

Licensing Sub-Committee

Thursday 26 May 2016

12.00 pm

Ground Floor Meeting Room G01C - 160 Tooley Street, London SE1 2QH

Membership

Councillor Sunil Chopra
Councillor Jon Hartley
Councillor Eliza Mann

Reserves

Councillor Charlie Smith

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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Contact

Andrew Weir, Constitutional Officer, Tel: 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: 17 May 2016



Licensing Sub-Committee

Thursday 26 May 2016
12.00 pm
Ground Floor Meeting Room G01C - 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: HAWKSMOOR, 16 WINCHESTER WALK, LONDON SE1 9AQ

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

PART B - CLOSED BUSINESS

Item No.

Title

Page No.

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.”

Date: 17 May 2016

Agenda Item 5

Item No. 5.	Classification: Open	Date: 26 May 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Hawksmoor, 16 Winchester Walk, London SE1 9AQ	
Ward(s) or groups affected:		Cathedrals	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Underdog Restaurant Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Hawksmoor, 16 Winchester Walk, London SE1 9AQ.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 11 to 19 of this report deals with the representations received to the premises licence application and conciliations progress made. Copies of the relevant representations from a responsible authority and other persons and the correspondences are attached as Appendices B & C.
 - d) Paragraph 21 deals with licensed premises within a 100m radius of the premises. A map of the area is attached as Appendix D.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.

4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 4 April 2016, Underdog Restaurant Limited applied to this council for the grant of a new premises licence in respect of the premises known as Hawksmoor, 16 Winchester Walk, London SE1 9AQ. The premises consist of a restaurant on the lower ground and ground floor levels.
 - Late night refreshment (indoors and outdoors)
Sunday – Thursday from 08:00 to 23:30
Friday & Saturday from 08:00 to 00:00
 - Supply of alcohol (on and off premises)
Sunday – Thursday from 08:00 to 23:30
Friday & Saturday from 08:00 to 00:00
 - Operating hours of premises
Sunday – Thursday from 08:00 to 23:30
Friday & Saturday from 08:00 to 00:00
 - Non-standard timings: From the end of permitted hours on New Years Eve to start of permitted hours on New Years Day.
9. The premises licence application form provides the applicant operating schedule. Parts I, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act

2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

10. The proposed designated premises supervisor Richard Cowell who has a personal licence issued by the Wandsworth Council.

Representations from responsible authorities

11. Three representations were submitted by the Metropolitan Police Service, licensing (as a responsible authority) and public health.
12. The Police representations recommend the following conditions to be included on the licence if granted:
 - Intoxicating liquor shall not be sold or supplied on the premises other than to persons taking table meals and for consumption by such person as an ancillary to the meal or whilst waiting to be seated for a pre booked table meal.
13. The licensing representation also state the premises falls within the saturation area for Borough and Bankside. Furthermore, the applicant has not addressed the presumption to refuse this application within the operating schedule and recommend refusal of this application unless the applicant can demonstrate that the premises will not contributing to crime and disorder and public nuisance within the policy area, conditions preventing the sale of alcohol except with table meals and that any off sales shall be sold in closed containers could assist the applicant in this rebuttal.
14. The licensing authority recommend that the following conditions be added to the operating schedule:
 - Intoxicating liquor shall not be sold or supplied otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.
 - Any 'off sales' of alcohol shall be sold in closed containers and taken away from the premises.
15. The representation submitted by public health states that early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. Furthermore, increased hours of alcohol sales are associated with an increase in alcohol-related harm. They have suggested the following recommendations if the licence is granted:
 - That the start time of alcohol sales be changed to 11:00
 - That no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 5% or in bottles larger than 750ml with an ABV in excess of 5%.
16. Copies of the representations are attached as Appendix B.

Representation from other persons

17. There were two representations from other persons, one being a local ward councillor who states that these premises sit in the Borough and Bankside cumulative impact policy area, and need to demonstrate that new premises licences at this location will not add to the noise and antisocial behaviour, crime and disorder or alcohol related hospital admissions that have led to the introduction of this policy.
18. The other representation from a local resident is concerned that the area around Clink Street and Winchester Square is already saturated with restaurants, fast-food outlets, and coffee shops. The addition of yet another will add to the nuisances already prevalent in the area. Other nuisance experienced are from vehicular traffic (delivering supplies, taxis delivering and collecting patrons).
19. Copies of the representations are attached as Appendix C.

Conciliation

20. The representations were forwarded to the applicant. The applicant is yet to respond. Therefore the issues remain unresolved. The licensing sub-committee will be updated of any developments on the 26 May 2016.

The local area

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

Public houses/restaurant

- The Rake, 14 Winchester Walk, London SE1 (Monday - Thursday until 00:00; Friday & Saturday until 01:30 & Sunday until 22:30)
- La Pain Quotidien, 15 Winchester Walk London SE1 (Monday – Sunday until 00:00)
- Canon and Canon Fine Foods, Unit 4W, Jubilee Place, Winchester Walk, SE1 (Monday – Sunday until 23:00)
- Old Thameside, Inn Pickfords Wharf, Clink Street London SE1 (Sunday - Thursday until 00:00; Friday & Saturday until 01:30)
- Gourmet Burger Kitchen, Soho Wharf, Clink Street, London SE1 (Monday – Sunday until 23:00)
- Elliots Borough Market, 12 Stoney Street, London SE1 (Monday – Sunday until 00:00)
- Fen Shushi, 13 Stoney Street, London SE1 (Monday – Saturday until 00:30; Sunday until 00:00)
- FISH!, Borough Market, Cathedral Street, London SE1 (Monday – Saturday until 01:00; Sunday until 00:30)
- Oyster Bar, 11B Stoney Street, London SE1 (Monday – Sunday until 00:00)

- Golden Hinde Sailing Ship, St Mary Overies Dock, Cathedral Street, London SE1 (licensable activities Monday – Saturday until 01:30; Sunday until 23:30)
- Black & Blue, 1-2 Rochester Walk, London SE1 (Monday – Saturday until 01:30; Sunday until 00:30)
- New Forest Cider, 1 - 2 Rochester Walk, London SE1 (Monday – Saturday until 23:20; Sunday until 21:20).

Deregulation of entertainment

22. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
23. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Borough & Bankside cumulative impact zone

24. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 5 November 2008, and extended the area in April 2011. This application falls within the policy area.
25. 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.
26. 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.
27. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark statement of licensing policy

28. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
- Restaurants / cafes: Friday and Saturday 01:00, Sunday to Thursday 00:00
 - Public houses, wine bars or other drinking establishments: Friday and Saturday 00:00, Sunday to Thursday 23:00
 - Hotel bars and guesthouses: No restrictions for residents

- Night clubs (with 'sui generis' planning classification): Friday and Saturday 03:00, Monday to Thursday 01:00 and Sunday 00:00
 - Off-licences and alcohol sales in grocers / supermarkets: 00:00 daily
 - Take-away establishments: Friday and Saturday 01:00, Sunday to Thursday 00:00.
 - Cinemas and theatres: 02:00 daily
 - Vessels: 23:00 daily
 - Qualifying members clubs: 02:00 daily
29. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and Scope of the Policy - 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. To be read in conjunction with Appendix B to the policy.
 - 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.
 - Closing time for Restaurants and Cafes: Sunday to Thursday at 00:00 and Friday and Saturday at 01:00.
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 £315 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

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 for a premises licence under section 17 of the Licensing Act 2003.
35. The principles which sub-committee members must apply are set out below.

Principles for making the determination

36. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
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 interested 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:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence

- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application.

Conditions

39. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
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 night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
43. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

45. 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.
46. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

47. 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.
48. 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.
49. 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.
50. 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.

51. 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.
52. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
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.

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	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a new premises licence
Appendix B	Representation from responsible authorities
Appendix C	Representation from other persons
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	13 May 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		13 May 2016



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 Underdog Restaurants Limited

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Hawksmoor 16 Winchester Walk			
Post town	London	Postcode	SE1 9AQ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£unrated	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

app form

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

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

Please tick yes

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

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Underdog Restaurants Limited
Address Unit 402, 70, London, E1W 3SS
Registered number (where applicable) 05786163
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)
 Restaurant over lower ground and ground floor levels.

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

What licensable activities do you intend to carry on from the premises?*(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)*

Provision of regulated entertainment

Please tick any that apply

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

Provision of late night refreshment (if ticking yes, fill in box I) **Supply of alcohol** (if ticking yes, fill in box J) **In all cases complete boxes K, L and M**

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H



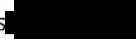
Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	2300	2330	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	2300	2330			
Wed	2300	2330	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	2330			
Fri	2300	0000	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Years Eve to start of permitted hours on New Years Day		
Sat	2300	0000			
Sun	2300	2330			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>	
Day	Start	Finish		Off the premises	<input type="checkbox"/>	
Mon	0800	2330	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>	
Tue	0800	2330				
Wed	0800	2330				
Thur	0800	2330		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Years Eve to start of permitted hours on New Years Day		
Fri	0800	0000				
Sat	0800	0000				
Sun	0800	2330				

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

Name Richard Cowell	
	
Postcode	
Personal licence number (if known) LBWands 	
Issuing licensing authority (if known) London Borough of Wandsworth	

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2330	
Tue	0800	2330	
Wed	0800	2330	
Thur	0800	2330	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>From the end of permitted hours on New Years Eve to start of permitted hours on New Years Day</p>
Fri	0800	0000	
Sat	0800	0000	
Sun	0800	2330	

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

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

Please refer to the attached schedule of conditions for the promotion of all four licensing objectives.

b) The prevention of crime and disorder

please refer to box a) above

c) Public safety

please refer to box a) above

d) The prevention of public nuisance

please refer to box a) above

e) The protection of children from harm

please refer to box a) above


Checklist:**Please tick to indicate agreement**

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	01/04/2016
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf of the Applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Amy Catlin (UND.4.21) Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Postcode	WC2H 9EP
Telephone number (if any)	020 7042 0418		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) acatlin@tandtp.com			

Hawksmoor, 16 Winchester Walk**Schedule of Conditions**

1. Non standard timings for all licensable activities and opening hours from the end of permitted hours on New Years Eve to start of permitted hours on New Years Day.
2. That an adequate and appropriate supply of first aid equipment and materials is to be available on the premises
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing an image of every person who enters the premises
4. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council
5. The licensee shall prominently display a notice reminding the patrons to leave the premises in an orderly fashion
6. That substantial food and suitable beverages other than intoxicating liquor shall be available during trading hours
7. The premises will be operated in accordance with Health and Safety and related legislation in order to ensure the safety of customers and staff
8. 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
9. The premises shall operate a 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 PASS approved proof of age card such as the Southwark Proof of Age (SPA) card
10. All staff involved in the sale of alcohol shall be trained in the Challenge 25 policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police
11. Age check or Challenge 25 signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that a Challenge 25 policy applies and proof of age may be required

and any premises licence to be granted or varied in respect of this application made by
Underdog Restaurants Limited

[name of applicant]

concerning the supply of alcohol at

Hawksmoor
16 Winchester Walk
London
SE1 9AQ

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LBWan [REDACTED]

[insert personal licence number, if any]

Personal licence issuing authority

Wandsworth Council
Environmental Services
Public Health
Town Hall
Wandsworth High Street
London
SW18 2PU

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

Richard Cowell


Date

23/03/2016

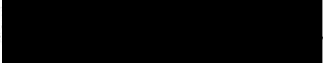
Consent of individual to being specified as premises supervisor

Richard Cowell

I
[full name of prospective premises supervisor]

of


[home address of prospective premises supervisor]

Date of birth: 

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for new premises licence

[type of application]

by
Underdog Restaurants Limited

[name of applicant]

relating to a premises licence [number of existing licence, if any]

for
Hawksmoor
16 Winchester Walk
London
SE1 9AQ

[name and address of premises to which the application relates]



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2791/16

Date: 27th April 2016

Dear Sir/Madam

Re:- Underdog Restaurants, Hawksmoor, 16 Winchester walk, London SE1
9AQ

Police are in possession of an application from the above for a new premise licence. Police would recommend the following conditions to be included on the licence.

1. Intoxicating liquor shall not be sold or supplied on the premises other than to persons taking table meals and for consumption by such person as an ancillary to the meal or whilst waiting to be seated for a pre booked table meal.

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

Yours Sincerely

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

MEMO: Licensing Unit

To Licensing Unit **Date** 29 April 2016

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email jayne.tear@southwark.gov.uk

Subject Re: Hawksmoor, 16 Winchester Walk, London SE1 9AQ

– Application to for a premises licence

I write with regards to the above application to for a premises licence submitted by Underdog Restaurants Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Supply of alcohol (on and off the premises) on Sunday to Thursday from 08:00 to 23:30 and on Friday and Saturday from 08:00 to 00:00.
- Late night refreshment (indoors and outdoors) on Sunday to Thursday from 23:00 to 23:30 and on Friday and Saturday from 23:00 to 00:00.
- Overall opening times shall be on Sunday to Thursday from 08:00 to 23:30 and on Friday and Saturday from 08:00 to 00:00.

Non standard timings requested for licensable activity and opening hours are:

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

The premises is described as a ' Restaurant over lower ground and ground floor levels'.

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Borough and Bankside policy area as defined in paragraph 129 of the policy and, as a restaurant/café, this premises falls into the class of premises in 130 of the policy.

Therefore under 119 of the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the policy area, conditions preventing the sale of alcohol except with table meals and that any off sales shall be sold in closed containers could assist the applicant in this rebuttal.

Should the applicant provide further details within the operating schedule that members consider sufficient to prevent the operation of the premises contributing to crime and disorder and public nuisance within the policy area I would be in a position to withdraw my representation.

I therefore submit this representation for your consideration and recommend the following conditions be added to the operating schedule

- Intoxicating liquor shall not be sold or supplied otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal
- Any 'off sales' of alcohol shall be sold in closed containers and taken away from the premises.

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

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

Jayne Tear

In the capacity of Licensing Authority as a Responsible Authority



Dr Ruth Wallis FFPH
 Director of Public Health
 Lambeth and Southwark Public Health
 1st Floor, Hub 2 160 Tooley Street
 LONDON SE1 2QH

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

28 April 2016

To whom it may concern:

Re: Underdog Restaurants, Hawksmoor, 16 Winchester Walk, London SE1 9AQ

As Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make 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 requests both an on-license and an off-license to sell alcohol from the premises between the hours of 0800 and 2330 for Sundays through to Thursdays, and 0800 to 0000 for Fridays and Saturdays. I have concerns regarding the hours of alcohol sales requested, and the types of alcohol to be sold from the premises.

I would like a later start time of alcohol sales. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. Further, research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm.

The applicant has made no mention of the types of alcohol that will be stocked in the store. I would like some restriction on high-strength beers, lagers, and ciders, given that many purchasers of



these drinks are alcohol misusers, and that a single vessel exceeds the NHS's Safer Drinking Guidelines.

Recommendation

I recommend that the start time of alcohol sales be changed to 1100 for all days of the week.

I recommend that no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 5% or in bottles larger than 750ml with an ABV in excess of 5%.

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 sarah.bradbury@southwark.gov.uk

From: Morris, Adele
Sent: Wednesday, April 06, 2016 3:28 PM
To: Tahir, Sarah
Cc: Noakes, David; Linforth-Hall, Maria; Tear, Jayne; Franklin, David;
'Ian.Clements@met.pnn.police.uk'; Public Health Licensing
Subject: RE: RE: Consulation Letter, 02/02.16, 851772, Underdog Restaurants Limited, Hawksmoor

Dear Sarah

I would like to object to the application for the above premises.

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

Best wishes

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

Tel: 0207 525 4377

AdeleCathedrals

From:
Sent: Thursday, April 07, 2016 2:27 PM
To: Regen, Licensing
Cc:
Subject: Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews
Details for Licence Number: 851772 Further information on licence number: 851772

Dear Southwark Council

Licensing Register - Applications for Premises Licences, Club
Registrations, and Reviews Details for Licence Number: 851772
Further information on licence number: 851772
We wish to register objection to this application.

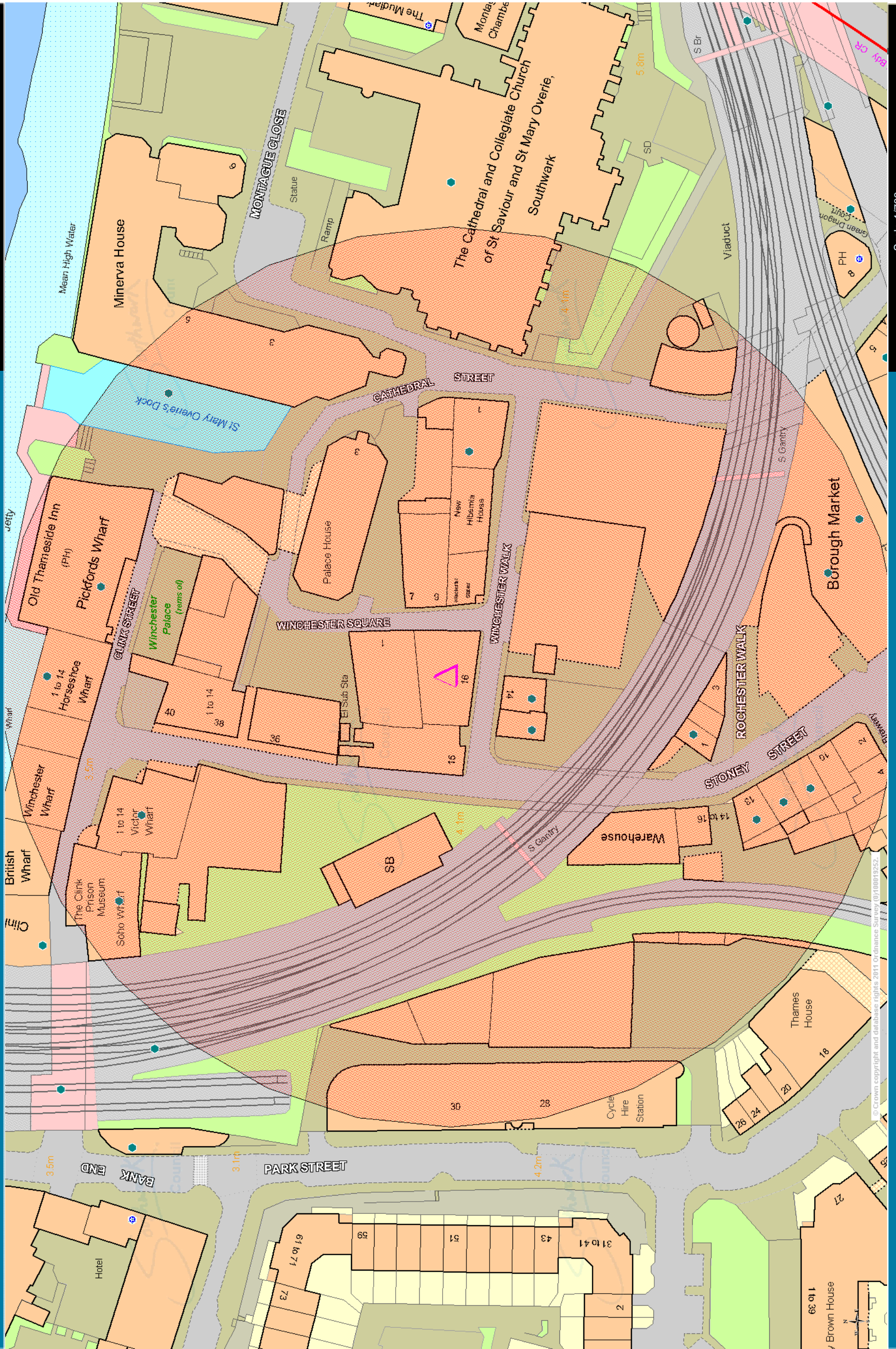
The area around Clink Street and Winchester Square is already saturated with restaurants, fast-food outlets, and coffee shops. The addition of yet another will add to there nuisances already prevalent in the area, which was, at the time we moved here (May 2000) primarily a residential street with few catering outlets. Over the years we have experienced increasing noise and other nuisance from vehicular traffic, noisy patrons of the establishments who do not respect the rights of local residents to quiet enjoyment of their homes. Vehicles delivering supplies, taxis delivering and collecting customers create noise nuisance and, in the very narrow streets in the area, create risks of harm to pedestrians. Often, footpaths are blocked by poorly parked vehicles and by other obstructions, making it hazardous for children and elderly local residents who have to walk in the road to circumvent obstructions on the footpaths.



Hawkmoor, 16 winchester walk se1

APPENDIX D

Date 11/5/2016



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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17

NOTE: Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Sunil Chopra	1	Rebecca Millardship, Legal team	1
Councillor Jon Hartley	1	Dorcas Mills, Licensing team	1
Councillor Eliza Mann	1	Jayne Tear, Licensing team	1
Reserve		Sarah Bradbury, Public health authority	1
Councillor Charlie Smith	By email		
Ward councillor		Andrew Weir (spares)	6
Councillor Adele Morris	By mail		
		Total printed copies: 14	
		Dated: 13 May 2016	