. The premises licences for all venues are accessible from the Southwark council website, and I tried to view the licence online. I did not find a licence for the premises, and tried various names and spellings and addresses. I said to Mr PONCE, I could not find a licence, but he again explained his mother had the licence. As I walked further into the premises, I the bar area I could see bottles of spirits on shelves. Mr PONCE said these were just for display. I walked towards doors at the back of the premises, that appeared to be a fire exit. In front of this was a large number of chairs stacked in front blocking access. In this area, there are toilets right for female and left for male, and between these was a wooden ladder that appeared to lead to an area with record decks and a microphone. PC SPEDDING asked what time he closed, and Mr PONCE said midnight. He was asked what time he closed last night, to which he replied midnight. PC SPEDDING told

Signature: Signature witnessed by:

Continuation of Statement of **Keith Dempster**.....

Mr PONCE the local authority had found the premises open at 0230 hrs. I believed the premises was not licensed to sell alcohol, and it was decided to issue a Section 19 Closure Notice Criminal Justice and Police Act 2001. PC 915MD SPEDDING completed the form and issued it to Mr PONCE. This was explained to MR PONCE who signed it. The time was 2345 hrs. The premises appeared to be closing. We left the venue and continued patrol.

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / ~~Female~~ (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability
.....

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): **PS Keith Dempster** Station: **Southwark**

Time and place statement taken:

From: Turay, Michael

Sent: 07 March 2016 10:30

To:

Subject: Premises Licence Application-Ponce's Corporation Limited, Eagle Yard Arch 144, Walworth Road, SE1 6SP

Dear Claire,

The Environmental Protection Team has reviewed the application for New Premises Licence for Live Music from 14:00-02:00 hours Friday to Sunday, Recorded Music from 14:00-02:00 hours Friday-Sunday, the Provision of Late Night Refreshment from 23:00-02:00 hours and the Supply of Alcohol from 14:00-22:30 hours Monday – Thursday and from 14:00-01:30 Friday –Sunday.

The EPT has no objections to the new premises licence application, however, the Team recommends the step below to minimise any potential for public/noise nuisance:

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. The applicant shall adequately ventilate the premises to allow doors and windows to remain closed during licensed entertainment.
3. The applicant shall close all entrance doors and windows when regulated entertainment takes place except for immediate access and egress of persons.
4. The applicant shall install a sound limiter device, set and maintain to ensure that the maximum levels of volume and bass of music, song or speech from the premises does not cause a public nuisance in the vicinity of the premises or intrude inside the nearest noise sensitive premises.
5. The applicant shall route any additional sound generating equipment through the sound limiter device.
6. The applicant shall prominently display clearly legible signage at all patron exits requesting that patrons leave the premises in a quiet and orderly manner that is respectful to the neighbours.
7. The applicant shall employ suitably experienced person(s) at all times during licensable activities to ensure that patrons do not cause a nuisance in the vicinity of the premises.
8. There shall be no more than five persons permitted to smoke outside the premises at any onetime after 21:00 hours.
9. The applicant shall not permit Patrons to take drinks outside the premises at any time.
10. The applicant shall keep the pavement in the immediate vicinity of the premises free from litter emanating from the premises while the premises are open.
11. The applicant shall properly present and place out all waste for collection no earlier than 30 minutes before the scheduled collection times.

Michael Turay

Principal Environmental Protection Officer

Environmental Protection Team

From: Claire
Sent: Monday, March 07, 2016 11:35 AM
To: Turay, Michael
Cc: Regen, Licensing
Subject: RE: Premises Licence Application-Ponce's Corporation Limited, Eagle Yard Arch 144, Walworth Road, SE1 6SP

Good morning Michael,

Many thanks for your email. I have relayed your recommended steps to my client and he is happy to agree to all of them.

Kind regards

Claire Danson
Claire Danson
Premises Licensing Co-Ordinator

From: Turay, Michael
Sent: Tuesday, March 08, 2016 10:17 AM
To: 'Claire'
Cc: Regen, Licensing
Subject: RE: Premises Licence Application-Ponce's Corporation Limited, Eagle Yard Arch 144, Walworth Road, SE1 6SP

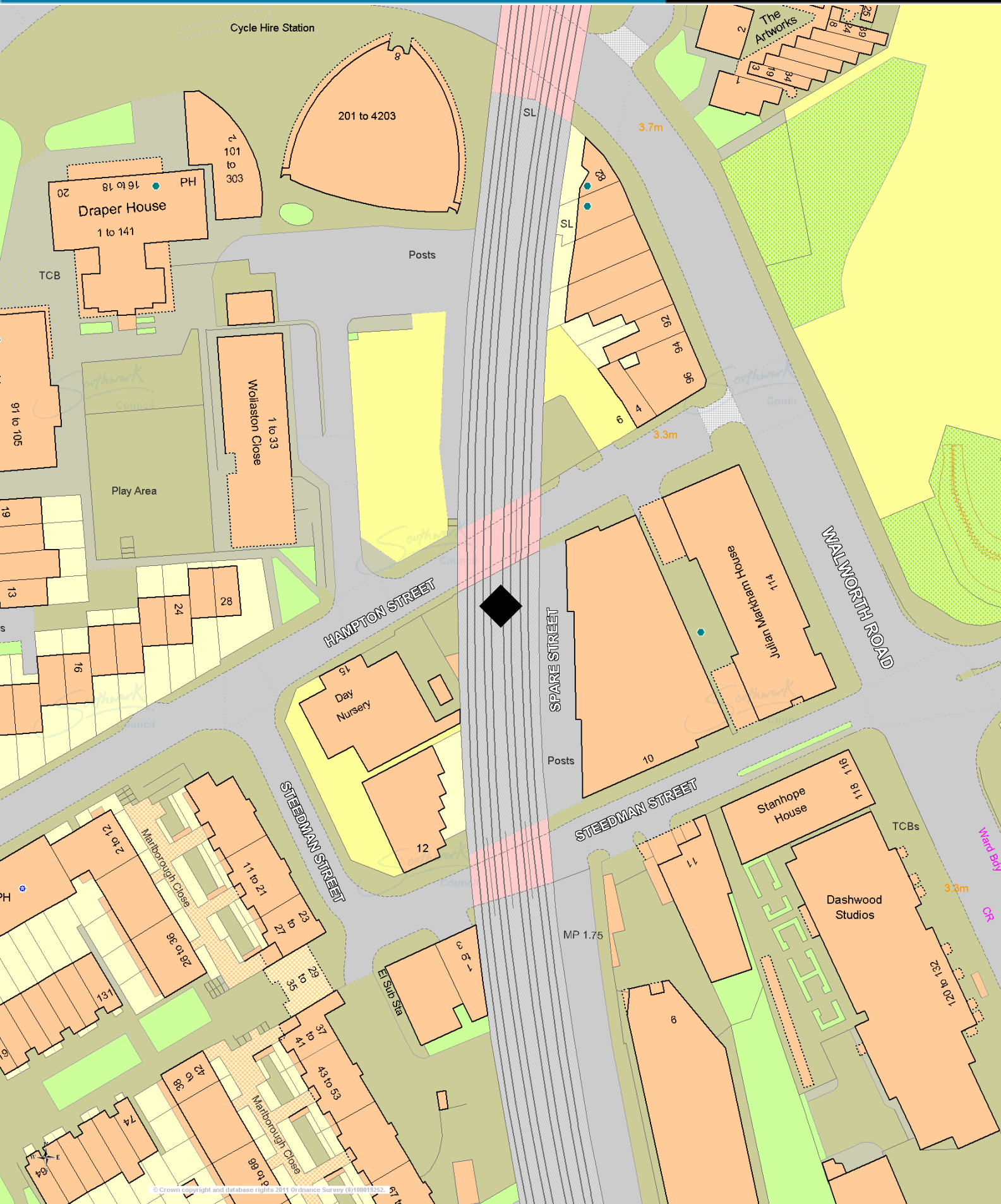
Dear Claire,

Thank you for the response confirming that your client agreed to all the suggested conditions, and accordingly, the Environmental Protection Team (EPT) has no further objections to the premises licence application subject to adherence of the agreed conditions.

Regards

Michael Turay
Principal Environmental Protection Officer
Environmental Protection Team

Date 5/4/2016



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Item No. 6.	Classification: Open	Date: 19 April 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Arches 32 & 33, Flat Iron Square, Union Street, London SE1 1SG	
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 Flat Iron Square Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Arches 32 & 33, Flat Iron Square, Union Street, London SE1 1SG.
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 13 to 15 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 16 to 28 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 correspondences are attached as Appendices C and D.
 - d) Paragraph 29 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix E.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

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

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

KEY ISSUES FOR CONSIDERATION

Premises history

8. Arches 32 & 33 benefits from an existing premises licence number 837602 with regulated entertainment issued to 6 O'Meara Street, London SE1, by way of approved plans.

9. Licence 837602 permits the following licensable activity, as well as opening hours, between 09:00 and 06:30 for:
 - Films (indoors)
 - Late night refreshment (indoors & outdoors)
 - Live music (indoors)
 - Performance of dance (indoors)
 - Recorded music (indoors),
 - Sale of alcohol (on & off premises).

10. A copy of premises licence is attached as Appendix B.

11. The new application is only applying for supply of alcohol and late night refreshment, and as such the conditions on the existing licence relating to music are not applicable to the new application for Arches 32 & 33.

12. It has been agreed that subject to this application being granted, Arches 32 & 33 will be removed by way of appropriate application from the approved plans of licence number 837602 thereby reducing the licensable activity area of the premises licence.

The premises licence application

13. On 19 February 2016, Flat Iron Square Limited applied to this council for the grant of a new premises licence in respect of the premises known as, Arches 32-33, Flat Iron Square, Union Street, London SE1 1SG. The premises forms part of a series of interconnected arches and buildings running between Southwark Bridge Rd, Southwark St, O'Meara St and Flat Iron Square which all form part of one project. Arch 32 will operate as bar, kitchen and dining area. Arch 33 will operate as an outside area, partially enclosed shared thoroughfare and area for the consumption of food and drink.

The application is summarised as follows:

- Latenight refreshment on/off the premises
Monday to Sunday from 23:00 to 01:00
 - Sale and supply of alcohol on/off the premises
Monday to Sunday from 10:00 to 00:30
 - Operating hours of premises
Monday to Sunday from 07:00 to 01:00
 - Non Standard Timings: The application seeks to extend the licensable activities and operating hours from the end of hours on New Years Eve to the start of hours on New Years Day.
14. The premises licence application form provides the applicant operating schedule. Parts I, 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

15. The proposed designated premises supervisor Lee Hazel who has a personal licence issued by Enfield Council.

Representations from responsible authorities

16. Three representations were submitted by the Metropolitan Police Service, environmental protection team (EPT) and licensing as a responsible authority.
17. The police have offered one condition for consideration by the applicant. It is listed below:
- That two SIA registered door supervisors will be engaged when the premises are in operation on Friday and Saturday nights, and will be employed at all times after 20:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

18. The EPT representation state the site lies within Borough and Bankside's major town centre and after review of Southwark's licensing policy the proposed terminal hours for this application are in excess of the guideline hours. EPT would request a reduction in the terminal hour from 01:00 to midnight during Sunday to Thursday in this location. EPT would then find these operational hours agreeable.
19. On receipt of further requested correspondence, the EPT will reassess the application and may look to propose further conditions to fully address the public nuisance licensing objective.
20. The licensing representation states that the applicant has submitted three applications for the area which show on the security plan submitted with the application,(Arches 32-33 Union Street, SE1; Arches 35A and 35B Southwark Bridge Road SE1). They are for a series of interconnected arches and buildings running between Southwark Bridge Road, Southwark Street, O'Meara Street and Flat Iron Square which all form part of one project. Although each application should be considered on its own merits all of the three premises if granted could have a negative cumulative impact on the licensing objectives.
21. Furthermore, the licensing representation provides that the operating schedule mentions an operational plan but does not include any details of it. Furthermore the security plan provided with the application shows yellow arrows which presumably indicate the way that patrons will disperse from the area. However, no dispersal policy has been included with the operating schedule. To ensure that the operating schedule is demonstrating that there will be no further impact in the saturation area and to promote the licensing objectives they suggest the following:
 - The applicant provides a concise dispersal policy for the licensing sub-committee to consider.
22. In addition the following condition, which would be consistent with a restaurant and the licensing policy, is added to the operating schedule:
 - Intoxicating liquor shall not be sold or supplied 'on the premises' otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.
23. If the premises is to operate more as a bar than a restaurant as it is not clear from the description, then licensing would ask that the hours are amended to those as recommended within the licensing policy which are:
 - Closing time for Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 and for Friday and Saturday 00:00.
24. Copies of the representations are attached as Appendix C.

Representation from other persons

25. A representation was submitted by an other person (a local ward councillor), who is concerned that although the applications are made separately they are for a series of interconnected arches and buildings running between Southwark Bridge Road, Southwark Street, O'Meara Street and Flat Iron Square which all form part of one project.

26. These premises sit in the Borough and Bankside cumulative impact Policy area, and need to demonstrate that new premises licences at this location will not add to the noise and antisocial behaviour, crime and disorder or alcohol related hospital admissions that have led to the introduction of this policy and would also like to see evidence that:
- a) All the premises are applying for hours that meet the recommended hours of operation in the recent update of the council's licensing policy, agreed in January 2016.
 - b) All the premises are applying for hours that correspond to the hours of operation permitted by their planning permission.
 - c) All the premises have addresses that correspond with those on the planning register.
27. A copy of the representation is attached as Appendix D.

Conciliation

28. The representations were forwarded to the applicant. The applicant has agreed to the police condition and is awaiting police confirmation of withdrawing their representation. However the applicant has not as yet agreed to the conditions proposed by other responsible authorities and as such the representations remain unresolved. The licensing sub committee will be updated of any developments on the 19 April 2016.

The local area

29. 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/restaurant

- The Arches, 6 O'Meara Street, London SE1 (Monday to Sunday till 06:30)
- Crown & Greyhound, 65-67 Union Street, London SE1 (Monday to Thursday till 23:00, Friday and Saturday till 00:00 and Sunday till 22:30)

Off licence

- Union Newsagent, 77-79 Union Street, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30)
- Jazz Convenience Stores, 69-71 Union Street, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30).

Deregulation of entertainment

30. 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.
31. 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

32. 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.
33. 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.
34. 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.
35. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

36. 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.
 - Closing time for Public Houses, Wine bars or other drinking establishments: Sunday to Thursday is 23:00 and for Friday and Saturday 00:00.
37. 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

38. A fee of £100 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

39. 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

40. 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

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

Principles for making the determination

43. 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.
44. 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.
45. 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

46. 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.
47. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
48. 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.
49. 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.
50. 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

51. 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

52. 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.
53. 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

54. 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.
55. 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.

56. 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.
57. 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.
58. 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.
59. 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.
60. 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.
61. 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

62. Members are required to have regard to the Home Office 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

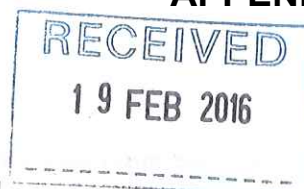
Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a new premises licence
Appendix B	Premises licence No. 837602
Appendix C	Representation from responsible authorities
Appendix D	Representation from other person
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	7 April 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	7 April 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.

We Flat Iron Square Limited

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and 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			
Arches 32 and 33 Flat Iron Square Union Street			
Post town	London	Post code	SE1 1SG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	To be assessed

Part 2 - Applicant Details

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Flat Iron Square Limited
Address 24 Park Road South Havant Hampshire PO9 1HB
Registered number (where applicable) 09145973
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A S A P		

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

Day	Month	Year

A

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

Arch 32 will operate as a bar, kitchen and dining area. Arch 33 is an outside, partially enclosed, shared thoroughfare and area for the consumption of food and drink.

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

N/A

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

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

Provision of regulated entertainment

Please tick yes

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

A

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

B

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

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) <table border="1" style="float: right;"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>								
Outdoors	<input type="checkbox"/>								
Both	<input type="checkbox"/>								
Day	Start	Finish							
Mon			Please give further details here (please read guidance note 3)						
Tue									
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)						
Thur									
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)						
Sat									
Sun									

E

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

F

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

G

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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	01.00	Please give further details here (please read guidance note 3) The provision of hot food and drinks with the option of take-away meals.	Both	<input checked="" type="checkbox"/>
Tue	23.00	01.00			
Wed	23.00	01.00			
Thur	23.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Fri	23.00	01.00			
Sat	23.00	01.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun	23.00	01.00			
			From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10.00	00.30	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	10.00	00.30			
Wed	10.00	00.30			
Thur	10.00	00.30	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	10.00	00.30			
Sat	10.00	00.30	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		
Sun	10.00	00.30			

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

Name Lee Hazel
Address 
Postcode 
Personal Licence number (if known) 
Issuing licensing authority (if known) London Borough of Enfield

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	07.00	01.00	
Tue	07.00	01.00	
Wed	07.00	01.00	
Thur	07.00	01.00	
Fri	07.00	01.00	
Sat	07.00	01.00	
Sun	07.00	01.00	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) From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

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

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

Arches 32 and 33 already have the benefit of a late Premises licence, number 837602 issued by the London Borough of Southwark.

We have pre-consulted with the Police Licensing Officer, Ian Clements, the Councils, Licensing Officer and Environmental Health Officer, David Franklin and Jayne Tear, and they all have had the benefit of a meeting with the applicant and prior consideration of the proposed operating schedule.

It has been agreed that subject to this application being granted, Arches 32 and 33 will be removed, by way of the appropriate licence application, from the current approved plans on Premises Licence number 837602.

b) The prevention of crime and disorder

1. The premises shall install and maintain a CCTV system in consultation with the Metropolitan Police Crime and Prevention Officer. All entry and exit points will be covered and able frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practicable upon the reasonable request of the Police or authorised Officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be immediately available when the premises are open to the public. The staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested.
3. The need for door supervisors for Arches 33 and 32 at the premises will be assessed by way of a risk assessment and cognisance will be taken of Police advice.
4. Substantial food and non-intoxicated beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. Notices shall be prominently displayed in the outdoor area requesting patrons to use the area quietly.
6. All drinking vessels used in the outside area (Arch 33) shall be polycarbonate.
7. Alcohol sold for consumption off the premises shall be supplied in sealed containers.

c) Public safety

We understand our obligations under existing legislation and take our responsibilities seriously.

d) The prevention of public nuisance

1. The number of persons permitted in Arch 32 at any one time (excluding staff) shall not exceed 250.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local businesses and residents and leave the area quietly.
3. No waste or recyclable materials, including bottles, shall be placed in outside areas between 23.00hrs and 08.00hrs on the following day.
4. All waste shall be properly presented and placed out for collection no earlier than 07.30hrs before the scheduled collection times.
5. Where available, a responsible member of staff shall join the local Pubwatch or other local crime reduction scheme approved by the Police.
6. The premises licence holder shall be bound by the terms of the Operational Plan for Flat Iron Square and such Operational Plan to be updated by the Premises Licence Holder from time to time as appropriate. A copy of the Operational Plan shall be retained at the premises and made available for inspection by the Relevant Authorities.

e) The protection of children from harm

1. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as driving licence or passports.
2. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the staff member who refused the sale. A log shall be available for inspection at the premises by the Police or an authorised Officer.

Please tick yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	[Redacted]
Date	14th Feb 2016.
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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) Steve Burnett Poppleston Allen Solicitors 31 Southampton Row			
Post town	London	Post code	WC1B 5HJ
Telephone number (if any)	0203 078 7488		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) s.burnett@popall.co.uk			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you

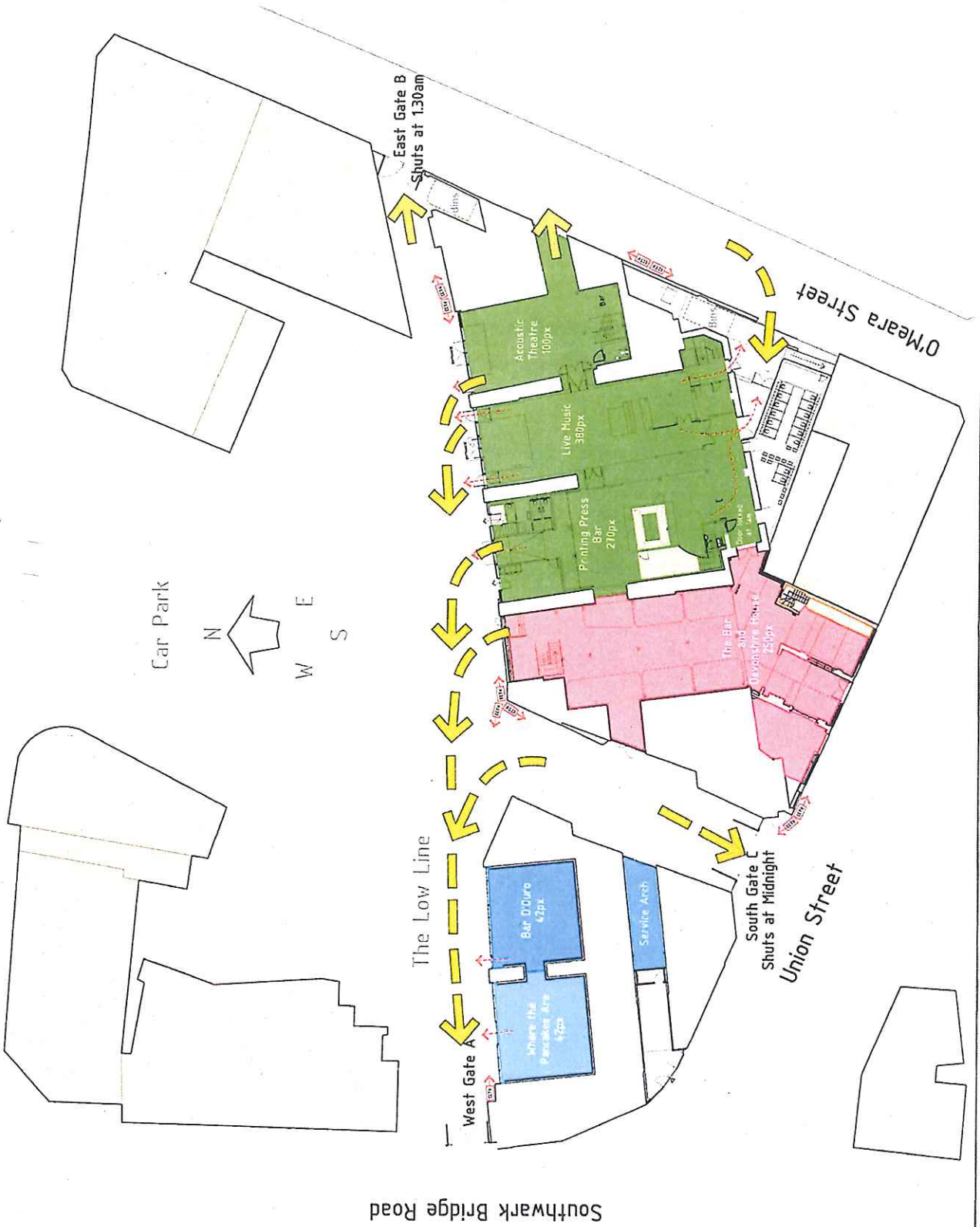
intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.

9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

FLAT IRON SQUARE SE1 BANKSIDE

Security Plan

Southwark Street



Southwark Bridge Road

East Gate B
Shuts at 1:30am

O'Meara Street

The Low Line

South Gate C
Shuts at Midnight

Union Street

Licensing Act 2003 Premises Licence

58



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

Premises licence number

837602

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Arches 6 Omeara Street London SE1 1TE Ordnance survey map reference (if applicable), 180077532345	
Post town London	Post code SE1 1TE
Telephone number 020 77403 9643	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence Films Live Music Recorded Music Performance of Dance Facilities for Making Music Facilities for Dancing Late Night Refreshment - Indoors and outdoors Sale by retail of alcohol to be consumed on premises 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	09:00 - 06:30
Tuesday	09:00 - 06:30
Wednesday	09:00 - 06:30
Thursday	09:00 - 06:30
Friday	09:00 - 06:30
Saturday	09:00 - 06:30
Sunday	09:00 - 06:30

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

Sale by retail of alcohol to be consumed on premises

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

Films

Monday	09:00 - 06:30
Tuesday	09:00 - 06:30
Wednesday	09:00 - 06:30
Thursday	09:00 - 06:30
Friday	09:00 - 06:30
Saturday	09:00 - 06:30
Sunday	09:00 - 06:30

Live Music

Monday	09:00 - 06:30
Tuesday	09:00 - 06:30
Wednesday	09:00 - 06:30
Thursday	09:00 - 06:30
Friday	09:00 - 06:30
Saturday	09:00 - 06:30
Sunday	09:00 - 06:30

Recorded Music

Monday	09:00 - 06:30
Tuesday	09:00 - 06:30
Wednesday	09:00 - 06:30
Thursday	09:00 - 06:30
Friday	09:00 - 06:30
Saturday	09:00 - 06:30
Sunday	09:00 - 06:30

Performance of Dance

Monday	09:00 - 06:30
Tuesday	09:00 - 06:30
Wednesday	09:00 - 06:30
Thursday	09:00 - 06:30
Friday	09:00 - 06:30
Saturday	09:00 - 06:30
Sunday	09:00 - 06:30

Facilities for Making Music

Monday	09:00 - 06:30
Tuesday	09:00 - 06:30
Wednesday	09:00 - 06:30
Thursday	09:00 - 06:30
Friday	09:00 - 06:30
Saturday	09:00 - 06:30
Sunday	09:00 - 06:30

Facilities for Dancing

Monday	09:00 - 06:30
Tuesday	09:00 - 06:30
Wednesday	09:00 - 06:30
Thursday	09:00 - 06:30
Friday	09:00 - 06:30
Saturday	09:00 - 06:30
Sunday	09:00 - 06:30

Late Night Refreshment - Indoors and outdoors

Monday	23:00 - 05:00
Tuesday	23:00 - 05:00
Wednesday	23:00 - 05:00
Thursday	23:00 - 05:00
Friday	23:00 - 05:00
Saturday	23:00 - 05:00
Sunday	23:00 - 05:00

Sale by retail of alcohol to be consumed on premises

Monday	09:00 - 06:00
Tuesday	09:00 - 06:00
Wednesday	09:00 - 06:00
Thursday	09:00 - 06:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 06:00

Sale by retail of alcohol to be consumed off premises

Monday	09:00 - 06:00
Tuesday	09:00 - 06:00
Wednesday	09:00 - 06:00
Thursday	09:00 - 06:00
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 06:00

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

Union Car Parks Limited
 24 Park Road South,
 Havant,
 Hampshire,
 PO9 1HB

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

03211303

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

Lee Hazel
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. 89328
 Authority LB Enfield

Licence Issue date 30/03/2012

.....
 Community Safety Enforcement
 Business Unit Manger
 Hub 2, Floor 3
 160 Tooley Street
 London SE1 2QH
 020 7525 5748
 licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

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

107 Any individual carrying out security activities at the premises must be licensed by the Security Industry Authority. This does not apply where the premises are being used primarily as a Qualifying Club under a Club Premises Certificate, under a Temporary Event Notice, or primarily as a cinema, restaurant or theatre

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

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

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

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

or

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

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

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

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

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

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

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

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

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

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

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

489 The responsible person shall ensure that -

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

(i) Beer or cider: 1/2 pint;

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. an additional hour on the day when British Summertime commences. New Years Eve - from the start of permitted hours on New Years Eve until the start of permitted hours on New Years Day

113 This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: an additional hour on the day when British Summertime commences. New Years Eve - from the start of permitted hours on New Years Eve until the start of permitted hours on New Years Day

114 This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Provision of regulated entertainment, Films, Live Music, Recorded Music, Performances of Dance. Provision of Entertainment Facilities Making Music,Dancing.

An additional hour on the day when British Summertime commences.

New Years Eve - from the start of permitted hours on New Years Eve until the start of permitted hours on New Years Day

115 This licence allows for the premises for the provision of late night refreshment for non standard timings stated below on the following days:an additional hour on the day when British Summertime commences.

New Years Eve - from the start of permitted hours on New Years Eve until the start of permitted hours on New Years Day

340 That the venue will train its staff in all the aspects of relevant legislation

341 That the premises will be constructed in accordance with the enclosed supporting proposed plans or in the case of alterations to that drawing, any further drawings served on the responsible authorities prior to the opening of the premises

342 That all audio and musical equipment on the premises shall be played through the approved sound limiting/cut out device

343 That there shall be no movement of musical or amplification equipment from the premises between the hours of 12 midnight and 8am.

344 That SIA registered door supervisors shall be employed at all times after 22.00hrs and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded. On nights when events are aimed at both male and female customers, there will be a requirement to employ a female SIA registered door supervisor.

345 That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search, No Entry, Management reserve the right to refuse entry'

346 That a drugs drop box, which must be secure and have a tamper proof entrance, shall be fixed to the wall in the entrance foyer to the premises and an agreement must be established with the local Police over the emptying and collection of any drugs deposited in the box

347 That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs

348 That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents

349 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 all that enter the premises

350 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

351 That you shall require any regular and external promoters hiring the premises to complete the Metropolitan Police Risk Assessment ('Venue Hire Agreement' form 696) once completed, you shall ensure that a copy of the agreement is provided to the Police a minimum of fourteen days prior to the date of hire

352 That a personal licence holder is on the premises and on duty at ALL times that intoxicating liquor is supplied

353 The licensee shall not permit conduct on the premises that is likely to cause disorder, violence, a breach of the peace or drug misuse

354 A risk assessment will be conducted and the local Fire Safety Officer will be notified of the capacity

355 An accurate record shall be kept of the number of persons admitted to each part of the premises, such records retained for 6 months and made available to the responsible authorities

356 There shall be a suitable number of adequately trained staff to prevent overcrowding in parts of the premises, keep exit routes clear and to ensure the safe evacuation of people from the premises. In the event of an emergency such staff will have been issued with specific duties in the event of an emergency

357 All staff shall have received training on the safe evacuation of the premises in the event of an emergency and such training shall be repeated at least annually. A record of the training provided shall be kept at the premises for at least 12 months and shall be made available to the fire service or Council on their request

358 Adequate arrangements will be made in the Fire Evacuation Plan to ensure the safe evacuation of any disabled persons in the event of an emergency

359 All escape doors and escape routes will be checked before the premises open for trading to the public and records of the check shall be maintained

360 All fire exit doors shall be available and shall be capable of opening without the use of any key, card, code or similar means

361 Fire doors will be self closing and shall not be held open other than by devices approved by the fire service

362 Edges to steps and stairways shall be maintained so as to be conspicuous

363 Notices detailing the action to be taken in the event of fire or other emergency will be prominently displayed in the premises

364 Fire alarm/fire evacuation/emergency lighting tests will be carried out at least monthly and a record maintained of those tests. Such records to be kept at the premises for at least 12 months and made available to the fire service and Council

365 An adequate supply of free drinking water shall be provided for all customers

366 Risk assessments (including a fire risk assessment) will be carried out and following such risk assessment an action plan will be prepared and any additional action required will be implemented. This will be reviewed annually.

367 The holder of the premises licence shall ensure that all audio and musical equipment on the premises shall be played through the approved sound limiting/cut out device.

368 The licensee shall make available and display the telephone number of the premises so they can be contacted immediately by neighbours disturbed by noise.

369 Door supervisors and staff shall endeavour to ensure that customers leaving or attending the premises do so in an orderly and quiet manner.

370 Signs shall be displayed at the bar stating that any person who appears to be under the age of 18 will not be allowed on the premises.

371 Photographic driving licences, passports or in agreement with the police a form of identification with the PASS hologram will be used as evidence of anyone who appears to be under the age of 18.

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

840 That no part of the outside curtilage, including the patio area, shall be used for the purpose of music based licensable activities.

841 The sound limiter/cut out device shall be maintained at levels set to the satisfaction of the Council's Environmental Protection Team.

842 The licensee shall instruct SIA door supervisors to inspect the neighbourhood at one hour intervals for any sound escape from the premises. Where sound from the premises is audible in the neighbourhood, the licensee shall take all reasonable steps to ensure that a noise nuisance will not be caused to local residents.

843 The designated premises supervisor shall risk assess the appropriate designated external smoking area in terms of location so as to ensure minimum disturbance to nearby residences.

844 The external passageway between The Arches and The Chocolate Factory rear fire exit will not be designated as an external customer smoking area during the times that the Theatre is open to the public.

845 The premises licence holder shall provide to The Chocolate Factory a contact telephone number for the premises and the DPS.

846 That no open drinks are to be taken outside.

Annex 4 - Plans - Attached

Licence No. 837602
Plan No. 0732-01/02
0732-01/03
0732-01/05
Plan Date 26 April 2007



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/ 2762/16

Date: 15th March 2016

Re:- Arch 32 & 33 Flat Iron Square Southwark Bridge Road SE1 0NQ

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence. The applicant has included a number of control measures as part of the operating schedule.

With the addition of the following control measure I feel that the operating schedule is sufficient for the promotion of the licensing objectives.

1. That two SIA registered door supervisors will be engaged when the premises are in operation on Friday and Saturday nights, and will be employed at all times after 20:00 until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented.

Kind Regards

PC Ian Clements PC362MD

Southwark Police Licensing Unit
Tel: 0207 232 6756

From: Prickett, Mark
Sent: Friday, March 18, 2016 3:09 PM
To: Regen, Licensing
Cc: Tear, Jayne; Steve Burnett; 'Lisa Inzani'
Subject: Premises licence application - Arches 32 & 33, Southwark Bridge Road, SE1 - EPT representation

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence application by Flat Iron Square Limited for;

Site: Arches 32 & 33, Flat Iron Square, Union Street, SE1 1SG

The new premises is described as "Arch 32 will operate as a bar, kitchen and dining area. Arch 33 is an outside, partially enclosed, shared thoroughfare and area for the consumption of food and drink".

Licensable activities sought;

Late night refreshment (indoors & outdoors): 23:00 – 01:00, 7 days a week.
 Supply of alcohol (on & off the premises): 10:00 – 00:30, 7 days a week

Hours open to the public: 07:00 – 01:00, 7 days a week

Section M part d) of the application lists the following proposed conditions to address the prevention of public nuisance licensing objective;

1. The number of persons permitted in Arch 32 at any one time (excluding staff) shall not exceed 250.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local businesses and residents and leave the area quietly.
3. No waste of recyclable materials, including bottles, shall be placed in outside areas between 23:00 – 08:00 on the following day.
4. All waste shall be properly presented and placed out for collection no earlier than 07:30hrs before the scheduled collection times
5. Where available, a responsible member of staff shall join the local Pubwatch or other local crime reduction scheme approved by the police.
6. The Premises Licence Holder shall be bound by the terms of the Operational Plan for Flat Iron Square and such Operational Plan to be updated by the Premises Licence Holder from time to time as appropriate. A copy of the Operational Plan shall be retained at the premises and made available for inspection by the Relevant Authorities.

Existing licence

The application advises that Arches 32 & 33 are currently licensed via premises licence no: 837602.

Licence 837602 permits the following licensable activity, as well as opening hours, between **09:00 – 06:30** for;

Films (indoors), Late night refreshment (indoors & outdoors), Live music (indoors), Performance of dance (indoors), recorded music (indoors), sale of alcohol (on & off premises).

The licence includes the following 12 conditions relating to public nuisance;

342 - That all audio and musical equipment on the premises shall be played through the approved sound limiting/cut out device

343 - That there shall be no movement of musical or amplification equipment from the premises between the hours of 12 midnight and 8am.

348 - That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents

367 - The holder of the premises licence shall ensure that all audio and musical equipment on the premises shall be played through the approved sound limiting/cut out device.

368 - The licensee shall make available and display the telephone number of the premises so they can be contacted immediately by neighbours disturbed by noise.

369 - Door supervisors and staff shall endeavour to ensure that customers leaving or attending the premises do so in an orderly and quiet manner.

840 - That no part of the outside curtilage, including the patio area, shall be used for the purpose of music based licensable activities.

841 - The sound limiter/cut out device shall be maintained at levels set to the satisfaction of the Council's Environmental Protection Team.

842 - The licensee shall instruct SIA door supervisors to inspect the neighbourhood at one hour intervals for any sound escape from the premises. Where sound from the premises is audible in the neighbourhood, the licensee shall take all reasonable steps to ensure that a noise nuisance will not be caused to local residents.

843 - The designated premises supervisor shall risk assess the appropriate designated external smoking area in terms of location so as to ensure minimum disturbance to nearby residences.

844 - The external passageway between The Arches and The Chocolate Factory rear fire exit will not be designated as an external customer smoking area during the times that the Theatre is open to the public.

846 - That no open drinks are to be taken outside.

It is advised within the application that, subject to the new application being granted, Arches 32 & 33 will be removed from premises licence 837602.

EPT stance

The site lies within Borough & Bankside's major town centre and after review of Southwark's Licensing Policy the proposed terminal hours for this application are in excess of the guideline hours. EPT would request a reduction in the terminal hour from 01:00 to midnight during Sunday to Thursday in this location. EPT would then find these operational hours agreeable.

EPT are satisfied with the start time within the proposed condition 4 above, however would like clarification from the applicant with regards to condition 5 whereby it suggests waste will be placed outside at 07:30hrs, which is contrary to the 08:00 within condition 4?

It is noted that the new application is only applying for supply of alcohol and late night refreshment, and as such the conditions on the existing licence relating to music are not applicable to the new application for Arches 32 & 33.

The application also seeks off sales. Can the applicant please confirm is this will be related to the sale of drinks to take home from the food vendors, rather than for patrons to take open drinks beyond the outlined licensable area? The outside frontage area (to the north of Arch 32) and Arch 33 is labelled as 'Outside Customer Area', which is a relatively large external area for eating & drinking. Are any controls proposed for this outdoor customer area or does the applicant seek to keep this area open for use by patrons up until the proposed closing hour (up to 200 people as advised in the noise report)? Is there a designated smoking area late at night, or will it be permitted for patrons to move around the low line between Southwark Bridge Road and O'Meara Street?

Also, are there any restrictions to be put on the outside terrace to south of first floor, Arch 32?

The RBA Acoustics 'Acoustic Assessment' (ref: 7241/AAR, dated: 12 Feb 2016) has been reviewed and EPT comments are made as follows;

- It is assumed that the section of the report that assesses the impact of music noise from the arches will not be considered as the application for Arches 32 & 33 is not seeking permission for live music or regulated entertainment. However section 2 of the noise report suggests arch 32 will have music?
- Section 2: The assessment of dispersal of patrons is only to be from arches 32 & 33, but yet it has not considered dispersal from arches 35a & 35b which will cease operating at a similar time?
- After review of the noise tables and graphs, noise levels in all 3 locations are fairly consistent up until midnight, after which noise levels start to decrease and continue to do so into the middle of the night. The noise levels on Fridays & Saturdays are also generally slightly higher, which is to be expected but also supports EPT's concerns and request to revise the terminal hour for Arches 32&33 to midnight Sun-Thurs.
- Section 5.4 – assessment of patron noise whilst outside, however only gauged impact of patrons when outside Arches 33 & 31. The applicant has also applied for outdoor use in front of Arch 35a & 35b, and it can be argued, from a subjective review of the map, that arches 35 a & 35b and half the distance to the resident in America Street than Arch 31. Taking into account patrons outside Arches 35a & b, how does this impact on the conclusion?
- Section 6.3 – assessed the impact of patrons dispersing from the site in terms of an hour Leq. The shorter, max noise events that could be expected to occur from a group of patrons, late at night after spending an evening in a alcohol licensed premises (ie shouting to each other), is the noise event that causes disturbance/nuisance, but this is not assessed.

EPT make representation against this application until further information can be provided. On receipt of this EPT will reassess the application and may look to propose further conditions to fully address the public nuisance licensing objective.

Kind regards,

Mark Prickett

Principal Enforcement Officer
Environmental Protection Team
Southwark Council

Tel: 0207 525 0023

Environmental Protection Team | 3rd floor | Hub 2 | 160 Tooley Street | London | SE1
2QH

MEMO: Licensing Unit

To Licensing Unit **Date** 16 March 2016

Copies

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

Email jayne.tear@southwark.gov.uk

Subject Re: Flat Iron Square Limited, Arches 32 and 33 Southwark Bridge Road, London, SE1 0NQ

- Application for a premises licence

I write with regards to the above application for the grant of a premises licence to Flat Iron Square Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors and outdoors) on Monday to Sunday from 23:00 to 01:00 the following day.
- Supply of alcohol (on and off the premises) on Monday to Sunday from 10:00 to 00:30 the following day.
- Opening times shall be on Monday to Sunday from 07:00 to 01:00 the following day.

Non standard timings asked for on all activities are:

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

This premises is situated within Bankside, Borough, London Bridge Strategic Cultural & London Bridge District Town Area.

The premises is described as a *'Arch 32 will operate as a bar, kitchen and dining area. Arch 33 is an outside area, partially enclosed, shared thoroughfare and area for the consumption of food and drink'*.

Under the Southwark Statement of Licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for the following categories of premises stated below:

Closing time for Restaurants and Cafes: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

Closing time for Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours

This premises is also situated within the saturation area for Borough and Bankside. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The classes of premises to which the Saturation policy applies in the Bankside and Borough area is defined as follows – night clubs; pubs and bars; restaurants and cafes, off-licences, grocers, supermarkets, convenience stores and similar premises.

The applicant has submitted 3 applications for the area which show on the security plan submitted with the application, and although each application should be considered on its own merits all of the three premises if granted could have a negative cumulative impact on the licensing objectives

The operating schedule mentions an operational plan but does not include any details of it, furthermore the security plan provided with the application shows yellow arrows which I presume are the way that patrons will disperse from the area yet no dispersal policy has been included with the operating schedule.

So to ensure that the operating schedule is demonstrating that there will be no further impact in the saturation area and to promote the licensing objectives I suggest the following:

- The applicant provides a concise dispersal policy for the licensing sub-committee to consider.

The following condition, which would be consistent with a restaurant and the licensing policy, is added to the operating schedule:

- Intoxicating liquor shall not be sold or supplied 'on the premises' otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.

If the premises is to operate more as a bar than a restaurant as it is not clear from the description then I would ask that the hours are amended to that as recommended within the licensing policy which are:

Closing time for Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

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

From: Morris, Adele
Sent: Tuesday, March 15, 2016 5:39 PM
To: Regen, Licensing
Cc: Franklin, David; Blackburn, Gavin; Public Health Licensing; 'Ian.Clements@met.pnn.police.uk'; Prickett, Mark; Noakes, David; Linforth-Hall, Maria
Subject: Objection Flat Iron Square Ltd

Re application numbers: 851423, 851422, 851421

Dear Licensing Dept

I would like to object to the applications for the above premises, which have all been submitted by Flat Iron Square Limited. Although presented as separate applications, they are for a series of interconnected arches and buildings running between Southwark Bridge Rd, Southwark St, O'Meara St and Flat Iron Square which all form part of one project.

These premises sit in the Borough and Bankside Cumulative Impact Policy area, and need to demonstrate that new premises licences at this location will not add to the noise and antisocial behaviour, crime and disorder or alcohol related hospital admissions that have led to the introduction of this policy. I have not seen evidence that these premises will not add to these issues.

I would also like to see evidence that:

- a) All the premises are applying for hours that meet the recommended hours of operation in the recent update of the Council's Licensing Policy, agreed in January 2016.
- b) All the premises are applying for hours that correspond to the hours of operation permitted by their planning permission
- c) All the premises have addresses that correspond with those on the planning register

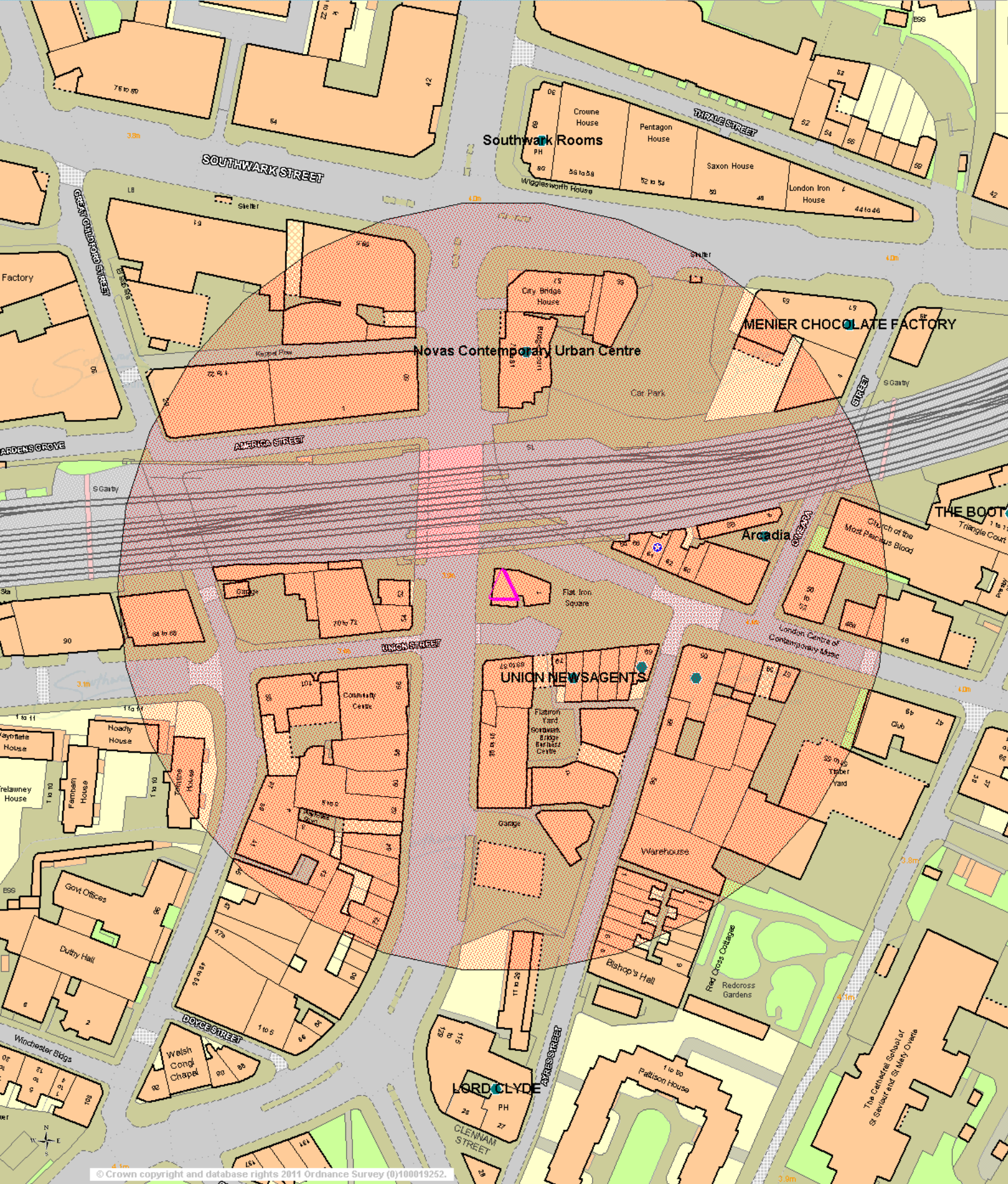
Best wishes

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

Tel: 0207 525 4377



AdeleCathedrals



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Item No. 7.	Classification: Open	Date: 19 April 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Arch 35A, Flat Iron Square, Southwark Bridge Road, London SE1 0NQ	
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 Flat Iron Square Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Arch 35A, Flat Iron Square, Southwark Bridge Road, London SE1 0NG.
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 22 of this report deal with the representations received to the premises licence application. Copies of the relevant representations from the responsible authorities and one other person and the correspondence are attached as Appendices B and C.
 - d) Paragraph 24 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix D.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a 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 19 February 2016 Flat Iron Square Limited applied to this council for the grant of a new premises licence in respect of the premises known as, Arch 35A, Flat Iron Square, Southwark Bridge Road, London SE1 0NQ. The premises forms part of a series of interconnected arches and buildings running between Southwark Bridge Road, Southwark Street, O'Meara Street and Flat Iron Square which all form part of one project. Arch 35A will operate as restaurant with bar facilities.

The application is summarised as follows:

- Late night refreshment on/off the premises:
Sunday to Thursday from 23:00 to 00:00
Friday and Saturday from 23:00 to 01:00
- Sale and supply of alcohol on/off the premises:
Sunday to Thursday from 10:00 to 23:30
Friday and Saturday from 10:00 to 00:30
- Operating hours of premises:
Sunday to Thursday from 07:00 to 00:00
Friday and Saturday from 07:00 to 01:00

- Non Standard Timings: The application seeks to extend the licensable activities and operating hours from the end of hours on New Years Eve to the start of hours on New Years Day.
9. The premises licence application form provides the applicant operating schedule. Parts I, 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 Lee Hazel who has a personal licence issued by Enfield Council.

Representations from responsible authorities

11. Three representations were submitted by the Metropolitan Police Service, environmental protection team (EPT) and Licensing as a responsible authority.
12. The police representation states that they are satisfied the applicants operating schedule contains sufficient control measures for the promotion of the licensing objectives.
13. The EPT representation states that the site lies within Borough and Bankside's major town centre and after review of Southwark's licensing policy they are satisfied with the start time proposed match those proposed, however they would like clarification from the applicant with regards to the suggestion that waste will be placed outside at 07:30hrs, which is contrary to the 08:00 within condition 5 of the policy.
14. Furthermore, the application also seeks off sales. The EPT would like the applicant to advise why this is required from a proposed pancake restaurant. The frontage area outside of Arch 35A is outlined within the licensable area and as such is expected to provide some external eating and drinking.
15. On receipt of further requested the EPT will reassess the application and may look to propose further conditions to fully address the public nuisance licensing objective.
16. The licensing representation states that the applicant has submitted three applications for the area which show on the security plan submitted with the application, (Arches 32-33 Union Street, SE1; Arches 35A and 35B Southwark Bridge Road SE1). They are for a series of interconnected arches and buildings running between Southwark Bridge Road, Southwark Street, O'Meara Street and Flat Iron Square which all form part of one project. Although each application should be considered on its own merits all of the three premises if granted could have a negative cumulative impact on the licensing objectives.
17. Furthermore, the licensing representation provides that the operating schedule mentions an operational plan but does not include any details of it. Furthermore the security plan provided with the application shows yellow arrows which presumably indicate the way that patrons will disperse from the area. However, no dispersal policy has been included with the operating schedule. To ensure that the operating

schedule is demonstrating that there will be no further impact in the saturation area and to promote the licensing objectives they suggest the following:

- The applicant provides a concise dispersal policy for the licensing sub-committee to consider.
18. In addition the following condition, which would be consistent with a restaurant and the licensing policy, is added to the operating schedule:
- Intoxicating liquor shall not be sold or supplied 'on the premises' otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.
19. Copies of the representations are attached as Appendix B.

Representation from other persons

20. A representation was submitted by an other person (a local ward councillor), who is concerned that although the applications are made separately they are for a series of interconnected arches and buildings running between Southwark Bridge Road, Southwark Street, O'Meara Street and Flat Iron Square which all form part of one project.
21. These premises sit in the Borough and Bankside cumulative impact policy area, and need to demonstrate that new premises licences at this location will not add to the noise and antisocial behaviour, crime and disorder or alcohol related hospital admissions that have led to the introduction of this policy and would also like to see evidence that:
- a) All the premises are applying for hours that meet the recommended hours of operation in the recent update of the council's licensing policy, agreed in January 2016.
 - b) All the premises are applying for hours that correspond to the hours of operation permitted by their planning permission.
 - c) All the premises have addresses that correspond with those on the planning register.
22. A copy of the representation is attached as Appendix C.

Conciliation

23. The representations were forwarded to the applicant. However the applicant has not as yet agreed to the conditions proposed by the responsible authorities and as such the representations remain unresolved. The licensing sub committee will be updated of any developments on the 19 April 2016.

The local area

24. 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/restaurant

- The Arches, 6 O'Meara Street, London SE1 (Monday to Sunday till 06:30)
- Crown & Greyhound, 65-67 Union Street, London SE1 (Monday to Thursday till 23:00, Friday and Saturday till 00:00 and Sunday till 22:30)

Off licence

- Union Newsagent, 77-79 Union Street, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30)
- Jazz Convenience Stores, 69-71 Union Street, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30).

Deregulation of entertainment

25. 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.
26. 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

27. 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.
28. 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.
29. 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.
30. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

31. 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.
 - Closing time for Public Houses, Wine bars or other drinking establishments: Sunday to Thursday is 23:00 and for Friday and Saturday 00:00.
32. 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

33. A fee of £100 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

34. 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

35. 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

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

Principles for making the determination

38. 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.
39. 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.
40. 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

41. 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.

42. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
43. 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.
44. 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.
45. 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

46. 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

47. 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.
48. 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

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.

55. 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.
56. 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

57. Members are required to have regard to the Home Office 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 C	Representations from responsible authorities
Appendix D	Representation from other person
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	7 April 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		7 April 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.

We Flat Iron Square Limited

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Arch 35A Southwark Bridge Road			
Post town	London	Post code	SE1 0NQ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		To be assessed	

Part 2 - Applicant Details

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Flat Iron Square Limited
Address 24 Park Road South Havant Hampshire PO9 1HB
Registered number (where applicable) 09145973
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A P

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

Day	Month	Year

A

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

Arch 35A will be a small restaurant with bar facilities.

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

N/A

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

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

Provision of regulated entertainment

Please tick yes

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

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

B

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

C

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

D

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

E

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

F

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

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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Hot food and drink available for consumption on the premises and for take-away.		
Mon	23.00	00.00			
Tue	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23.00	00.00			
Thur	23.00	00.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		
Fri	23.00	01.00			
Sat	23.00	01.00			
Sun	23.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10.00	23.30			
Tue	10.00	23.30	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) From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		
Wed	10.00	23.30			
Thur	10.00	23.30			
Fri	10.00	00.30			
Sat	10.00	00.30			
Sun	10.00	23.30			

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

Name Lee Hazel

Address [REDACTED]	
Postcode	[REDACTED]
Personal Licence number (if known) [REDACTED]	
Issuing licensing authority (if known) London Borough of Enfield	

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	07.00	00.00	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) From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.
Tue	07.00	00.00	
Wed	07.00	00.00	
Thur	07.00	00.00	
Fri	07.00	01.00	
Sat	07.00	01.00	
Sun	07.00	00.00	

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

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

<p>We have considered the impact of the proposed application and note that the premises fall within London Borough of Southwarks' Cumulative Impact area.</p> <p>Pre consultation has taken place with the Police Licensing Officer, Ian Clements, the Councils, Licensing Officer and Environmental Health Officer, David Franklin and Jayne Tear. They all have had the benefit of a meeting with the applicant and prior consideration of the proposed operating schedule.</p>

The premises is small with a capacity of 42 and the suggested conditions will ensure the premises operate at that capacity, as a restaurant food available at all times when the premises is open and with waiter/waitress service.

We have considered Southwark's Cumulative Impact Policy and in particular paras 137-142. This operation will not adversely impact on the licensing objectives..

b) The prevention of crime and disorder

1. The premises shall install and maintain a CCTV system in consultation with the Metropolitan Police Crime and Prevention Officer. All entry and exit points will be covered and able frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practicable upon the reasonable request of the Police or authorised Officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be immediately available when the premises are open to the public. The staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested.
3. Substantial food and non-intoxicated beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
4. Notices shall be prominently displayed in the outdoor area requesting patrons to use the area quietly.
5. All drinking vessels used in the outside area (Arch 33) shall be polycarbonate.
6. Alcohol sold for consumption outside the licensed area, shall be supplied in sealed containers.

c) Public safety

We understand our obligations under existing legislation and take our responsibilities seriously.

d) The prevention of public nuisance

1. The number of persons permitted in Arch 35A at any one time (excluding staff) shall not exceed 42.
2. The supply of alcohol shall be by staff, waiter or waitress service only.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local businesses and residents and leave the area quietly.
4. No waste or recyclable materials, including bottles, shall be placed in outside areas between 23.00hrs and 08.00hrs on the following day.
5. All waste shall be properly presented and placed out for collection no earlier than 07.30hrs before the scheduled collection times.
6. Where available, a responsible member of staff shall join the local Pubwatch or other local

crime reduction scheme approved by the Police.

7. The Premises Licence Holder shall be bound by the terms of the Operational Plan for Flat Iron Square and such Operational Plan to be updated by the Premises Licence Holder from time to time as appropriate. A copy of the Operational Plan shall be retained at the premises and made available for inspection by the Relevant Authorities.

e) The protection of children from harm

1. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as driving licence or passports.
2. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the staff member who refused the sale. A log shall be available for inspection at the premises by the Police or an authorised Officer.

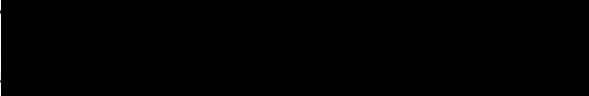
Please tick yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	19 th Feb. 2016.
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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) Steve Burnett Popleston Allen Solicitors 31 Southampton Row			
Post town	London	Post code	WC1B 5HJ
Telephone number (if any)	0203 078 7488		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) s.burnett@popall.co.uk			

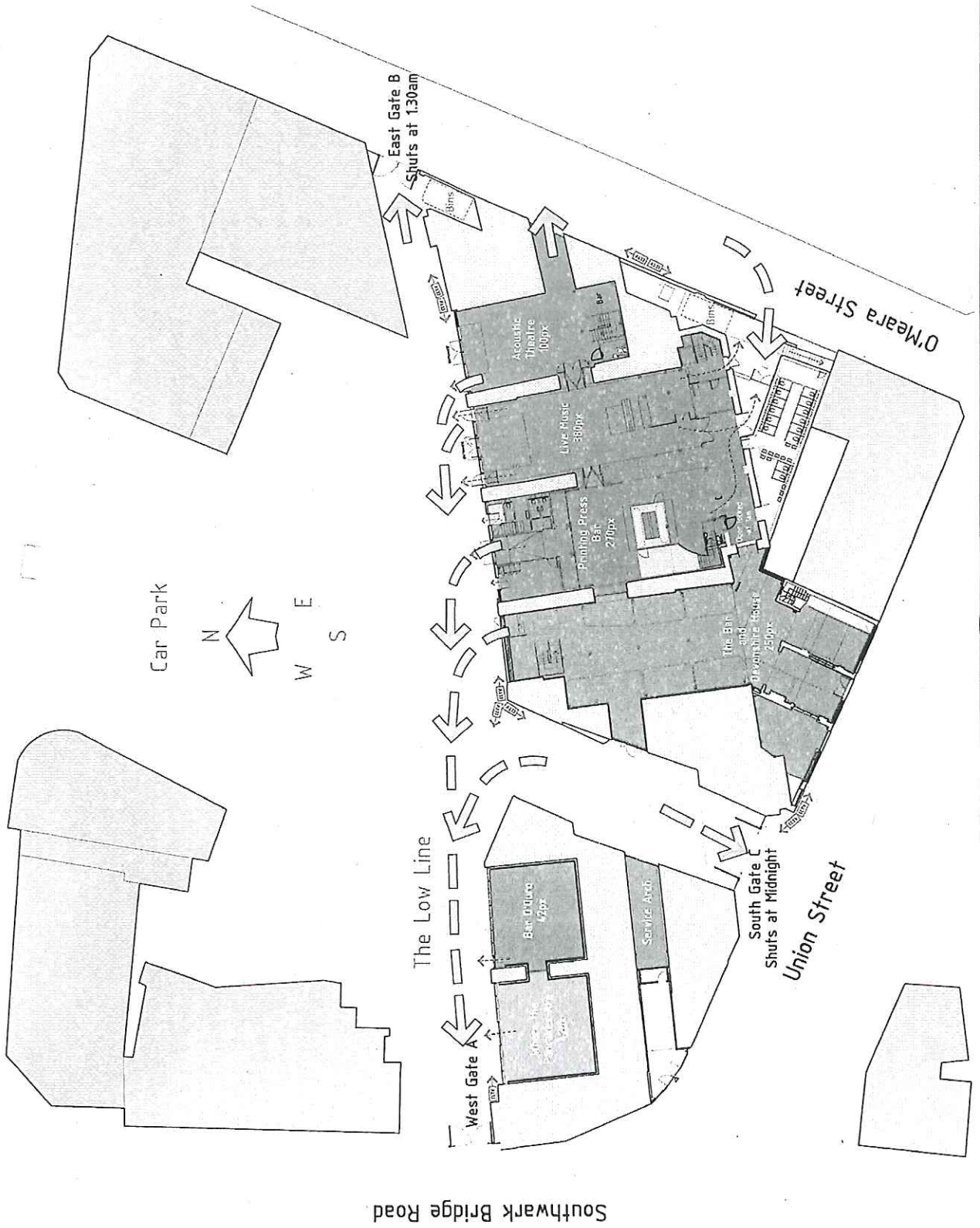
Notes for Guidance

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

FLAT IRON SQUARE SE1 BANKSIDE

Security Plan

Southwark Street





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/ 2760/16

Date: 15th March 2016

Re:- Arch 35a Flat Iron Square Southwark Bridge Road SE1 0NQ

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence. I am satisfied the applicants operating schedule contains sufficient control measures for the promotion of the licensing objectives.

Kind Regards

PC Ian Clements PC362MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

From: Prickett, Mark
Sent: Tuesday, March 15, 2016 12:36 PM
To: Regen, Licensing
Cc: Steve Burnett; 'Lisa Inzani'; Tear, Jayne
Subject: Premises licence application - Arch 35A, Southwark Bridge Road, SE1 - EPT representation

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence application by Flat Iron Square Limited for;

Site: Arch 35A, Southwark Bridge Road, SE1 0NQ

The new premises is described as "Arch 35A will be a small restaurant with bar facilities".

Licensable activities sought;

Late night refreshment (indoors & outdoors): 23:00 – 00:00 Sunday to Thursday, 23:00 – 01:00 Friday & Saturdays.

Supply of alcohol (indoors & outdoors): 10:00 – 23:30 Sunday to Thursday, 10:00 – 00:30 Friday & Saturdays

Hours open to the public: 07:00 – 00:00 Sunday to Thursday, 07:00 – 01:00 Friday & Saturdays.

Section M part d) of the application lists the following proposed conditions to address the prevention of public nuisance licensing objective;

1. The number of persons permitted in Arch 35 at any one time (excluding staff) shall not exceed 42.
2. The supply of alcohol shall be by staff, waiter or waitress service only.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local businesses and residents and leave the area quietly.
4. No waste of recyclable materials, including bottles, shall be placed in outside areas between 23:00 – 08:00 on the following day.
5. All waste shall be properly presented and placed out for collection no earlier than 07:30hrs before the scheduled collection times
6. Where available, a responsible member of staff shall join the local Pubwatch or other local crime reduction scheme approved by the police.
7. The Premises Licence Holder shall be bound by the terms of the Operational Plan for Flat Iron Square and such Operational Plan to be updated by the Premises Licence Holder from time to time as appropriate. A copy of the Operational Plan shall be retained at the premises and made available for inspection by the Relevant Authorities.

EPT stance

The site lies within Borough & Bankside's major town centre and after review of Southwark's Licensing Policy the proposed terminal hours for this application match the guideline hours for restaurants in this part of the borough.

EPT are satisfied with the start time proposed within condition 4, however would like clarification from the applicant with regards to condition 5 whereby it suggests waste will be placed outside at 07:30hrs, which is contrary to the 08:00 within condition 4?

The application also seeks off sales. Can the applicant please advise why this is required from a proposed Pancake Restaurant? The frontage area outside of Arch 35a is outlined within the licensable area and as such is expected to provide some external eating & drinking. Does the applicant foresee patrons purchasing alcohol in this arch being allowed to take the drink beyond the site boundary and into another arch within the Flat Iron scheme, for instance into arch 32 (artisan kitchens arch)?

Are any controls proposed for this outdoor frontage area or does the applicant seek to keep this area open for use by patrons up until the proposed closing hour?

EPT make representation against this application until further information can be provided. On receipt of this EPT will reassess the application and may look to propose further conditions to fully address the public nuisance licensing objective.

Kind regards,

Mark Prickett

Principal Enforcement Officer
Environmental Protection Team
Southwark Council

Tel: 0207 525 0023

Environmental Protection Team | 3rd floor | Hub 2 | 160 Tooley Street | London | SE1
2QH

MEMO: Licensing Unit

To Licensing Unit **Date** 16 March 2016

Copies

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

Email jayne.tear@southwark.gov.uk

Subject Re: Flat Iron Square Limited, Arch 35A Southwark Bridge Road, London, SE1 0NQ -

Application for a premises licence

I write with regards to the above application for the grant of a premises licence to Flat Iron Square Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors and outdoors) on Sunday to Thursday from 23:00 to 00:00 and on Friday and Saturday from 23:00 to 01:00 the following day.
- Supply of alcohol (on and off the premises) on Sunday to Thursday from 10:00 to 23:30 and on Friday and Saturday from 10:00 to 00:30 the following day.
- Opening times shall be on Sunday to Thursday from 07:00 to 00:00 and on Friday and Saturday from 07:00 to 01:00 the following day.

Non standard timings asked for on all activities are:

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

This premises is situated within Bankside, Borough, London Bridge Strategic Cultural & London Bridge District Town Area.

The premises is described as a '*small restaurant with bar facilities*'.

Under the Southwark Statement of Licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for the following categories of premises stated below:

Closing time for Restaurants and Cafes: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

Closing time for Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours

This premises is also situated within the saturation area for Borough and Bankside. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The classes of premises to which the Saturation policy applies in the Bankside and Borough area is defined as follows – night clubs; pubs and bars; restaurants and cafes, off-licences, grocers, supermarkets, convenience stores and similar premises.

The applicant has submitted 3 applications for the area which show on the security plan submitted with the application, and although each application should be considered on its own merits all of the three premises if granted could have a negative cumulative impact on the licensing objectives

The operating schedule mentions an operational plan but does not include any details of it, furthermore the security plan provided with the application shows yellow arrows which I presume are the way that patrons will disperse from the area yet no dispersal policy has been included with the operating schedule.

So to ensure that the operating schedule is demonstrating that there will be no further impact in the saturation area and to promote the licensing objectives I suggest the following:

- The applicant provides a concise dispersal policy for the licensing sub-committee to consider.

The following condition, which would be consistent with a restaurant and the licensing policy, is added to the operating schedule:

- Intoxicating liquor shall not be sold or supplied 'on the premises' otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

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

From: Morris, Adele
Sent: Tuesday, March 15, 2016 5:39 PM
To: Regen, Licensing
Cc: Franklin, David; Blackburn, Gavin; Public Health Licensing; 'Ian.Clements@met.pnn.police.uk'; Prickett, Mark; Noakes, David; Linforth-Hall, Maria
Subject: Objection Flat Iron Square Ltd

Re application numbers: 851423, 851422, 851421

Dear Licensing Dept

I would like to object to the applications for the above premises, which have all been submitted by Flat Iron Square Limited. Although presented as separate applications, they are for a series of interconnected arches and buildings running between Southwark Bridge Rd, Southwark St, O'Meara St and Flat Iron Square which all form part of one project.

These premises sit in the Borough and Bankside Cumulative Impact Policy area, and need to demonstrate that new premises licences at this location will not add to the noise and antisocial behaviour, crime and disorder or alcohol related hospital admissions that have led to the introduction of this policy. I have not seen evidence that these premises will not add to these issues.

I would also like to see evidence that:

- a) All the premises are applying for hours that meet the recommended hours of operation in the recent update of the Council's Licensing Policy, agreed in January 2016.
- b) All the premises are applying for hours that correspond to the hours of operation permitted by their planning permission
- c) All the premises have addresses that correspond with those on the planning register

Best wishes

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

Tel: 0207 525 4377



AdeleCathedrals



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Item No. 8.	Classification: Open	Date: 19 April 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Arch 35B, Flat Iron Square, Southwark Bridge Road, London SE1 1TD	
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 Flat Iron Square Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Arch 35B, Flat Iron Square, Southwark Bridge Road, London SE1 0NG.
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 22 of this report deal with the representations received to the premises licence application. Copies of the relevant representations from the responsible authorities and one other person and the correspondence are attached as Appendices B and C.
 - d) Paragraph 24 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix D.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a 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 19 February 2016, Flat Iron Square Limited applied to this council for the grant of a new premises licence in respect of the premises known as, Arch 35B, Flat Iron Square, Southwark Bridge Road, London SE1 0NQ. The premises forms part of a series of interconnected arches and buildings running between Southwark Bridge Road, Southwark Street, O'Meara Street and Flat Iron Square which all form part of one project. Arch 35B will operate as restaurant with bar facilities.

The application is summarised as follows:

- Late night refreshment on/off the premises:
Sunday to Thursday from 23:00 to 00:00
Friday and Saturday from 23:00 to 01:00
- Sale and supply of alcohol on/off the premises:
Sunday to Thursday from 10:00 to 23:30
Friday and Saturday from 10:00 to 00:30
- Operating hours of premises:
Sunday to Thursday from 07:00 to 00:00
Friday and Saturday from 07:00 to 01:00

- Non Standard Timings: The application seeks to extend the licensable activities and operating hours from the end of hours on New Years Eve to the start of hours on New Years Day.
9. The premises licence application form provides the applicant operating schedule. Parts I, 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 Lee Hazel who has a personal licence issued by Enfield Council.

Representations from responsible authorities

11. Three representations were submitted by the Metropolitan Police Service, environmental protection team (EPT) and Licensing as a responsible authority.
12. The police representation states that they are satisfied the applicants operating schedule contains sufficient control measures for the promotion of the licensing objectives.
13. The EPT representation states that the site lies within Borough and Bankside's major town centre and after review of Southwark's licensing policy they are satisfied with the start time proposed match those proposed, however they would like clarification from the applicant with regards to the suggestion that waste will be placed outside at 07:30, which is contrary to the 08:00 within condition 5 of the policy.
14. Furthermore, the application also seeks off sales. The EPT would like the applicant to advise why this is required from a proposed pancake restaurant. The frontage area outside of Arch 35B is outlined within the licensable area and as such is expected to provide some external eating and drinking.
15. On receipt of further requested the EPT will reassess the application and may look to propose further conditions to fully address the public nuisance licensing objective.
16. The licensing representation states that the applicant has submitted three applications for the area which show on the security plan submitted with the application, (Arches 32-33 Union Street, SE1; Arches 35A and 35B Southwark Bridge Road SE1). They are for a series of interconnected arches and buildings running between Southwark Bridge Road, Southwark Street, O'Meara Street and Flat Iron Square which all form part of one project. Although each application should be considered on its own merits all of the three premises if granted could have a negative cumulative impact on the licensing objectives.
17. Furthermore, the licensing representation provides that the operating schedule mentions an operational plan but does not include any details of it. Furthermore the security plan provided with the application shows yellow arrows which presumably indicate the way that patrons will disperse from the area. However, no dispersal policy has been included with the operating schedule. To ensure that the operating

schedule is demonstrating that there will be no further impact in the saturation area and to promote the licensing objectives they suggest the following:

- The applicant provides a concise dispersal policy for the licensing sub-committee to consider.
18. In addition the following condition, which would be consistent with a restaurant and the licensing policy, is added to the operating schedule:
- Intoxicating liquor shall not be sold or supplied 'on the premises' otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.
19. Copies of the representations are attached as Appendix B.

Representation from other persons

20. A representation was submitted by an other person (a local ward councillor), who is concerned that although the applications are made separately they are for a series of interconnected arches and buildings running between Southwark Bridge Road, Southwark Street, O'Meara Street and Flat Iron Square which all form part of one project.
21. These premises sit in the Borough and Bankside cumulative impact policy area, and need to demonstrate that new premises licences at this location will not add to the noise and antisocial behaviour, crime and disorder or alcohol related hospital admissions that have led to the introduction of this policy and would also like to see evidence that:
- a) All the premises are applying for hours that meet the recommended hours of operation in the recent update of the council's licensing policy, agreed in January 2016.
 - b) All the premises are applying for hours that correspond to the hours of operation permitted by their planning permission.
 - c) All the premises have addresses that correspond with those on the planning register.
22. A copy of the representation is attached as Appendix C.

Conciliation

23. The representations were forwarded to the applicant. However the applicant has not as yet agreed to the conditions proposed by the responsible authorities and as such the representations remain unresolved. The licensing sub committee will be updated of any developments on the 19 April 2016.

The local area

24. 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/restaurant

- The Arches, 6 O'Meara Street, London SE1 (Monday to Sunday till 06:30)
- Crown & Greyhound, 65-67 Union Street, London SE1 (Monday to Thursday till 23:00, Friday and Saturday till 00:00 and Sunday till 22:30)

Off licence

- Union Newsagent, 77-79 Union Street, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30)
- Jazz Convenience Stores, 69-71 Union Street, London SE1 (Monday to Saturday till 23:00 and Sunday till 22:30).

Deregulation of entertainment

25. 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.
26. 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

27. 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.
28. 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.
29. 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.
30. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

31. 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.
 - Closing time for Public Houses, Wine bars or other drinking establishments: Sunday to Thursday is 23:00 and for Friday and Saturday 00:00.
32. 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

33. A fee of £100 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

34. 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

35. 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

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

Principles for making the determination

38. 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.
39. 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.
40. 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

41. 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.

42. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
43. 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.
44. 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.
45. 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

46. 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

47. 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.
48. 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

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.

55. 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.
56. 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

57. Members are required to have regard to the Home Office 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 C	Representations from responsible authorities
Appendix D	Representation from other person
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	7 April 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		7 April 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.

We Flat Iron Square Limited

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and 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			
Arch 35B Southwark Bridge Road			
Post town	London	Post code	SE1 1TD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	To be assessed

Part 2 - Applicant Details

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Flat Iron Square Limited
Address 24 Park Road South Havant Hampshire PO9 1HB
Registered number (where applicable) 09145973
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A P

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

Day	Month	Year

A

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

Arch 35B will be a small restaurant with bar facilities.

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

N/A

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

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

Provision of regulated entertainment

Please tick yes

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

- f) recorded music (if ticking yes, fill in box F)
- 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

A

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

B

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

E

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

F

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

H

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

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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Hot food and drink available for consumption on the premises and for take-away.		
Mon	23.00	00.00			
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	01.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Sat	23.00	01.00			
Sun	23.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10.00	23.30			
Tue	10.00	23.30			
Wed	10.00	23.30			
Thur	10.00	23.30	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) From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Fri	10.00	00.30			
Sat	10.00	00.30			
Sun	10.00	23.30			

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

Name
Lee Hazel

Address [REDACTED]	
Postcode	[REDACTED]
Personal Licence number (if known) [REDACTED]	
Issuing licensing authority (if known) London Borough of Enfield	

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	07.00	00.00	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) From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day
Tue	07.00	00.00	
Wed	07.00	00.00	
Thur	07.00	00.00	
Fri	07.00	01.00	
Sat	07.00	01.00	
Sun	07.00	00.00	

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

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

We have considered the impact of the proposed application and note that the premises fall within London Borough of Southwarks' Cumulative Impact area.

Pre consultation has taken place with the Police Licensing Officer, Ian Clements, the Councils, Licensing Officer and Environmental Health Officer, David Franklin and Jayne Tear. They all have had the benefit of a meeting with the applicant and prior consideration of the proposed operating schedule.

The premises is small with a capacity of 42 and the suggested conditions will ensure the premises operate at that capacity, as a restaurant food available at all times when the premises is open and with waiter/waitress service.

We have considered Southwark's Cumulative Impact Policy and in particular paras 137-142. This operation will not adversely impact on the licensing objectives..

b) The prevention of crime and disorder

1. The premises shall install and maintain a CCTV system in consultation with the Metropolitan Police Crime and Prevention Officer. All entry and exit points will be covered and able frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practicable upon the reasonable request of the Police or authorised Officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be immediately available when the premises are open to the public. The staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested.
3. Substantial food and non-intoxicated beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
4. Notices shall be prominently displayed in the outdoor area requesting patrons to use the area quietly.
5. All drinking vessels used in the outside area (Arch 33) shall be polycarbonate.
6. Alcohol sold for consumption outside the licensed area, shall be supplied in sealed containers.

c) Public safety

We understand our obligations under existing legislation and take our responsibilities seriously.

d) The prevention of public nuisance

1. The number of persons permitted in Arch 35B at any one time (excluding staff) shall not exceed 42.
2. The supply of alcohol shall be by staff, waiter or waitress service only.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local businesses and residents and leave the area quietly.
4. No waste or recyclable materials, including bottles, shall be placed in outside areas between 23.00hrs and 08.00hrs on the following day.
5. All waste shall be properly presented and placed out for collection no earlier than 07.30hrs before the scheduled collection times.
6. Where available, a responsible member of staff shall join the local Pubwatch or other local

crime reduction scheme approved by the Police.

7. The Premises Licence Holder shall be bound by the terms of the Operational Plan for Flat Iron Square and such Operational Plan to be updated by the Premises Licence Holder from time to time as appropriate. A copy of the Operational Plan shall be retained at the premises and made available for inspection by the Relevant Authorities.

e) The protection of children from harm

1. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as driving licence or passports.
2. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the staff member who refused the sale. A log shall be available for inspection at the premises by the Police or an authorised Officer.

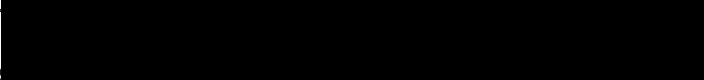
Please tick yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	19th Feb 2016
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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) Steve Burnett Poppleston Allen Solicitors 31 Southampton Row			
Post town	London	Post code	WC1B 5HJ
Telephone number (if any)	0203 078 7488		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) s.burnett@popall.co.uk			

Notes for Guidance

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

FLAT IRON SQUARE SE1

BANKSIDE

Security Plan

Southwark Street





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/ 2761/16

Date: 15th March 2016

Re:- Arch 35b Flat Iron Square Southwark Bridge Road SE1 0NQ

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence. I am satisfied the applicants operating schedule contains sufficient control measures for the promotion of the licensing objectives.

Kind Regards

PC Ian Clements PC362MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

From: Prickett, Mark
Sent: Tuesday, March 15, 2016 12:36 PM
To: Regen, Licensing
Cc: Steve Burnett; 'Lisa Inzani'; Tear, Jayne
Subject: Premises licence application - Arch 35B, Southwark Bridge Road, SE1 - EPT representation

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the new premises licence application by Flat Iron Square Limited for;

Site: Arch 35B, Southwark Bridge Road, SE1 0NQ

The new premises is described as "Arch 35B will be a small restaurant with bar facilities".

Licensable activities sought;

Late night refreshment (indoors & outdoors): 23:00 – 00:00 Sunday to Thursday, 23:00 – 01:00 Friday & Saturdays.

Supply of alcohol (indoors & outdoors): 10:00 – 23:30 Sunday to Thursday, 10:00 – 00:30 Friday & Saturdays

Hours open to the public: 07:00 – 00:00 Sunday to Thursday, 07:00 – 01:00 Friday & Saturdays.

Section M part d) of the application lists the following proposed conditions to address the prevention of public nuisance licensing objective;

1. The number of persons permitted in Arch 35 at any one time (excluding staff) shall not exceed 42.
2. The supply of alcohol shall be by staff, waiter or waitress service only.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local businesses and residents and leave the area quietly.
4. No waste of recyclable materials, including bottles, shall be placed in outside areas between 23:00 – 08:00 on the following day.
5. All waste shall be properly presented and placed out for collection no earlier than 07:30hrs before the scheduled collection times
6. Where available, a responsible member of staff shall join the local Pubwatch or other local crime reduction scheme approved by the police.
7. The Premises Licence Holder shall be bound by the terms of the Operational Plan for Flat Iron Square and such Operational Plan to be updated by the Premises Licence Holder from time to time as appropriate. A copy of the Operational Plan shall be retained at the premises and made available for inspection by the Relevant Authorities.

EPT stance

The site lies within Borough & Bankside's major town centre and after review of Southwark's Licensing Policy the proposed terminal hours for this application match the guideline hours for restaurants in this part of the borough.

EPT are satisfied with the start time proposed within condition 4, however would like clarification from the applicant with regards to condition 5 whereby it suggests waste will be placed outside at 07:30hrs, which is contrary to the 08:00 within condition 4?

MEMO: Licensing Unit

To Licensing Unit **Date** 16 March 2016

Copies

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

Email jayne.tear@southwark.gov.uk

Subject Re: Flat Iron Square Limited, Arch 35B Southwark Bridge Road, London, SE1 0NQ -

Application for a premises licence

I write with regards to the above application for the grant of a premises licence to Flat Iron Square Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors and outdoors) on Sunday to Thursday from 23:00 to 00:00 and on Friday and Saturday from 23:00 to 01:00 the following day.
- Supply of alcohol (on and off the premises) on Sunday to Thursday from 10:00 to 23:30 and on Friday and Saturday from 10:00 to 00:30 the following day.
- Opening times shall be on Sunday to Thursday from 07:00 to 00:00 and on Friday and Saturday from 07:00 to 01:00 the following day.

Non standard timings asked for on all activities are:

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

This premises is situated within Bankside, Borough, London Bridge Strategic Cultural & London Bridge District Town Area.

The premises is described as a '*small restaurant with bar facilities*'.

Under the Southwark Statement of Licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for the following categories of premises stated below:

Closing time for Restaurants and Cafes: Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours

Closing time for Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours

This premises is also situated within the saturation area for Borough and Bankside. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The classes of premises to which the Saturation policy applies in the Bankside and Borough area is defined as follows – night clubs; pubs and bars; restaurants and cafes, off-licences, grocers, supermarkets, convenience stores and similar premises.

The applicant has submitted 3 applications for the area which show on the security plan submitted with the application, and although each application should be considered on its own merits all of the three premises if granted could have a negative cumulative impact on the licensing objectives

The operating schedule mentions an operational plan but does not include any details of it, furthermore the security plan provided with the application shows yellow arrows which I presume are the way that patrons will disperse from the area yet no dispersal policy has been included with the operating schedule.

So to ensure that the operating schedule is demonstrating that there will be no further impact in the saturation area and to promote the licensing objectives I suggest the following:

- The applicant provides a concise dispersal policy for the licensing sub-committee to consider.

The following condition, which would be consistent with a restaurant and the licensing policy, is added to the operating schedule:

- Intoxicating liquor shall not be sold or supplied 'on the premises' otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
_southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

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

The application also seeks off sales. Can the applicant please advise why this is required? The frontage area outside of Arch 35b is outlined within the licensable area and as such is expected to provide some external eating & drinking. Does the applicant foresee patrons purchasing alcohol in this arch being allowed to take the drink beyond the site boundary and into another arch within the Flat Iron scheme, for instance into arch 32 (artisan kitchens arch)?

Are any controls proposed for this outdoor frontage area or does the applicant seek to keep this area open for use by patrons up until the proposed closing hour?

EPT make representation against this application until further information can be provided. On receipt of this EPT will reassess the application and may look to propose further conditions to fully address the public nuisance licensing objective.

Kind regards,

Mark Prickett

Principal Enforcement Officer
Environmental Protection Team
Southwark Council

Tel: 0207 525 0023

Environmental Protection Team | 3rd floor | Hub 2 | 160 Tooley Street | London | SE1
2QH

From: Morris, Adele
Sent: Tuesday, March 15, 2016 5:39 PM
To: Regen, Licensing
Cc: Franklin, David; Blackburn, Gavin; Public Health Licensing; 'Ian.Clements@met.pnn.police.uk'; Prickett, Mark; Noakes, David; Linforth-Hall, Maria
Subject: Objection Flat Iron Square Ltd

Re application numbers: 851423, 851422, 851421

Dear Licensing Dept

I would like to object to the applications for the above premises, which have all been submitted by Flat Iron Square Limited. Although presented as separate applications, they are for a series of interconnected arches and buildings running between Southwark Bridge Rd, Southwark St, O'Meara St and Flat Iron Square which all form part of one project.

These premises sit in the Borough and Bankside Cumulative Impact Policy area, and need to demonstrate that new premises licences at this location will not add to the noise and antisocial behaviour, crime and disorder or alcohol related hospital admissions that have led to the introduction of this policy. I have not seen evidence that these premises will not add to these issues.

I would also like to see evidence that:

- a) All the premises are applying for hours that meet the recommended hours of operation in the recent update of the Council's Licensing Policy, agreed in January 2016.
- b) All the premises are applying for hours that correspond to the hours of operation permitted by their planning permission
- c) All the premises have addresses that correspond with those on the planning register

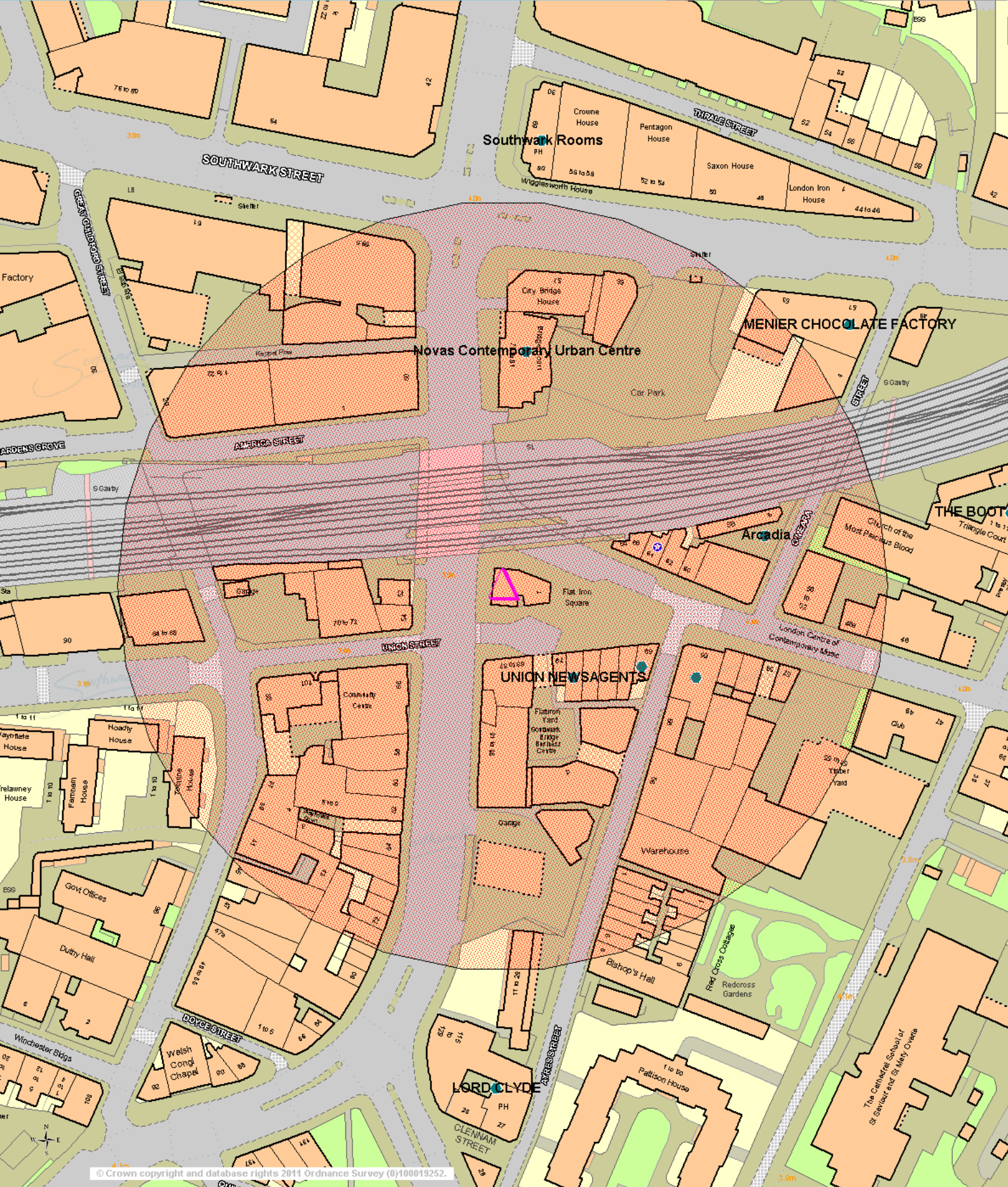
Best wishes

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

Tel: 0207 525 4377



AdeleCathedrals



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Andrew Weir - Tel: 020 7525 7222

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