

Licensing Sub-Committee

Tuesday 10 May 2016
10.00 am

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

Membership

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

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 29 April 2016



Licensing Sub-Committee

Tuesday 10 May 2016
10.00 am

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

Order of Business

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

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

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

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

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

5. LICENSING ACT 2003: RAILWAY ARCH 19, ALMOND ROAD, LONDON SE16 3LR 1 - 39

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: 29 April 2016

Item No. 5.	Classification: Open	Date: 10 May 2016	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Railway Arch 19, Almond Road, London SE16 3LR	
Ward(s) or groups affected:		South Bermondsey	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Jake Farey to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Railway Arch 19, Almond Road, London SE16 3LR.
2. Notes:
 - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Railway Arch 19, Almond Road, London SE16 3LR under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination
 - b) Paragraphs 10 and 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B.
 - c) Paragraphs 14 to 18 of this report deal with the representations received in respect of the application. Copies of the representations and associated correspondence are attached as Appendix C.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a licensing regime for:
 - a) The sale of and supply of alcohol
 - b) The provision of regulated entertainment
 - c) The provision of late night refreshment.
4. Within Southwark, this Council wholly administers the licensing responsibility.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - a) The prevention of crime and disorder
 - b) The promotion of public safety
 - c) The prevention of nuisance

- d) The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current licence in respect of the premises known as Railway Arch 19, Almond Road, London SE16 3LR was issued on 24 April 2015. It allows the following licensable activities:
- Sale of alcohol (to be consumed on the premises) and provision of recorded music: Monday to Sunday between 10:00 and 01:00 the following day
 - Opening hours of the premises: Monday to Sunday between 10:00 to 01:00.
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 11 February 2016 Jake Farey applied to this council to vary the premises licence issued in respect of the premises known as Railway Arch 19, Almond Road, London SE16 3LR. The application is summarised as follows:
- To extend hours in respect of the sale of alcohol, the provision of recorded music and the opening of the premises until 04:00 on Monday to Friday
11. The application form provides the applicant's operating schedule. Parts F, J, K, L and M set out the operating controls in full with reference to the four licensing objectives as outlined 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 additional conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix B.

Designated premises supervisor

12. The designated premises supervisor (DPS) under the existing premises licence is Jake Farey. Jake Farey holds a personal licence issued by the London Borough of Bexley.

Representations from other persons

13. No representations have been submitted by other persons.

Representations from responsible authorities

14. The licensing unit received representations from responsible authorities namely, the council's planning service, public health, Metropolitan Police Service, and licensing officer representing the council as a responsible authority.
15. The council's planning service's representation contends that persons leaving the premises in the early morning will be dependant on taxis and cars to make their way home. The representation further states that *"Noise from those coming and going to the site particularly at 4:00am is likely to be disruptive to the wider residential area that surrounds the site beyond its immediate confines of railway arches. The proposal appears to have the potential to cause public nuisance and is therefore objected to unless evidence can be provided that patrons can be dispersed without disruption not the locality and that the use of outside areas late at night will not cause disturbance"*. Subsequent to liaising with the applicant the planning service withdrew their application stating that *"at present it is not considered that there is sufficient evidence that in the short term nuisance, or safety will be unduly compromised by the limited operation that the applicants described at a recent site visit..."* A copy of the planning service's representation and related correspondence is attached in Appendix C.
16. The public health responsible authority submitted a representation concerning the potential negative effects of the proposed extension of operating hours on the public's health. The public health responsible authority contend that increased hours of alcohol sales are associated with an increase in alcohol-related harm and state that those people who buy alcohol at later times during a night are more likely to drink in excess that night. The representation makes reference to this council's statement of licensing policy 2016 – 2020, and the representation notes that guidance in the policy suggests that the premises should close at 23:00. The public health responsible authority suggested that the proposed extended hours in respect of the sale of alcohol at the premises are refused. Subsequent to the applicant agreeing to include in the application a control measure suggested by the police, the public health responsible authority withdrew their representation. A copy of the public health service's representation and related correspondence is attached in Appendix C.
17. The Metropolitan Police Service (MPS) submitted a representation which states that "the applicant has not provided any details or any operating schedule as to how they propose to address the promotion of the licensing objectives, in particular the prevention of crime and disorder." The representation makes reference to this council's Statement of Licensing Policy 2016 – 2020 and the representation notes that guidance in the policy suggests that the premises should close at 23:00, however the representation also notes that the premises are already permitted to operate until 01:00. Further to liaising with the MPS the applicant agreed to include in the application the following control measure which will become a condition on any licence granted subsequent to the application: *"All events operating outside of 10am - 1am and which occupy hours up to 4am will be pre booked functions and or events which the general public and passing trade will not be allowed entry to. All patrons invited to events which take place beyond 1am will be personally invited or a guest of the premises or person hiring the venue for the purpose of that event."* The MPS subsequently withdrew their representation. A copy of the MPS's representation and related correspondence is attached in Appendix C.
18. This council's licensing officer representing the council as a responsible authority submitted a representation that makes reference to this council's statement of licensing policy 2016 –

2020. The representation states that the premises are in a residential area and further states that “*Under the Southwark statement of licensing policy 2016 - 2020 the appropriate closing times for Public Houses, Wine bars or other drinking establishments is 23:00 hours and Night Clubs (with sui generis planning classification) are not considered appropriate for this area.*” The representation is submitted with regard to the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The licensing service contends that the proposed variation would impact further upon local residents and that the management of the premises would have no control of patrons that have left the premises if it were allowed to open later.

Conciliation

19. The applicant’s agent was advised to contact the responsible authority’s who submitted representations in an effort to conciliate those responsible authorities. After liaising with the applicant, this council’s planning service, the MPS and this council’s public health service withdrew their representations. At the time of the writing of this report the representation submitted by this council’s licensing officer representing the council as a responsible authority remains outstanding and must therefore be considered by the licensing sub-committee.

Operating history

20. A premises licence was issued in respect of the premises on 24 April 2015 to Jake Farey.
21. No licensing inspections of the premise have been undertaken.
22. No complaints have been received by the licensing service in respect of the operation of the premises.
23. On 11 February 2016 an application to vary the premises licence issued in respect of the premises was submitted. The application is the subject of this report.

Temporary Event Notices

24. The table below lists all the TENs submitted in respect of the premises:

No	Premises user	Date of event	Time of event	Maximum no. of persons expected	Activities permitted	Objection notice served?	Counter notice served?
1	Jake Farey (JF)	5/6/16	22:00 – 04:00	120	Sale of Alcohol (A), Provision of regulated entertainment (E)	No (n)	n
2	JF	27/2/16	21:00 – 04:00	120	A, E	n	n
3	JF	18-20/3/16	20:00 – 03:00	120	A, E	n	n
4	JF	24/3/16	21:00 –	120	A, E	n	n

No	Premises user	Date of event	Time of event	Maximum no. of persons expected	Activities permitted	Objection notice served?	Counter notice served?
			04:00				
5	JF	23/4/16	19:00 – 04:00	120	A, E	n	n
6	JF	30/4/16	21:00 – 04:00	120	A, E	n	n

The local area

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

- **B & N Supermarket, 300 Southwark Park Road, London SE16 2HB:**
Sale of alcohol to be consumed off the premises: Monday to Saturday between 08:00 & 23:00 and on Sunday between 10:00 & 22:30.

Deregulation of entertainment

26. 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 and recorded music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people on certain classes of premises including those that hold a club premises certificate.

27. 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').

Southwark council statement of licensing policy

28. 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 – 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 - 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 – 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 – 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 – provides general guidance on the promotion of the first licensing objective
- Section 9 – Public Safety – provides general guidance on the promotion of the second licensing objective
- Section 10 – The Prevention of Nuisance – provides general guidance on the promotion of the third licensing objective
- Section 11 – The Protection of Children from Harm – provides general guidance on the promotion of the fourth licensing objective.

29. 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

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

Consultation

31. 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

32. 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

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

Principles for making the determination

35. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.

36. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
37. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
38. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation.

Conditions

39. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
40. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
41. 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.
42. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
43. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced 3 new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional 2 conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
44. Members are also referred to the Home Office guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

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

Hearing procedures

46. Subject to the Licensing Hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
47. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

48. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
49. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the council's broader policy objectives and role as statutory

authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

50. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
51. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
52. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.
53. 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.
54. 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

55. 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.

Strategic Director of Finance and Governance

56. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of the representations and related correspondence
Appendix D	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	26 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	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		27 April 2016

Licensing Act 2003 Premises Licence



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

Premises licence number

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Jake Farey Arch 19 Almond Road	
Ordnance survey map reference (if applicable)	
Post town London	Post code SE16 3LR
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence
Recorded Music - Indoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 10:00 - 01:00
Tuesday 10:00 - 01:00
Wednesday 10:00 - 01:00
Thursday 10:00 - 01:00
Friday 10:00 - 01:00
Saturday 10:00 - 01:00
Sunday 10:00 - 01:00

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

The times the licence authorises the carrying out of licensable activities

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

Recorded Music - Indoors

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 01:00

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 01:00

Part 2

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

Jake Farey

[Redacted address and contact information]

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

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

Jake Farey

[Redacted address and contact information]

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

Licence No. [Redacted]

Authority [Redacted]

Licence Issue date 24/04/2015

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

Annex 1 - Mandatory conditions

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

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

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

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol,

identification bearing their photograph, date of birth and either

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

489 The responsible person shall ensure that -

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

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

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

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

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

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

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

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

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

change to the rate of duty or value added tax;

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

Annex 2 - Conditions consistent with the operating Schedule

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

289 All CCTV footage to be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council

340 Risk assessments in place

341 Patrons will be asked to leave quietly

4AG Will operate policy of Challenge 21

342 That two (2) SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times between 21:00hrs and the terminal hour when the premises are in use under this licence and both recorded music and DJs are performing. They should be provided with mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded

343 All licensable activities shall cease 30 minutes prior to the terminal hour

344 That you shall require any regular and external promoters hiring the premises for use with recorded music and DJs to complete the 'Venue Hire Agreement' and, once completed, you shall ensure that a copy of the agreement is provided to the police and council's licensing service a minimum of fourteen days prior to the date of hire.

311 That clearly legible signage will be prominently displayed at the exit where it can easily be seen and read requesting to the effect that customers leave the premises in a quiet and orderly manner.

345 That the depositing of waste glass / earthenware into external waste receptacles shall not take place between 23:00 and 07:00 the following day.

346 That management will set and maintain the volume and bass levels of any licensed entertainment to a level that does not cause noise disturbance to the closest noise sensitive receptor and regularly monitor to ensure compliance with the licensing objective regarding the prevention of public nuisance.

347 That all doors, windows and openings at the premises shall be kept closed when licensable entertainment is taking place at the premises except for access and egress and in the event of an emergency


348 That all doors leading out into external areas will be fitted with acoustic seals and self closers or an acoustic curtain

349 That the details of a local taxi company shall be kept at the premises and shall be provided to customers on request. If staff at the premises order a taxi for a customer then those staff shall request that the taxi controller instructs the taxi driver not to sound their vehicle horn to attract attention, but to approach a staff member and let the staff member know that they are the driver of a taxi that has been ordered by the premises

350 That the premises will be adequately ventilated.

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

Annex 4 - Plans - Attached

Licence No. 

Plan No.

Plan Date

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **Jake Farey**

(Insert name(s) of applicant)

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

Premises licence number
XXXXXXXXXX

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Railway Arch 19 Almond Road			
Post town	Bermondsey	Postcode	SE16 3LR
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£3750	

Part 2 – Applicant details



Part 3 - Variation

Please tick as appropriate

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

Yes

No

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

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
 (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
 To increase the terminal hour for all licensable activities until 4 a.m. seven days a week

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

--

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10.00	04.00	Please give further details here (please read guidance note 4)		
Tue	10.00	04.00			
Wed	10.00	04.00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	10.00	04.00			
Fri	10.00	04.00	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 6)		
Sat	10.00	04.00			
Sun	10.00	04.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10.00	04.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	10.00	04.00			
Wed	10.00	04.00			
Thur	10.00	04.00		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 6)	
Fri	10.00	04.00			
Sat	10.00	04.00			
Sun	10.00	04.00			

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 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10.00	04.00	
Tue	10.00	04.00	
Wed	10.00	04.00	
Thur	10.00	04.00	
Fri	10.00	04.00	
Sat	10.00	04.00	
Sun	10.00	04.00	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 6)

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

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

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

FULL DETAILS OF THE PREMISES LICENCE
ARE HELD BY THE COUNCIL AND THE
EXTRACT FROM THE REGISTER IS ATTACHED.

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

SEE EXISTING CONDITIONS

b) The prevention of crime and disorder

AS ABOVE

c) Public safety

AS ABOVE

d) The prevention of public nuisance

AS ABOVE

e) The protection of children from harm

As Above

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	11th February 2016
Capacity	Solicitor

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

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

Chief executive's department
Planning division
5th floor, hub 2
PO Box 64529
LONDON SE1P 5LX
EH & TS Licensing Unit
Hub 2 3rd Floor Tooley Street

Your Ref:
Our Ref: 16-CE-00137
Contact: Gavin Blackburn
Telephone: 020 7525 7007
Fax: 020 3357 3101
E-Mail: planning.enquiries@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 17/02/2016

Dear Sir/Madam

Premises Licensing re:

RAILWAY ARCH 19, ALMOND ROAD, LONDON, SE16 3LR

Summary description: Variation to increase hours
Date Received: 12/02/2016

The site does not appear to have any planning permission. As a railway arch it would have previously been in a B class use as either storage or light industry. It is the case that other arches along the road have premises licences for much more restricted hours. Those premises in general either brew alcohol or are involved in its storage and distribution, unlike this site they appear to have remained within a B use class.

The current use of this site appears to be that of a venue that either provides entertainment or can be hired for use for social functions. The site is secluded and beneath railway lines. It is assessed that noise within the arches is unlikely to disturb nearby residents. The site has poor access being located on a private road in an area with poor accessibility to public transport. The site appears to be capable of holding over a 100 people. If events take place till 4 in the morning as proposed those attending will be dependent upon taxis and cars to make their way home. Noise from those coming and going to the site particularly at 4:00am is likely to be disruptive to the wider residential area that surrounds the site beyond its immediate confines of railway arches.

The proposal appears to have the potential to cause public nuisance and is therefore objected to unless or until evidence can be provided that patrons can be dispersed without disruption to the locality and that use of outside areas late at night will not cause disturbance.

Yours faithfully
Gavin Blackburn
Senior Enforcement Officer

From: Blackburn, Gavin

Sent: Tuesday, April 12, 2016 5:59 PM

To: McArthur, Wesley; 'Howard Timms'; Tear, Jayne; Bradbury, Sarah;

Subject: RE: Application to vary a premises licence - Arch 19, Almond Road, Bermondsey, London, SE16 3LR (our ref: L1U 851344)

Dear Mr McArthur,

The planning authority have decided to withdraw their objection to the licensing application. At present it is not considered that there is sufficient evidence that in the short term nuisance, or safety will be unduly compromised by the limited operation that the applicants described at a recent site visit, notwithstanding the extended hours.

There are concerns about land use from a planning perspective and access to the site. Those can be addressed in a planning application. The applicants will be contacted under a separate communication about making a planning application for their use of the land. A prospective planning application is not guaranteed to be successful. Withdrawal of this objection at this stage, should not be taken as an indication that the planning authority will not seek to review any licence issued in the future, particularly if the planning position is not regularised.

Kind regards

Gavin Blackburn



Dr Ruth Wallis FFPH
 Director of Public Health
 Lambeth and Southwark Public Health



Licensing Unit
 Hub 2, Floor 3,
 160 Tooley Street,
 LONDON SE1 2QH

10 March 2016

To whom it may concern:

Re: Jake Farey, Railway Arch 19 Almond Road, London SE16 3LR

As Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make a representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

General Comments

The applicant has requested to extend the finish time of alcohol sales to 0400 for all days of the week. I am concerned about the potential negative effects of these extensions on the public's health.

Increased hours of alcohol sales are associated with increased drinking and increased alcohol-related harm. Furthermore, those people who buy alcohol at later times during a night are more likely to drink in excess that night, which heightens the risk of alcohol-related harm.

The Southwark Statement of Licensing policy 2016 – 2020 recommends Jake Farey, a drinking establishment in a residential area, to close at 2300.

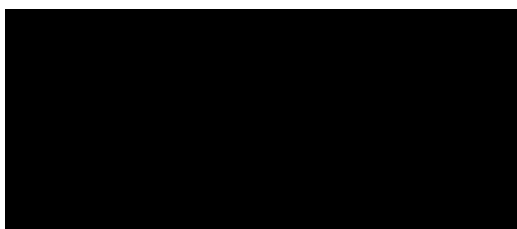


Recommendation

I recommend that the hours of alcohol sales remain unchanged.

If you have any further questions, please do not hesitate to contact me.

Yours faithfully,



Dr Ruth Wallis BM FFPH
Director of Public Health - Lambeth and Southwark

PLEASE RETURN ANY CORRESPONDENCE TO



-----Original Message-----

From: Bradbury, Sarah

Sent: Thursday, April 14, 2016 1:40 PM

To: Jake Farey; McArthur, Wesley

Subject: RE: 19 Almond Road SE16 3LR 4am Extension - Jake Farey Application

Hi all,

I have seen the condition agreed with the police, "As part of our extended license, Marcos Farey Rayn Ltd trading as Bermondsey Social Club agree that for events operating outside our existing license of 10am - 1am and which occupy hours up to 4am will be pre booked functions and or events which the general public and passing trade will not be allowed entry to. All patrons invited to events which take place beyond 1am will be personally invited or a guest of the premises or person hiring the venue for the purpose of that event", and am consequently withdrawing Public Health's representation.

Kind regards,

Sarah

Your reference: .



Our reference: MD/21/2759/16

Date: 10th January 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

Jake Farey Railway Arch 19 Almond Road SE16 3LR

Police are in receipt of an application from the above for a variation to an existing premise licence under the Licensing Act 2003.

Premise open Mon - Sun 10:00 to 04:00

Sale of Alcohol Mon - Sun 10:00 to 04:00
 Recorded music Mon - Sun 10:00 to 04:00

The application is for a substantial increase in timings for the provision of licensable activities and opening times from 01:00 as per the existing licence to 04:00 as per the new application.

The applicant has not provided any details or any operating schedule as to how they propose to address the promotion of the licensing objectives, in particular the prevention of crime and disorder.

As defined by the Southwark Statement of licensing policy 2016 - 2020 this premises is situated in a residential area. The recommended operating hours for bars and similar drinking establishments in these areas is set out in this policy and has a recommended closing time of 23:00.

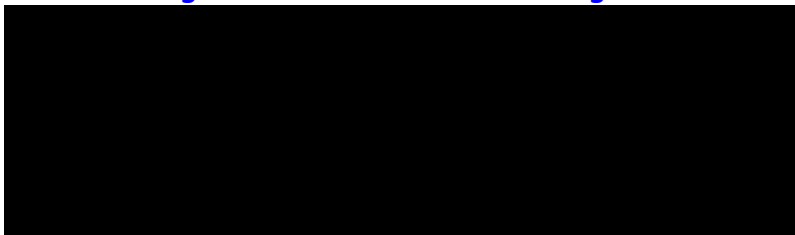
The current licence however allows for the premises to be open to 01:00 and the conditions as per the current licence were agreed to address the licensing objectives for a premises operating to this hour.

It is for the applicant to provide sufficient information as to how they intend to address the impact these additional hours might have on the licensing objectives, and to show what exceptional grounds exist for the licensing sub committee to consider moving away from the licensing policy.

In my opinion this application just does provide sufficient information for us to condition it effectively to address the prevention of crime and disorder licensing objectives

Submitted for consideration

Ian Clements
Licensing Officer Southwark Borough



From: [REDACTED]
Sent: Thursday, April 14, 2016 2:06 PM
To: McArthur, Wesley
Subject: 19 Almond Road SE16 3LR 4am Extension - Jake Farey Application

Dear Wesley

With the addition of the following condition and the acceptance of all the conditions as per my initial representation I am now in a position to withdraw my representation.

All events operating outside of 10am - 1am and which occupy hours up to 4am will be pre booked functions and or events which the general public and passing trade will not be allowed entry to. All patrons invited to events which take place beyond 1am will be personally invited or a guest of the premises or person hiring the venue for the purpose of that event.

Kind Regards

Ian Clements
Licensing Officer Southwark Borough

 Phone: [REDACTED]
 Mobile: [REDACTED]
 E-mail: [REDACTED]
 Mail: [REDACTED]

MEMO: Licensing Unit

To Licensing Unit **Date** 10 March 2016

Copies

From Jayne Tear **Telephone** [REDACTED] **Fax**

Email [REDACTED]

Subject Re: Jake Farey, Railway Arch 19, Almond Road, London, SE16 3LR –
Application to vary a premises licence

I write with regards to the above application to vary the premises licence submitted by Jake Fary under the Licensing Act 2003, which seeks to extend the following licensable activities:

- To extend recorded music (indoors) on Monday to Sunday from 01:00 to 04:00.
- To extend the supply of alcohol (on the premises) on Monday to Sunday from 01:00 to 04:00.
- Overall opening times shall be on Monday to Sunday from 10:00 to 04:00.

This premises is situated in **a residential area**.

Under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for Public Houses, Wine bars or other drinking establishments is **23:00** hours and **Night Clubs (with sui generis planning classification) are not considered appropriate for this area**.

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

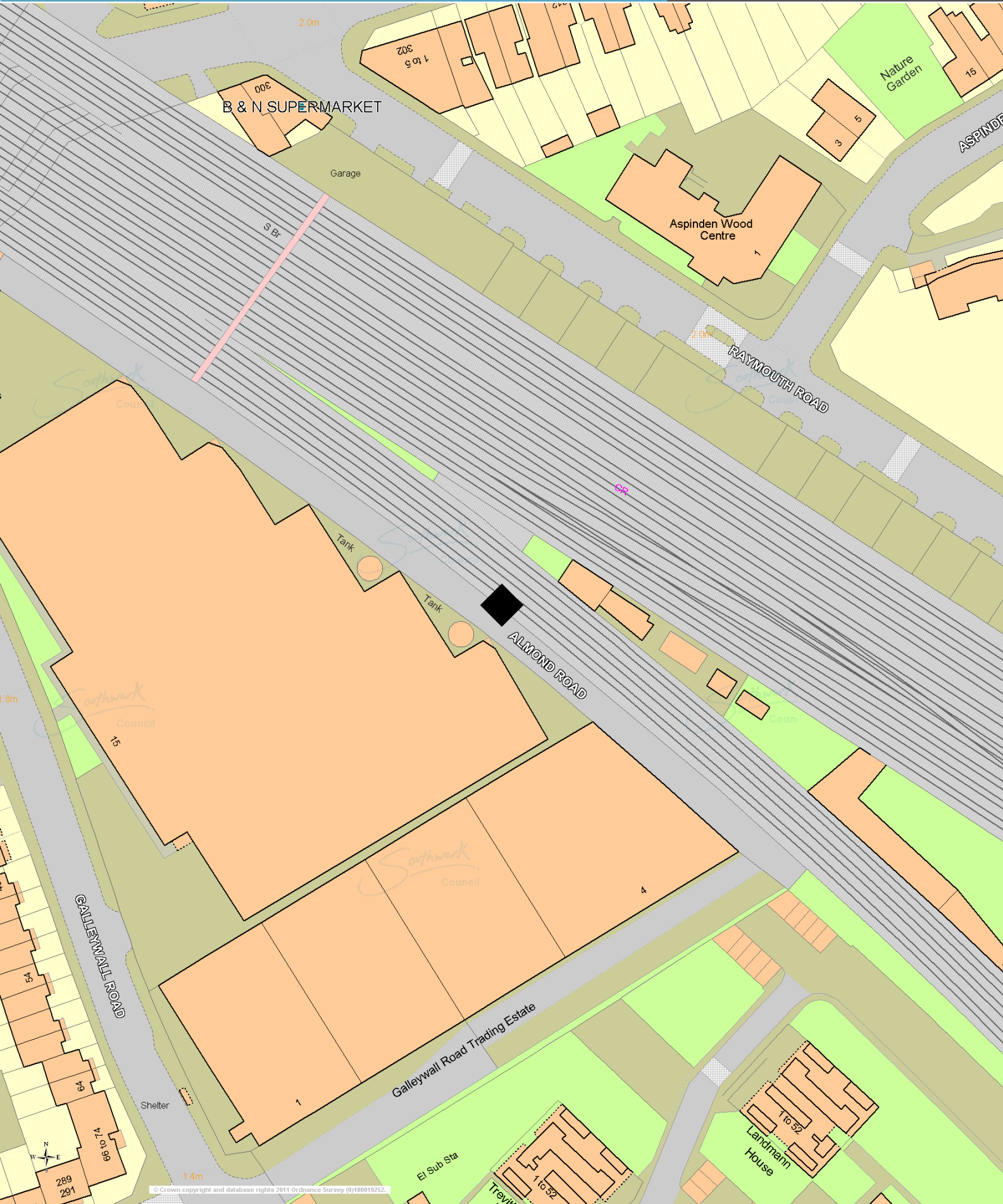
http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020

This premises already has generous hours granted for a drinking establishment in a residential area (and night clubs are not considered appropriate for this area) yet this application asks to extend those hours until 4.00 which is not consistent with the licensing policy.

Furthermore no additional control measures have been added to the operating schedule to address the four licensing objectives and any impact that the later operation of the premises will have on those objectives.

I therefore submit this representation with regards to crime and disorder and public nuisance as the later operation of the premises and of people leaving the premises later a night would impact further upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises if it were allowed to open later and the possible impact of any rowdy and anti-social behaviour or crime and disorder

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



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

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Councillor Charlie Smith	1	Jayne Tear, Licensing team	1
Reserve		Gavin Blackburn, Planning team	1
Councillor Sunny Lambe	By email	Sarah Pradbury, Public health authority	1
		Andrew Weir (spares)	4
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