

## Licensing Sub-Committee

Tuesday 17 May 2016

12.00 pm (or at the rise of the reconvened meeting whichever is the later)  
Ground Floor Meeting Room G01C - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Renata Hamvas  
Councillor Sunny Lambe  
Councillor Adele Morris

### Reserves

Councillor Sunil Chopra

Note: The membership of the Licensing Committee for 2016-17 will be appointed at the Annual Meeting of Council Assembly on 14 May 2016.

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 9 May 2016



## Licensing Sub-Committee

Tuesday 17 May 2016

12.00 pm (or at the rise of the reconvened meeting whichever is the later)  
Ground Floor Meeting Room G01C - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: FRANK'S CAFÉ, LEVELS 9 &amp; 10, PECKHAM MULTI STORY CAR PARK, 95A RYE LANE, LONDON, SE15 4ST</b>	1 - 29
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT</b>	

**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: 9 May 2016

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 17 May 2016	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Frank's Café, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST	
<b>Ward(s) or groups affected:</b>		The Lane	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Frank's Café Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Frank's Café, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST.
2. Notes:
  - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as Frank's Café, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST 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 a responsible authority and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 10 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 in Appendix B.
  - c) Paragraph 16 of this report deals with the representation received in respect of the application. A copy of the representation is attached in 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, 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:
  - a) The prevention of crime and disorder

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

## **KEY ISSUES FOR CONSIDERATION**

### **The current premises licence**

8. The current licence in respect of the premises known as Frank's Café, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST was issued on 1 July 2015. It allows the following licensable activities:
- Sale of alcohol (to be consumed on the premises)  
Monday to Sunday between 11:00 and 23:00
  - Opening hours of the premises:  
Monday to Sunday between 11:00 and 23:30
9. A copy of the existing premises licence is attached as Appendix A.

### **The variation application**

10. On 10 March 2016 Frank's Café Limited applied to this council to vary the premises licence issued in respect of the premises known as Frank's Café, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London, SE15 4ST.
11. The application is summarised as follows:
- To vary condition 341 which currently reads:  
  
"That a capacity limit of 1000 persons shall not be exceeded at any time and will be controlled by use of clickers."  
  
To read:  
  
"That a capacity limit of 1500 persons shall not be exceeded at any time and will be controlled by use of clickers."

12. The requested variation would increase the capacity of the premises by 500 persons. There is no change to the licensable activities, permitted hours or opening hours.
13. The application form provides the applicant's operating schedule. Part M sets 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 any 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**

14. The designated premises supervisor (DPS) under the existing premises licence is Ugo Petronin. Ugo Petronin holds a personal licence issued by the London Borough of Lewisham.

#### **Representations from other persons**

15. No representations have been submitted by other persons

#### **Representations from responsible authorities**

16. This council's licensing service submitted a representation in regards to the application. The representation refers to this council's statement of licensing policy 2016 – 2020 and relates to the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The representation notes that the premises are within the Peckham cumulative impact policy (CIP). The representation states that "The applicant has recognised that the policy applies to this premises and states that the increased capacity will not add to the cumulative impact or adversely affecting local residents, but does not provide any evidence to support this." The licensing service therefore recommends that the application is refused. A copy of the licensing service's representation is attached in Appendix C.

#### **Conciliation**

17. The applicant's agent was advised to contact the licensing service in an effort to conciliate the licensing service. At the time of the writing of this report the representation submitted by this council's licensing service remains outstanding and must therefore be considered by the licensing sub-committee.

#### **Operating history**

18. From 2010 until the current license was issued in 2015 the premises had operated under time limited premises licences as follows:
  - 15 July 2009 to 30 September 2009 (licence issued to Frank Boxer)
  - 7 July 2010 to 1 October 2010 (licence issued to Frank Boxer)

Further information: on 30 June 2010 the premises were in operation under a temporary event notice. A local resident submitted a complaint to the licensing unit stating that the operation of the premises on that date had caused noise nuisance. The complainant was given advice as to the council's noise and nuisance team service. On 9 July 2010 an induction was held with the licensee of the premises. On

23 July 2010 a licensing inspection of the premises was undertaken. The premises were found to be operating compliantly.

- 29 June 2011 to 2 October 2011 (licence issued to Franks Café Limited, as were all subsequent licences)

Further information: On 3 July 2011 a local resident complained to the licensing unit that the operation of the premises had caused noise nuisance. The complainant was given advice as to the council's noise and nuisance team service. On 6 July 2011 a licensing inspection of the premises was undertaken. The premises were found to be operating compliantly.

- 30 June 2012 to 5 October 2012
- 20 June 2013 to 30 September 2013

Further information: On 16 August 2013 a local resident complained to the licensing unit that the operation of the premises had caused noise nuisance. The complainant was given advice as to the council's noise and nuisance team service.

- 26 May 2014 to 1 October 2014

Further information: On 18 July 2014 a local resident complained to the licensing unit that the operation of the premises had caused noise nuisance. The complainant was given advice as to the council's noise and nuisance team service. On 30 July 2014 a licensing inspection of the premises was undertaken. Various breaches of the premises licence issued in respect of the premises were noted. A warning letter was sent to the licensee. A re-inspection of the premises was undertaken on 11 August 2014 and the premises were found to be operating compliantly.

19. The current premises licence issued in respect of the premises is not time limited. It was issued 1 July 2015.
20. On 10 March 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

21. The table below lists all the TENs submitted in respect of the premises in the past 12 months:

No	Premises user	Date of event	Time of event	Maximum no. of persons expected	Activities permitted	Objection notice served?	Counter notice served?
1	Peter Frank Boxer	2-7/6/15	11:00 – 23:00	499	Sale of Alcohol (A)	No (n)	n
2	Poppleston Allen	26-31/5/15	11:00 – 23:00	499	A	n	n

## Map

22. A map showing the location of the premises is attached to this report as Appendix D. The premises are identified at the centre of the map by a black circle. The following licensed premises are also shown on the map and provides licensable activities as stated below:

- **PECKHAMPLEX, 95A Rye Lane, London SE15 4ST** licensed for:

The provision of films on Sunday to Thursday between 09:00 and 00:00 and on Friday and Saturday between 09:00 and 02:00

Sale of alcohol to be consumed on the premises on Monday to Thursday between 14:00 and 22:00 and on Friday to Sunday between 12:00 and 23:00.

## Southwark Council saturation policy for Peckham

23. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2015-2020 statement of licensing policy.
24. 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.
25. 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.
26. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

## Deregulation of entertainment

27. 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.
28. 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

29. 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.
30. 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**

31. 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**

32. 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**

33. 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**

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

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

36. 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.
37. 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.
38. 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.
39. 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**

40. 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.
41. The four licensing objectives are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
42. 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.
43. 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.

44. 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.
45. Members are also referred to the Home Office guidance on conditions.

### **Reasons**

46. 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**

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 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**

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. 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.
55. 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**

56. 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

57. 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:02075255748

### APPENDICES

Name	Title
Appendix A	Copy of existing premises licence
Appendix B	Copy of the application
Appendix C	Copy of the licensing service's representation
Appendix D	Map

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Wesley McArthur, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	3 May 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	5 May 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

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Frank's Cafe Levels 9 - 10 Peckham Multi-Storey Car Park 95A Rye Lane London SE15 4ST	
Ordnance survey map reference (if applicable), 176425534350	
<b>Post town</b> London	<b>Post code</b> SE15 4ST
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
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<b>Licensable activities authorised by the licence</b> Sale by retail of alcohol to be consumed on premises
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<b>The opening hours of the premises</b> For any non standard timings see <b>Annex 2</b> Monday 11:00 - 23:30 Tuesday 11:00 - 23:30 Wednesday 11:00 - 23:30 Thursday 11:00 - 23:30 Friday 11:00 - 23:30 Saturday 11:00 - 23:30 Sunday 11:00 - 23:30
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<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b> Sale by retail of alcohol to be consumed on premises
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<b>The times the licence authorises the carrying out of licensable activities</b> For any non standard timings see Annex 2 of the full premises licence <b>Sale by retail of alcohol to be consumed on premises</b> Monday 11:00 - 23:00 Tuesday 11:00 - 23:00
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Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:00
Saturday	11:00 - 23:00
Sunday	11:00 - 23:00

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**Franks Cafe Limited  
[REDACTED]**Registered number of holder, for example company number, charity number (where applicable)**

[REDACTED]

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**Ugo Petronin  
[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. [REDACTED]  
Authority L.B Lewisham

Licence Issue date 01/07/2015

[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.

**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,

**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.

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

**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).

**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**

**340** That this licence will only have effect from 1st May to 30th September each year.

**341** That a capacity limit of 1000 persons shall not be exceeded at any time and will be controlled by use of clickers.

**342** That no open containers of alcohol or any other drink shall be taken outside of the premises.

**343** That dedicated members of staff shall ensure that empty or unused drink containers and other materials are now allowed to accumulate on or around the perimeter wall.

**344** That all suspended equipment e.g. roof canopy shall be examined by a competent person to ensure their structural integrity and a record of this inspection made. Adequate controls and fixtures should be in place to prevent the risk of suspended equipment falling.

**345** That a risk assessment will be prepared in relation to the need for SIA door staff including time and number but in any event whenever the premises is open for licensable activities a minimum of four SIA door staff will be on duty from 6pm on Sunday to Thursday until all members of the public have left the premises and a minimum of five from 6pm on Friday and Saturday but rising to eight from 8pm until all members of the public have left the premises. At least one SIA door staff is to be in place at the ramped entrance leading to level 9 from 6pm with a clicker.

**346** That the volume control for "background" recorded music shall be stationed behind the bar, and under the sole control of the manager on duty.

**432** That a dedicated telephone number shall be provided for local residents to contact the site manager whilst the premises is in operation.

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

**4AB** All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

**4AC** Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points

of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required

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

**336** That a personal licence holder will always be present at the premises whenever they are conducting licensable activities.

**4AL** That a comprehensive risk assessments to be carried out by a competent person. All findings of the risk assessments shall be made available to this authority or the police and London Fire and Emergency Planning Authority.

**347** That a comprehensive dispersal policy shall be produced, maintained and updated, and all staff needs to be trained and made aware of any changes, a copy of the dispersal policy shall be made available to the council or police on request.

**362** That an NICEIC approved electrical inspection report of the premises shall be provided and a copy kept on site.

**363** That an evacuation plan shall be provided in regards to the premises and shall detail steps to be taken should all or any part of the premises need to be evacuated. The evacuation procedure needs to be in writing and made available to the council, police or fire officers on request.

**364** That all premises staff need to be trained in evacuation procedures including wheelchair users and this needs to be documented.

**418** That all electrical equipment, devices and systems used in the premises shall be maintained in good state of repair and effective working order.

**348** That in the event of failure of main lighting, emergency lighting shall be provided in all areas, customers shall be escorted out of the building safely.

**349** That floors and traffic routes needs to be kept free of obstacles, obstructions and any other article or substances that may cause person to slip, trip or fall.

**350** That all gas appliances and installations to be used on the premises must be inspected and tested by a competent person who must be a GAS SAFE registered engineer a certificate to be kept on site.

**351** That an appropriate barrier/device around the perimeter wall to the whole of the licensed area apart from the area marked in blue on the plan, in order to discourage and minimise the risk of persons sitting on the surface of the wall and placing objects onto the surface of the

walls. The structure must be appropriate strength and rigidity to withstand potential pressures which may be applied and be appropriately and substantially fixed, and in such a way that it can not be removed or tampered with by members of the public. The barrier shall be inspected daily by a competent person and any defects shall be repaired immediately.

**352** That dedicated members of staff shall monitor the outside perimeter walls on both levels 9 and 10 to ensure no one attempts horseplay or to climb on the wall.

**353** That the seating structure shall be constructed and maintained so as to minimise any risk of structural failure or collapse. All demountable temporary structures should be designed and constructed in accordance with the guidance contained in the institute of structural engineers publication "Temporary Demountable Structures". The structures shall be inspected by an independent competent person on completion and a certificate obtained to state that the structure has been inspected and is safe and fit for purpose intended.

**186** That all drinks are to be served in polycarbonate glassware to prevent injuries to staff and to prevent incidents of violence where glassware can be used as weapons.

**366** That a clear plan highlighting emergency exits shall be prominently displayed visible from any place in the premises.

**248** That emergency exits shall be clearly marked with standard emergency exit signs (staircase and ramps).

**354** That emergency numbers shall be displayed for all members of staff behind the counter.

**171** That access shall be made available for emergency services at all times.

**355** That anyone seen attempting to climb the barriers around the premises shall be immediately stopped by a member of staff.

**356** That the security team shall be fully briefed to closely monitor the crowd and its presence close to the barriers.

**357** That no objects or furnishing which would enable easier access/encourage climbing on to the perimeter wall must be placed one metre away from the perimeter wall other than in the area hatched blue on the plan.

**170** That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00.

**427** That notices shall be provided on all doors/routes that patrons use to exit the premises to request that patrons leave in a quiet and orderly manner that is respectful to neighbours.

**239** That noise from plant, patrons and activities at the premises shall not cause a public nuisance in the vicinity of the premises.

**358** That the premises shall have in place and effectively execute a visitor/patron management strategy.

**365** That SIA door supervisors shall have personal radios where they can be contacted by management and will have access to CCTV surveillance.

**293** That all SIA door staff will receive fire and basic first aid training as will the manager on duty.

**359** That a member of the door team will be stationed at the ground level exit from 30 minutes before close to 30 minutes after to assist in the safe and orderly dispersal of patrons.

**360** That all patrons will be instructed to leave via the Rye Lane exit.

**361** That door staff will remain on site until 30 minutes after the venue has closed.

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

**Annex 4 - Plans - Attached**

Licence No. 847994

Plan No. 01

Plan Date n/a

## Southwark London Borough Council

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

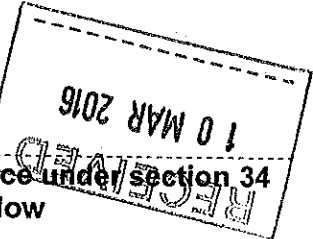
## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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.

We Franks Cafe Limited

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

██████████

## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Frank's Cafe  
Levels 9 and 10 Peckham Multi-Storey Car Park  
95A Rye Lane

Post town London

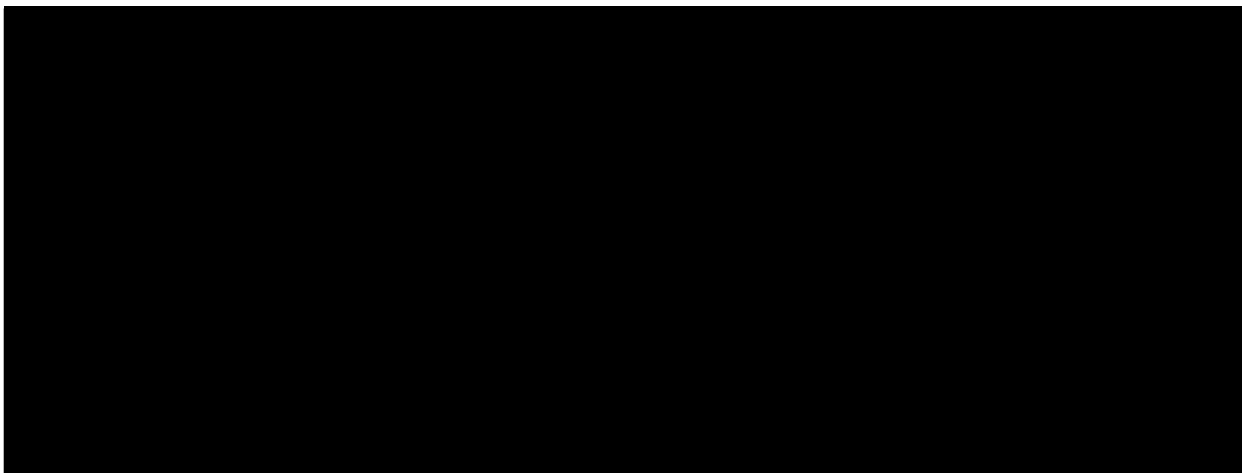
Post code SE15 4ST

Telephone number at premises (if any)

Non-domestic rateable value of premises

£41,000

## Part 2 – Applicant details



**Part 3 - Variation**

Please tick yes

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

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

Day		Month		Year	

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

To vary condition 341 under Annex 2 which currently reads "That a capacity limit of 1000 persons shall not be exceeded at any time and will be controlled by use of clickers" to be amended to read "That a capacity limit of 1,500 persons shall not be exceeded at any time and will be controlled by use of clickers"

All licensable activities, permitted hours and opening hours to remain as existing.

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

N/A
-----

**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 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)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption <u>(Please tick box)</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	No Change		State any seasonal variations for the supply of alcohol (please read guidance note 4) No Change	Both	<input type="checkbox"/>
Tue	No Change				
Wed	No Change		Non-standard timings. Where you intend to use the premises for <u>the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5) No Change		
Thur	No Change				
Fri	No Change				
Sat	No Change				
Sun	No Change				

K

<p>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)</p> <p>None</p>
---

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) No Change
Day	Start	Finish	
Mon	No Change		
Tue	No Change		
Wed	No Change		
Thur	No Change		
Fri	No Change		
Sat	No Change		
Sun	No Change		

**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)  
No Change

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  
None removed – one amended, condition 341.

Please tick yes

- 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 failed to enclose the premises licence or relevant part of premises licence  
Copy attached – original misplaced.

**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,e)** (please read guidance note 9)

This is an application to vary the Premises Licence (no: 847994) by changing condition 341 – increasing the capacity limit to 1,500 from 1,000.

No other changes are proposed either to the premises, the licensable activities, the hours or the conditions.

The applicant has had a fire risk assessment which can be produced on request which stipulates that the maximum safe occupancy is 1,800.

The applicant is aware that the premises are in the cumulative impact zone, however, it has been trading here for some time and is sensitive to the area and its concerns.

The applicant is confident that it can continue to trade with an increased occupancy without adding to the cumulative impact or adversely affecting local residents.

A number of conditions were agreed when this licence was granted and the application will continue to maintain its operating policies and high operating standards.

By way of information only it is also intended to change the entrance and exit to floors 9 and 10 to avoid the need to travel across floors 7 and 8 but there is no change to the licensing plan.

**b) The prevention of crime and disorder**

See box a) above

**c) Public safety**

See box a) above

**d) The prevention of public nuisance**

See box a) above

**e) The protection of children from harm**

See box a) above

Please tick yes

- 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 10)

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

Signature	[REDACTED]
Date	09 March 2016
Capacity	Solicitors for & on behalf of the applicant

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

Signature	
Date	
Capacity	

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

[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]			

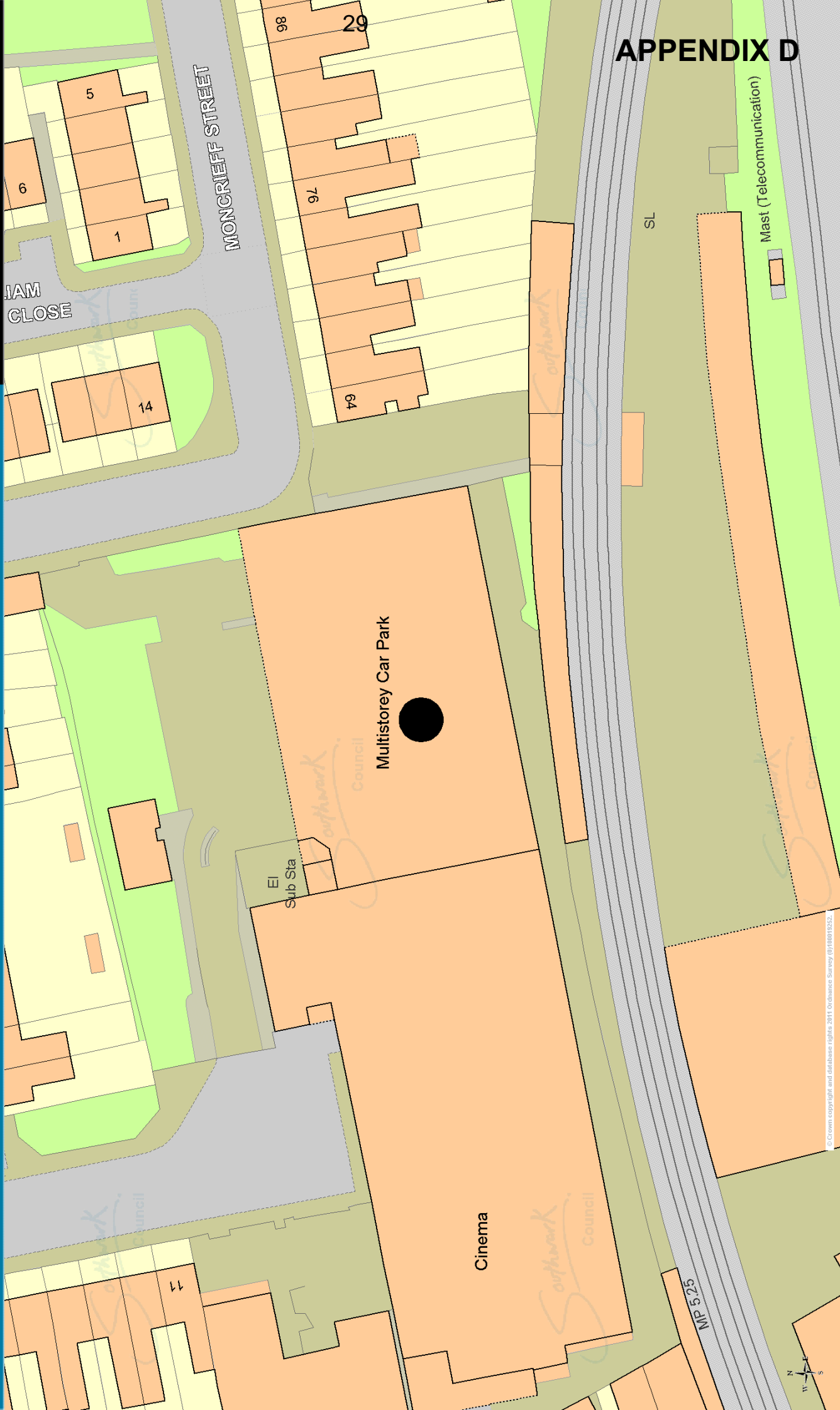
**Notes for Guidance**

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.



Date 3/5/2016



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

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