

Licensing Sub-Committee

Thursday 4 August 2016

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Charlie Smith

Reserves

Councillor David Hubber

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 26 July 2016



Licensing Sub-Committee

Thursday 4 August 2016
10.00 am

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

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: B.D. WINES, 1 BRAGANZA STREET, LONDON SE17 3RD	1 - 36
6.	LICENSING ACT 2003: CHICK CHICKEN, 117 PECKHAM HIGH STREET, LONDON SE15 5SE	37 - 66

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

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: 26 July 2016

Item No. 5.	Classification: Open	Date: 4 August 2016	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: B.D. Wines, 1 Braganza Street, London SE17	
Ward(s) or groups affected:		Newington	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Bahader Mahil to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: B.D. Wines, 1 Braganza Street, London SE17 3RD.
2. Notes:
 - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: B.D. Wines, 1 Braganza Street, London SE17 3RD 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 submitted by responsible authorities and/or other persons and is therefore referred to the sub-committee for determination.
 - 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 B. A map showing the location of the premises is attached as Appendix E.
 - Paragraphs 12 to 17 of this report deal with the representations submitted in respect of the application. (Copies of the relevant representations and related correspondence are attached in Appendices C and D).

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:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.

Within Southwark, this council wholly administers the licensing responsibility.

4. 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.
5. 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.
6. 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 interested parties 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

7. The current premises licence issued in respect of the premises known as B.D. Wines, 1 Braganza Street, London SE17 3RD was issued on 25 February 2010 and allows the following licensable activities:
 - The sale by retail of alcohol to be consumed off of the premises: Monday to Saturday between 10:00 and 23:00 and on Sunday between 12:00 and 22:30
 - There are no standard opening hours in respect of the premises.

A copy of the existing premises licence is attached as Appendix A.

The variation application

8. On 10 June 2016 Bahader Mahil applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as B.D. Wines, 1 Braganza Street, London SE17 3RD.
9. The application is summarised as follows:
 - To allow the sale of alcohol at the premises on Monday to Sunday 24 hours a day
 - The proposed opening hours of the premises are Monday to Sunday 24 hours a day.
10. The premises licence application form provides the applicant's operating schedule. Parts J, K, L and M set out the proposed operating hours and operational control measures 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 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

11. The designated premises supervisor (DPS) under the existing premises licence is Bahader Mahil. Bahader Mahil holds a personal licence issued by Redbridge Borough Council.

Representations from responsible authorities

12. This council's trading standards service (TS) submitted a representation in respect of all four licensing objectives. They have strong reservations as to the extension of hours of the supply of alcohol and request that the hours reflect Southwark's licensing policy. The representation also suggests various control measures which TS seek to become licence conditions should the variation be granted.
13. This council's public health directorate (PHD) submitted a representation in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation states that:

"...Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Moreover, the current licensed hours are in line with Southwark's Statement of Licensing Policy..."

The representation recommends that the application be rejected.

14. This council's licensing responsible authority (LRA) submitted a representation in respect of the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The representation states that:

"The current premises licence has very few conditions within the operating schedule and this application to vary the licence offers no further control measures to address the licensing objectives should the premises be providing alcohol sales 24hrs..."

The representation further notes that the closing time suggested in this council's statement of licensing policy in respect of the premises is 23:00 daily. It also observes that the premises are located in a residential area and based on this observation and the above factors that the application should be refused.

15. Copies of the representations submitted by responsible authorities and any related correspondences are attached in Appendix C.

Representations from other persons

16. A local ward councillor submitted a representation rejecting the proposed variation and stated that:

“There have been reports of antisocial behaviour in Braganza Street in the last 2 years, and this could potentially exacerbate this...Braganza Street is actually a quiet residential street, as are the streets directly feeding off it. Furthermore, close by premises on the Walworth Rd that already have a 24hr licences are linked with antisocial behaviour in the area. I don't think that issuing another one would be beneficial to the local community...”

17. A copy of the local councillor's representation is attached to this report as Appendix D.

Conciliation

18. The applicant was sent copies of all of the representations. The applicant was advised to contact the responsible authorities to facilitate conciliation. Subsequent to considering the representations the applicant proposed amending the application so that only an earlier start time of 08:00 hours in regards to the sale of alcohol is sought in the application and that the end time in regards to the sale of alcohol will remain unchanged. The email correspondence confirming the proposed amendment to the application is attached in Appendix C. Although it is addressed solely to the local ward councillor who had submitted a representation, it is confirmed that a similar email outlining the proposed amendment to the application was also sent to the responsible authorities who submitted representations.
19. TS maintain their representation objecting to the application. TS contend that in the amendment to the application proposed by the applicant, the conditions suggested by TS in their representation have not been referred to.
20. The PHD replied to the suggested amendment stating that PHD recommends a start time of 11:00 hours in regards to the sale of alcohol. As the existing start time in regards to the sale of alcohol is 10:00 hours, PHD's reply is not applicable to this application, and the reply can be considered as a continued objection to the application despite the amendment to the application proposed by the applicant.
21. At the time of the writing of this report all representations remain outstanding and so must be considered by the licensing sub-committee. If applicable of any conciliation of the representations.

Operating history

22. On 10 May 2005 a premises licence in respect of the premises was issued to Bahader Mahil. Bahader Mahil was specified as the DPS of the premises.

23. On 10 December 2008 a licensing inspection of the premises was undertaken. One breach of licensing legislation was observed by the inspecting officer in that the premises licence summary was not on displayed at the premises. The premises were re-inspected on 8 January 2009 and were found to be operating compliantly.
24. On 28 May 2009 a review of the premises licence issued in respect of the premises was submitted by the Metropolitan Police Service. The review related to an amount of controlled drugs (cannabis) being found at the premises by the MPS on 15 May 2009 and also the sale of alcohol to a 15 year old during a test purchase undertaken jointly by the MPS and this council's TS service on 28 February 2009. At a licensing sub-committee hearing on 15 July 2009 to consider the review application, the sub-committee suspended the premises licence for 3 months and imposed conditions 788, 793, 834 and 836 on the premises licence (please see Annex 3 of the current premises licence attached to this report as Appendix A for details of the conditions).
25. On 20 August 2010 a licensing inspection of the premises was undertaken. The premises were found to be operating compliantly.
26. On 10 June 2016 Bahader Mahil applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as B.D. Wines, 1 Braganza Street, London SE17 3RD.
27. No complaints have been received in respect of the operation of the premises.
28. No temporary event notices have been submitted in respect of the premises.

Map

29. A map showing the location of the premises is attached as Appendix E. The location of the premises is indicated by a black diamond at the centre of the map. The following licensed premises are also shown on the map:

The Royal British Legion, 34 - 40 Braganza Street SE17 3RJ licensed for:

Sale of alcohol: Monday to Saturday 11:00 to 02:00 the following day and on Sunday 12:00 to 01:00 the following day.

Regulated entertainment: Monday to Saturday 11:00 to 01:45 the following day and on Sunday 12:00 to 00:45 the following day.

Spar, 1C Braganza Street SE17 3RD licensed for:

Sale of alcohol: Monday to Sunday 24 hours a day

Southwark council statement of licensing policy

30. 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. This 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. This 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. This 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. This 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. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
31. 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

32. A fee of £100.00 being the statutory fee payable for premises within non-domestic rateable value band A has been paid by the applicant company in respect of this application.

Consultation

33. 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 at the premises for a period of 28 consecutive days.

Community impact statement

34. 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

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

Principles for making the determination

37. 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.
38. 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.
39. Relevant representations are those which:
 - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
40. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
 - Add to, omit, and/or alter the conditions of the licence or
 - Reject the whole or part of the application for variation.

Conditions

41. 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.
42. The four licensing objectives are:
 - a) The prevention of crime and disorder
 - b) Public safety

- c) The prevention of nuisance
 - d) The protection of children from harm.
43. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
 44. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to 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.
 45. 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.
 46. Members are also referred to the Home Office guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

47. 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

48. 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.
49. 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.

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

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

55. Under the Human Rights Act 1998 the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
56. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

58. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003	Southwark Licensing c/o Community Safety and Enforcement 160 Tooley Street London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748
Home Office Guidance to the Act Secondary Regulations		
Southwark statement of licensing policy case file		

APPENDICES

Name	Title
Appendix A	Copy of existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations submitted by responsible authorities and related correspondence
Appendix D	Copy of the representation submitted by an other person
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	20 July 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		21 July 2016

Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

829825

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
B. D. WINES 1 Braganza Street	
Ordnance survey map reference (if applicable): 178267531670	
Post town London	Post code SE17 3RD
Telephone number [REDACTED]	

Where the licence is time limited the dates
--

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

The opening hours of the premises
For any non standard timings see Annex 2

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

The times the licence authorises the carrying out of licensable activities
For any non standard timings see Annex 2 of the full premises licence
Sale by retail of alcohol to be consumed off premises
Monday 10:00 - 23:00
Tuesday 10:00 - 23:00
Wednesday 10:00 - 23:00
Thursday 10:00 - 23:00
Friday 10:00 - 23:00
Saturday 10:00 - 23:00
Sunday 12:00 - 22:30

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licenceMr Bahader Singh Mahil
[REDACTED]**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**Bahader Singh Mahil
[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 Redbridge Borough Council

Licence Issue date 25/02/2010

.....
 Environmental Health & Trading
 Standards Business Unit Manager
 Chaplin Centre
 Thurlow Street
 London SE17 2DG
 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

Annex 2 - Conditions consistent with the operating Schedule

109 Alcohol shall not be sold or supplied except during permitted hours.

In this condition permitted hours means

- a. On weekdays, other than Christmas Day: 08:00 - 23:00
- b. On Sundays, other than Christmas Day 10:00 - 22:30
- c. On Christmas Day, 12:00 - 15:00 hours, and 19:00 to 22:30 hours
- d. On Good Friday, 08:00 - 22:30

The above restrictions do not prohibit;

- i) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club;
- vi) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

127 Alcohol shall not be sold or supplied unless it is paid for before or

- at the time when it is sold or supplied, except alcohol sold or supplied:
- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
 - c. To a canteen or mess

340 Alcohol shall not be sold in an open container or be consumed in the licenced premises.

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

788 CCTV has to be installed and maintained and records kept for 30-31 days.

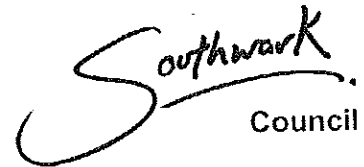
793 Recorded training scheme for staff that deal with alcohol sales.

834 Proof of age scheme to be put in place.

836 A personal licence holder shall be on the premises at all times that alcohol is sold

Annex 4 - Plans - Attached

Licence No.	829825
Plan No.	6188/BS/02
Plan Date	22 Feb 1988



Community Safety EHTS, Health Safety & Licensing Team, Southwark Council, 3rd Floor
Hub 2, P O BOX 65429, London, SE1P 5LX

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.

~~1/1/16~~ BAHADEK SINGH MAHIL
(Insert name(s) of applicant)

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

Premises licence number

829 825

Part 1 – Premises Details

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

B D WINES
1 BRAGANZA STREET
LONDON

Post town

Postcode

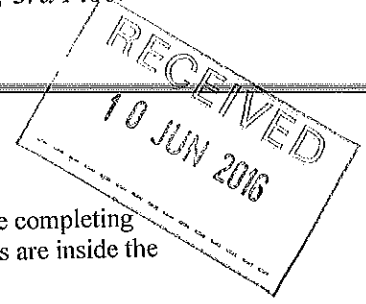
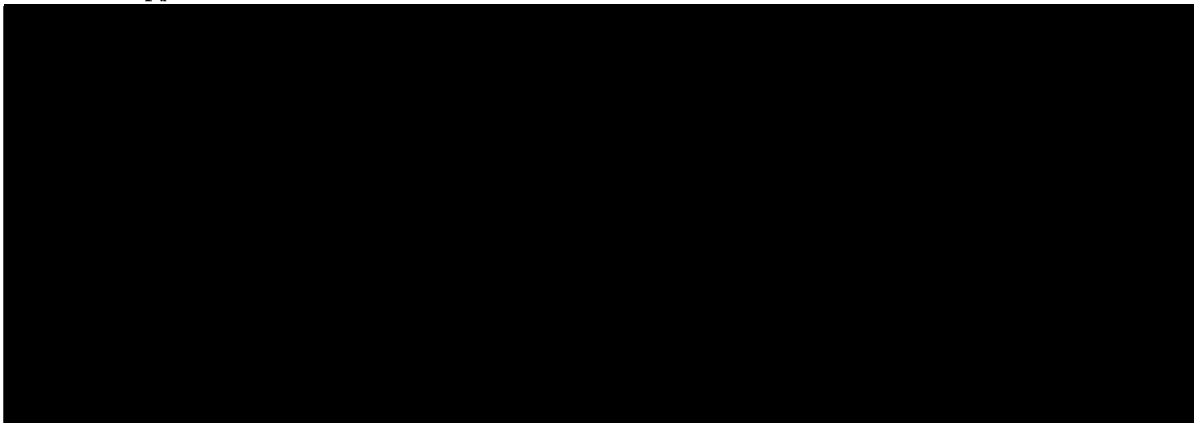
SE17 3RD

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 3,700

Part 2 – Applicant details



Part 3 - Variation

Please tick as appropriate

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

 Yes
No

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

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

I operate a convenience store and wish to extend my opening hours to the public to 24 hours Monday - Sunday. The reason for this is because the Spar shop located nearby recently closed down and I have had several requests from customers to extend the opening time especially in the early hours of the morning so that they can buy daily necessities. I therefore also wish to extend my hours for the retail sale of alcohol to reflect 24 hours - the licensable activity.

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:

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick all that apply**

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

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

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

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 6)			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 checked="" type="checkbox"/>
Mon	00.00	24.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			

K

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

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	24.00	
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

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.

The conditions in relation to timing will need to reflect the 24 hour opening times.

Please tick as appropriate

- I have enclosed the premises licence — a copy
- ~~I have enclosed the relevant part of the premises licence~~

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

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

M

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

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

I will ensure more emphasis is placed on promoting and achieving the 4 objectives. I have been operating my business in the area for over 20 years and I am well known and regarded in the area. It is therefore very important to me that I keep the local residents, businesses, and customers happy.

b) The prevention of crime and disorder

As stated in my initial application, I am strict on people not gathering outside my shop. I also make sure no one drinks near the premises to minimise disorder. This helps towards preventing anti-social behaviour, and public drunkenness.

c) Public safety

As stated in my initial application, I ensure there are 2 people/staff in the shop. I also have CCTV installed on the premises for the upkeep of public safety.

d) The prevention of public nuisance

I would reiterate that I strictly do not allow loitering outside my shop or order, to ensure public nuisance of any sort is avoided.

e) The protection of children from harm

As stated in my initial application, I have an age verification policy where staff ask for ID if age of customer is suspected in respect of alcohol. I also have clear signs. In addition, I keep and maintain a record of customers, who have attempted to buy alcohol under age.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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	9.6.16
Capacity	PREMISES LICENCE HOLDER

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

McArthur, Wesley

From: Regen, Licensing
Sent: 04 July 2016 16:59
To: McArthur, Wesley; Jerrom, Charlie
Subject: FW: Application to vary licence - BD Wines 1 Braganza Street SE17 3RD

From: Masini, Bill
Sent: Monday, July 04, 2016 4:41 PM
To: Regen, Licensing
Subject: Application to vary licence - BD Wines 1 Braganza Street SE17 3RD

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of the application to vary the premise licence for The Habit at 1 Braganza Street London SE17 3RD and respond accordingly under the Licensing objectives of The Protection of Children from harm, the prevention of crime and disorder and the prevention of Public Nuisance.

Trading Standards welcome the statements in the application to promote the four licensing objectives. However on the current licence there are a number of conditions that Trading Standards say render them either unenforceable and/or need expanding up.

For completeness and clarity would like conditions 834 and 793 to be removed and replaced with the following conditions on the licence to address the potential for harm of selling alcohol to children:

- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

For completeness and clarity would like conditions 836 to be removed and replaced with the following condition:

- There shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales

For completeness and clarity would like condition 788 to be removed and replaced with the following conditions:

- That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premise is in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council
- All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council

Under the Licensing objectives of the Prevention of crime and disorder and the Prevention of Public Nuisance, Trading Standards would also like the following condition to be added to the licence:

- No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises

With regard to the application for the shop to be able to sell alcohol 24 hours 7 days a week, Trading Standards has strong reservations on this and would like the hours to be in accordance with Southwark's Licensing Policy; again submitted under the Licensing objectives of the prevention of crime & disorder and Prevention of Public Nuisance

Bill Masini - Trading Standards Officer

Southwark Council Trading Standards | Environment & Leisure

3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 2629 | Fax 020 7525 5735 | Call Centre 020 7525 2000

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McArthur, Wesley

From: Regen, Licensing
Sent: 05 July 2016 13:00
To: McArthur, Wesley; Jerrom, Charlie
Subject: FW: RE: Variation of Hours - B D Wines, 1 Braganza Street

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: 05 July 2016 12:16
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: RE: Variation of Hours - B D Wines, 1 Braganza Street

To whom it may concern:

Re: B.D. Wines, 1 Braganza Street, London SE17 3RD

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

This 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 to vary the hours of their current licence. They have requested to extend the hours for the sale of alcohol off the premises to between 00:00hrs and 24:00hrs for Mondays through to Sundays. In other words this request is for a 24-hour license to sell alcohol. The applicant's current license is for sales of alcohol off the premises between the hours of 10:00 and 23:00 Monday-Saturday and 12:00-22:30 on Sundays.

I have concerns regarding the hours of alcohol sales requested. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Moreover, the current licensed hours are in line with Southwark's Statement of Licensing Policy.

Recommendations

- I urge this variation application to be rejected since the current operating hours are suitable for a premises in this location, as per the Southwark Statement of Licensing Policy

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

Yours faithfully,

Carolyn Sharpe
on behalf of Dr Jin Lim, Acting Director of Public Health

Carolyn Sharpe |

From: Tahir, Sarah

Sent: 10 June 2016 16:43

To: Chowdhury, Farhad; Chudasama, Sailesh; DIP Team; Farrington, Ian; Graham White; Lfepa; Mahanga, Justine; Masini, Bill; Moore, Ray; Planning.Enquiries; Public Health Licensing; Reg Env Protection; Richards-Vassell, Thomas; safer; Shannon, Rochelle; southwark.repro@pbms.co.uk; Tear, Jayne; West Team diary

Subject: RE: Variation of Hours - B D Wines, 1 Braganza Street

MEMO: Licensing Unit

To Licensing **Date** 8 July 2016

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email jayne.tear@southwark.gov.uk

Subject B. D. Wines, 1 Braganza Street, London, SE17 3RD

I write with regards to the above application submitted by Bahader Singh Mahil to vary the premises licence, which seeks to extend the following licensable activities on the premises licence:

- To increase the supply of alcohol (off the premises) on Monday to Saturday from 23:00 to 10:00 the following day and on Sunday to increase from 22:30 to 12:00 the following day.
This means that the premises shall be providing alcohol for sale 24hrs daily.
- Opening hours shall be 24hrs daily.

My representation is based on the licensing objectives for the prevention of crime and disorder, prevention of public nuisance.

The current premises licence has very few conditions within the operating schedule and this application to vary the licence offers no further control measures within the operating schedule to address the licensing objectives should the premises be providing alcohol sales 24hrs.

If the premises were to open later. Drunk persons and street drinkers who may become drunk after consuming alcohol purchased at the premises later at night could cause crime and disorder or public nuisance and further exacerbate anti- social behaviour in the street.

Furthermore this premises is situated within **a residential area** and under the Southwark Statement of Licensing Policy 2016 - 2020, the Closing times recommended for off-licences and alcohol sales in grocers and supermarkets is 23:00 hours daily.

I therefore submit this representation and recommend that the application is refused.

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

McArthur, Wesley

From: Samina Aslam
Sent: 18 July 2016 12:21
To: Regen, Licensing; Tahir, Sarah
Cc: McArthur, Wesley
Subject: RE: RE: Consultation letter - Variation of Hours - B D Wines, 1 Braganza Street,

Dear Sirs

I write further to the representation submitted by Maisie on 13 July 2016 (email below), in respect of my client's application to vary his premises licence.

Having discussed this with my client, he takes on board the concerns raised and is willing to conciliate by retracting his application for a 24 hour licence to sell alcohol. In its place, my client proposes to merely extend the current times to the following:

Proposed timings to be able to sell alcohol at the premises in question:

Monday: 8am – 11pm
Tuesday: 8am – 11pm
Wednesday: 8am – 11pm
Thursday: 8am – 11pm
Friday: 8am – 11pm
Saturday: 8am – 11pm
Sunday: 8am – 11pm

I trust that this goes some way in appeasing the basis of the concerns raised, particularly that a 24 hour licence will exacerbate the anti-social behaviour within the area, which is residential in area. I hope that this is can agreed and can therefore dispense the need for attending the scheduled Licensing Sub Committee hearing on 4 August.

I look forward to hearing from you.

Kind regards

Samina Aslam
Trainee Solicitor
Littlestone Cowan Solicitors

McArthur, Wesley

From: Masini, Bill
Sent: 18 July 2016 14:42
To: McArthur, Wesley; Anderson, Maisie; Sharpe, Carolyn; Tear, Jayne
Subject: RE: Application to vary a premises licence - B.D. Wines, 1 Braganza Street, London, SE17 3RD (our ref: L1U 852616)

Hi Wesley

Thanks for this. Like other Responsible Authorities I got a "cut and pasted" email from Samina Aslam, Trainee Solicitor of Littlestone Cowan Solicitors, their advisors. It fails to deal (or even refer to) with any of the "non hours" representations made. These need to be addressed before Trading Standards are in a position to withdraw its representations.

For completeness here I said:

Trading Standards welcome the statements in the application to promote the four licensing objectives. However on the current licence there are a number of conditions that Trading Standards say render them either unenforceable and/or need expanding up.

For completeness and clarity would like conditions 834 and 793 to be removed and replaced with the following conditions on the licence to address the potential for harm of selling alcohol to children:

- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

For completeness and clarity would like conditions 836 to be removed and replaced with the following condition:

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- All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council

Under the Licensing objectives of the Prevention of crime and disorder and the Prevention of Public Nuisance, Trading Standards would also like the following condition to be added to the licence:

- No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises

With regard to the application for the shop to be able to sell alcohol 24 hours 7 days a week, Trading Standards has strong reservations on this and would like the hours to be in accordance with Southwark's Licensing Policy; again submitted under the Licensing objectives of the prevention of crime & disorder and Prevention of Public Nuisance

Bill Masini - Trading Standards Officer

Southwark Council Trading Standards | Environment & Leisure

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McArthur, Wesley

From: Sharpe, Carolyn
Sent: 19 July 2016 13:40
To: Jerrom, Charlie; McArthur, Wesley
Cc: Pinder, Richard
Subject: RE: Variation of Hours - B D Wines, 1 Braganza Street

Hi Wesley / Charlie,

We very much appreciate that the applicant has significantly scaled back the licensing hours requested. However, I still have concerns regarding the start time for alcohol sales and would like to suggest a later starting time of 11am. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking.

If the applicant would be willing to accept a later starting time for alcohol sales of 11am, public health would be happy to withdraw our objection.

Best regards,
Carolyn

Carolyn Sharpe |

From: Anderson, Maisie
Sent: Monday, June 13, 2016 10:56 AM
To: Regen, Licensing
Cc: Kerlake, Eleanor; Coldwell, James
Subject: RE: Consultation letter - Variation of Hours - B D Wines, 1 Braganza Street,

RE: Consultation letter - Variation of Hours - B D Wines, 1 Braganza Street

As a ward Councillor I have concerns about this application for a 24hr alcohol sale licence. There have been reports of antisocial behaviour in Braganza Street in the last 2 years, and this could potentially exacerbate this. With the introduction of night tube, this could be further heightened as Kennington Station is very close to this premises. Braganza Street is actually a quiet residential street, as are the streets directly feeding off it.

Furthermore, close by premises on the Walworth Rd that already have a 24hr licences are linked with antisocial behaviour in the area. I don't think that issuing another one would be beneficial to the local community.

Kind regards,

Maisie

Councillor Maisie Anderson
Cabinet Member Public Health, Parks & Leisure
Labour Member for Newington Ward

160 Tooley St, Southwark,
London, SE1 2QH
t. 0207 525 0238 / 07985 114 204
e. maisie.anderson@southwark.gov.uk

Date 20/7/2016



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Item No. 6.	Classification: Open	Date: 4 August 2016	Meeting Name: Licensing sub-committee
Report Title		Chick Chicken, 117 Peckham High Street, London SE15 5SE	
Ward(s) of group(s) affected		Peckham	
From		Strategic Director of Environment	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Nadeem Muhammad for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Chick Chicken, 117 Peckham High Street, London SE15 5SE.
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 18 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted by responsible authorities are attached to this report in Appendix B. Copies of the representations submitted by other persons are attached to this report in Appendix C. A map showing the location of the premises is attached to this report as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 28 May 2016 Nadeem Muhammad applied to this council for the grant of a premises licence in respect of Chick Chicken, 117 Peckham High Street, London SE15 5SE.
9. The application and is summarised as follows:

The provision of late night refreshment

 - Monday to Thursday between 23:00 and 02:00 the following day
 - Friday to Sunday between 23:00 and 05:00 the following day.

Non standard timings:

- Christmas Eve, New Year's Eve, Carnivals between 23:00 and 05:00 the following day.

Opening hours

- Monday to Thursday between 11:00 and 02:00 the following day
- Friday to Sunday between 11:00 and 05:00 the following day.

10. The premises licence application form provides the applicant's operating schedule. Parts J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures 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 any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

Representations from responsible authorities

11. Representations have been submitted by this council's environmental protection team (EPT), licensing responsible authority (LRA), public health directorate (PHD) and also by the Metropolitan Police Service (MPS).
12. The EPT's representation did not object to the hours of operation sought in the application. The EPT's representation suggested a number of control measures that the EPT contend should become conditions on the premises licence should the application be granted. The applicant agreed to include the conditions suggested by the EPT into the application. The EPT subsequently withdrew their representation.
13. The LRA's representation refers to this council's statement of licensing policy 2016 – 2020 (SoLP) and relates to the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The representation notes that the opening hours applied for are not consistent with the SoLP. The representation objects to the hours applied for, and recommends that the closing hours are as per those stated in the SoLP for such premises.
14. The PHD's representation has been submitted in respect of all four licensing objectives. The representation states that:

"...this location has had issues with violence, public nuisance and anti-social behaviour. The premises is also located beneath residents. Research shows that late night food takeaway establishments cause people to congregate which is likely to contribute to the above issues, particularly late at night..."
15. The representation states that the premises are located in the Peckham cumulative impact policy area and contends that the applicant has not adequately rebutted the presumption that the premises will add to the cumulative impact of late night establishments on the licensing objectives stated. The representation recommends that the closing time for the premises remains at 23:00 each day of the week.

16. The MPS' representation states that the premises are within the Peckham cumulative impact policy and states that:

"The applicant has not addressed the four licensing objectives in the application..."

17. The representation also notes that the hours of operation requested fall outside of the relevant hours of operation suggested in this council's statement of licensing policy. The representation states that the application has not addressed cumulative impact concerns. Further to the applicant amending the operating hours of the premises and proposing control measures that will become conditions on the premises licence should the application be granted the MPS withdrew their representation.
18. Copies of the representations submitted by the responsible authorities and related correspondence are attached in Appendix B.

Representations from other persons

19. Two representations have been submitted by local ward councillors. One of the representations was also submitted on behalf of a third local ward councillor. The representations were submitted in respect of the prevention of crime and disorder licensing objective. The representations contend that the proposed operation of the premises is likely to exacerbate existing anti-social behaviour and crime and disorder problems in the locale. One of the representations also refers to the Peckham cumulative impact policy (CIP). Copies of the representations submitted by other persons are attached in Appendix C.
20. **N.B. Please note that although some of the representations above refer to the Peckham CIP, the premises are not subject to the Peckham CIP.**

In regards to the Peckham CIP paragraph 136 of the SoLP states that:

"...The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores; and similar premises."

21. The premises are a takeaway premises and it has not been found that takeaways have an effect on the cumulative impact of crime and disorder in the area. Therefore the 'rebuttal presumption' does not apply to this application but the presumption to grant does apply to this application (in line with any other guidance stated in the SoLP).
22. The responsible authorities and local ward councillors who submitted representations have been informed of the above.

Conciliation

23. The applicant was sent the representations submitted and advised to address the concerns within the representations. After considering the representations the applicant amended the operating hours sought in the application, agreed to include various control measures suggested by the EPT into the application and also proposed other conditions that will become conditions on the premises licence should the application be granted. Subsequent to this the MPS and EPT

withdrew their applications. The email correspondence from the applicant stating the amendment to the application is attached in Appendix B as are emails from the MPS and the EPT withdrawing their representations. At the time of the writing of this report the representations submitted by the LRA, PHD and the local ward councillors remain outstanding and must therefore be considered by the sub-committee.

Premises history

24. No premises licence, or equivalent licence under prior legislation, has previously been granted in respect of the premises.

Temporary event notices (TENS)

25. No TENS have been submitted in respect of the premises.

Map

26. 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:

- **Peckham Town Square, Peckham High Street, London SE15** licensed for:

The provision of regulated entertainment:

On Sunday to Thursday between 10:00 and 20:00

On Friday and Saturday between 10:00 and 21:00.

- **Peckham Space, 89 Peckham High Street, London SE15 5RS** licensed for:

The provision of regulated entertainment:

On Monday to Sunday between 10:00 and 23:00.

- **Payless, 121-125 Peckham High Street, London SE15 5SF** licensed for:

The sale of alcohol to be consumed off the premises:

On Monday to Sunday 24 hours a day.

- **The Greyhound, 109 Peckham High Street, London SE15 5SE** licensed for:

The sale of alcohol to be consumed on or off the premises and the provision of regulated entertainment:

On Monday to Sunday between 09:00 and 01:00 the following day.

The provision of late night refreshment:

On Monday to Saturday between 23:00 and 23:30 the following day

- **Katies Kebab, 130 Peckham Hill Street, London SE15 5JT** licensed for:

The provision of late night refreshment:

On Monday to Sunday between 23:00 and 02:00 the following day.

- **Katies, 165 Peckham Hill Street, London SE15 5JZ** licensed for:

The provision of late night refreshment:

On Monday to Sunday between 23:00 and 02:00 the following day.

Southwark council statement of licensing policy

27. Council assembly approved Southwark's statement of licensing policy 2011 - 14 on 12 October 2011. 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. This 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. This 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. These set out the 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. This 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. This provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

28. 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

29. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band C.

Consultations

30. 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 similar notices were exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

31. 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

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

Principles for making the determination

34. 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.
35. 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.

36. 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

37. 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.
38. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
39. 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.
40. 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.
41. 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

42. 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

43. 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.
44. 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

45. 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.

46. 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.
47. 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.
48. 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.
49. 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.

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

50. 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.
51. 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

52. 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.

53. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark statement of licensing policy case file	Southwark Licensing c/o Community Safety and Enforcement 160 Tooley Street London SE1 2QH	Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence and related documents
Appendix B	Representations submitted by responsible authorities and related correspondence
Appendix C	Representation submitted by other persons
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	21 July 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 July 2016	

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

28/05/2016

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

Ref No. 625033

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

MUHAMMAD NADEEM

Premises Details

Non-domestic rateable value of premises in order to see your rateable value click here (opens in new window)

£	6300
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

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

Address Line 1	117 PECKHAM HIGH STREET
Address Line 2	
Town	LONDON
County	
Post code	SE15 5SE
Ordnance survey map reference	
Description of the location	
Telephone number	

Applicant Details

Please select the capacity in which you are applying to convert your existing licence

An individual or individuals

If you applying as an individual or non-individual please select one of the following:-

I am making the application pursuant to a statutory function
--

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

Details of Individual Applicant

Personal Details

Title	Mr
If other, please specify	
Surname	NADEEM
Forenames	MUHAMMAD
I am 18 years old or over	Yes

Current Address

Street number or Building name	
Street Description	
Town	
County	
Post code	

Contact Details

Daytime contact telephone number	
Email Address	

Do you wish to add a second individual applicant?

	No
--	----

Operating Schedule

When do you want the premises licence to start?

	26/06/2016
--	------------

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

--	--

General description of premises (see guidance note 1)

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

	FAST FOOD RESTURANT
--	---------------------

Please select the range of the number of people expected to attend the premises at any one time.

	Less than 5000
If 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

Operating Schedule part 2

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

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

Provision of regulated entertainment

Provision of late night refreshment

	i) Late night refreshment
--	---------------------------

Supply of alcohol

--	--

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 2)

	Both
--	------

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

Please give further details here (Please read guidance note 3)

	ONLY FOOD FOR EAT IN OR TAKE AWAY
--	-----------------------------------

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 6)

Day	Start	Finish
Mon	23:00	02:00
Tues	23:00	02:00
Wed	23:00	02:00
Thur	23:00	02:00
Fri	23:00	05:00
Sat	23:00	05:00
Sun	23:00	05:00

State any seasonal variations for the provision of late night refreshment (Please read guidance note 4)

--	--

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, (Please read guidance note 5)

	UP TO 5AM ON CHRISTMAS EVE, NEW YEARS EVE, CARNIVALS
--	---

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)

	N/A
--	-----

L - Hours premises are open to public

Hours premises are open to the public (standard timings Please read guidance note 6)

Day	Start	Finish
Mon	11:00	02:00
Tues	11:00	02:00
Wed	11:00	02:00
Thur	11:00	02:00
Fri	11:00	05:00

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

Sat	11:00	05:00
Sun	11:00	05:00

State any seasonal variations (Please read guidance note 4)

	N/A
--	-----

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 5)

	WE WILL BE OPERATING TILL 5AM ON DAYS LIKE : CHRISTMAS EVE, NEW YEARS EVE, CARNIVALS
--	---

M - Steps to promote four licencing objectives

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

	FRIENDLY GOOD ENVIRONMENT, NOTICE SAYING KEEP THE THE PREMISES TIDY BY USING THE BINS PROVIDED AND TAKING CARE OF THE ENVIRONMENT, 24 HOURS CCTV RECORDING WITH VOICE IN AND OUTSIDE THE PREMISES, SIGNS DISPLAYED FOR PUBLIC FOR MAKING SURE THE ENVIRONMENT IS NOT EFFECTED
--	--

b) the prevention of crime and disorder

	24 HOURS CCTV IN OPERATION WITH VOICE AND VIDEO RECORDING IN AND OUTSIDE THE SHOP PREMISES
--	---

c) public safety

	24 HOURS CCTV IN OPERATION WITH VOICE AND VIDEO RECORDING IN AND OUTSIDE THE SHOP PREMISES
--	---

d) the prevention of public nuisance

	WE WILL DISPLAY A POLITE NOTICE TO THE PUBLIC STATING PLEASE LEAVE THE SHOP QUIETLY AS A RESPECT OF THE PLACE AND NEIGHBOURHOOD
--	--

e) the protection of children from harm

	24 HOURS CCTV IN OPERATION WITH VOICE AND VIDEO RECORDING IN AND OUTSIDE THE SHOP PREMISES
--	---

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

Please upload a plan of the premises

	peckham-shop-lay-out.1.pdf
--	--

Please upload any additional information i.e. risk assessments

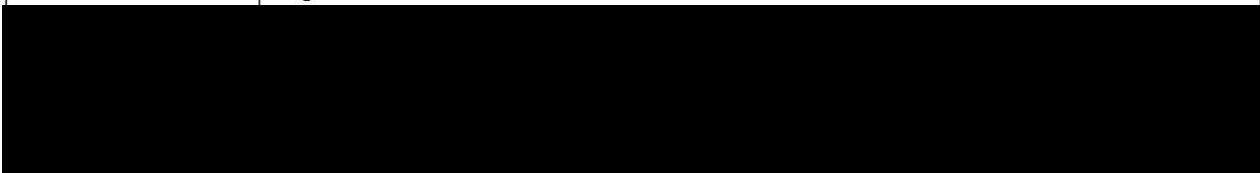
--	--

Checklist

	I have enclosed the plan of the premises. 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.
--	--

Declaration

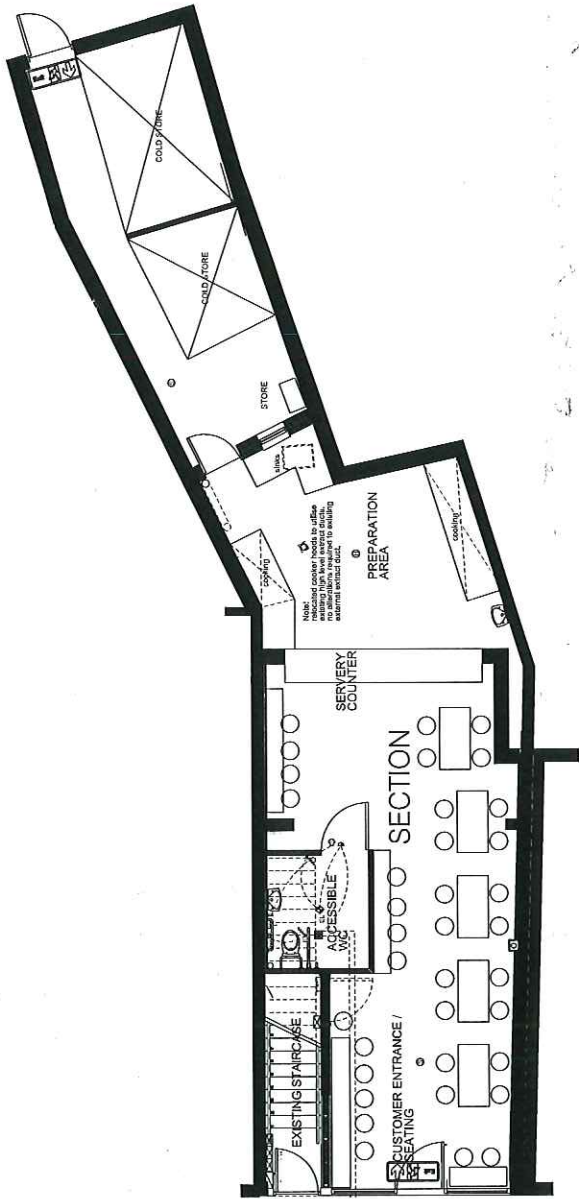
I agree to the above statement

	I agree
	

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

GENERAL NOTES
1. DO NOT SCALE THIS DRAWING
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
3. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS AND CODES
4. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS AND CODES
5. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS AND CODES
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10. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS AND CODES

Electrical Legend
<ul style="list-style-type: none"> 1. 230V AC, 50Hz 2. 230V AC, 50Hz 3. 230V AC, 50Hz 4. 230V AC, 50Hz 5. 230V AC, 50Hz 6. 230V AC, 50Hz 7. 230V AC, 50Hz 8. 230V AC, 50Hz 9. 230V AC, 50Hz 10. 230V AC, 50Hz 11. 230V AC, 50Hz 12. 230V AC, 50Hz 13. 230V AC, 50Hz 14. 230V AC, 50Hz 15. 230V AC, 50Hz 16. 230V AC, 50Hz 17. 230V AC, 50Hz 18. 230V AC, 50Hz 19. 230V AC, 50Hz 20. 230V AC, 50Hz 21. 230V AC, 50Hz 22. 230V AC, 50Hz 23. 230V AC, 50Hz 24. 230V AC, 50Hz 25. 230V AC, 50Hz 26. 230V AC, 50Hz 27. 230V AC, 50Hz 28. 230V AC, 50Hz 29. 230V AC, 50Hz 30. 230V AC, 50Hz 31. 230V AC, 50Hz 32. 230V AC, 50Hz 33. 230V AC, 50Hz 34. 230V AC, 50Hz 35. 230V AC, 50Hz 36. 230V AC, 50Hz 37. 230V AC, 50Hz 38. 230V AC, 50Hz 39. 230V AC, 50Hz 40. 230V AC, 50Hz 41. 230V AC, 50Hz 42. 230V AC, 50Hz 43. 230V AC, 50Hz 44. 230V AC, 50Hz 45. 230V AC, 50Hz 46. 230V AC, 50Hz 47. 230V AC, 50Hz 48. 230V AC, 50Hz 49. 230V AC, 50Hz 50. 230V AC, 50Hz 51. 230V AC, 50Hz 52. 230V AC, 50Hz 53. 230V AC, 50Hz 54. 230V AC, 50Hz 55. 230V AC, 50Hz 56. 230V AC, 50Hz 57. 230V AC, 50Hz 58. 230V AC, 50Hz 59. 230V AC, 50Hz 60. 230V AC, 50Hz 61. 230V AC, 50Hz 62. 230V AC, 50Hz 63. 230V AC, 50Hz 64. 230V AC, 50Hz 65. 230V AC, 50Hz 66. 230V AC, 50Hz 67. 230V AC, 50Hz 68. 230V AC, 50Hz 69. 230V AC, 50Hz 70. 230V AC, 50Hz 71. 230V AC, 50Hz 72. 230V AC, 50Hz 73. 230V AC, 50Hz 74. 230V AC, 50Hz 75. 230V AC, 50Hz 76. 230V AC, 50Hz 77. 230V AC, 50Hz 78. 230V AC, 50Hz 79. 230V AC, 50Hz 80. 230V AC, 50Hz 81. 230V AC, 50Hz 82. 230V AC, 50Hz 83. 230V AC, 50Hz 84. 230V AC, 50Hz 85. 230V AC, 50Hz 86. 230V AC, 50Hz 87. 230V AC, 50Hz 88. 230V AC, 50Hz 89. 230V AC, 50Hz 90. 230V AC, 50Hz 91. 230V AC, 50Hz 92. 230V AC, 50Hz 93. 230V AC, 50Hz 94. 230V AC, 50Hz 95. 230V AC, 50Hz 96. 230V AC, 50Hz 97. 230V AC, 50Hz 98. 230V AC, 50Hz 99. 230V AC, 50Hz 100. 230V AC, 50Hz



PROPOSED GROUND FLOOR PLAN

REVISION	DATE

PROJECT TITLE	CHICK CHICKEN 117 PECKHAM HIGH STREET LONDON SE15
DRAWING TITLE	PROPOSED FLOOR PLAN SCHEMATIC ELECTRICAL LAYOUT
DRAWING SCALE	DRAWING NUMBER
DATE	87S-BUILD-06
DRAWN BY	
CHECKED BY	
DATE	

Architectural and project management services	
design company group	
43 High Street, Colerham, Surrey, CR0 5UF	
01883 24448	
email: info@designcompanygroup.com	

From: Newman, Sarah
Sent: Monday, June 20, 2016 12:46 PM
To: Jerrom, Charlie
Cc:
Subject: RE: New Premises Licence for 117 Peckham High Street

HI Licensing,

EPT object to this application.

There is no objection to the hours proposed as nearby premises of a similar nature have similar operational hours. However, there are nearby residences at first floor level and despite this being busy road the background noise is much quieter later at night so noise from patrons will need to be contained within the premises. There is likely to noise and odour from the kitchen plant until the small hours.

Suggested conditions for attachment to the license for consideration by the applicant to permit conciliation of the objection.

- After 23.00hrs the street door to the premises shall be closed, except for permitting the access and egress of patrons.
- Visible and legible notices shall be provided on all doors that patrons would use to exit the premises to request that patrons leave in a quiet and orderly manner that is respectful to neighbours.
- Any external plant such as air handling plant, condensers, etc. shall be so installed to ensure the sound output from each is 10 dB(A) below the lowest L90 15 min relevant to the period the plant will be operational.
- The kitchen exhaust air system shall terminate at eaves level and be fitted with adequate filtration to prevent odour nuisance in the vicinity of the premises .
- There shall be no more than 4 persons permitted outside, to smoke only, on the frontage after 23.00hrs.
- External waste handling, collections, deliveries and the cleaning of external areas shall occur only between the hours of 08.00hrs and 20.00hrs on any day.

Best regards

Sarah Newman

Team Leader

Environmental Protection Team

Southwark Council

MEMO: Licensing Unit

To Licensing **Date** 28 June 2016

Copies

From David Franklin **Telephone**

Email

Subject Chick Chicken, 117 Peckham High Street

I make this representation with regards to the new application for a premises licence by Muhammad Nadeem for the premises Chick Chicken, 117 Peckham High Street.

My representation is based on the licensing objective for the prevention of crime and disorder, prevention of public nuisance.

The application asks for the following licensable activities:

Late night refreshment both indoors and outdoors.

Monday to Thursday 23:00 to 02:00 hours

Friday to Sunday 23:00 to 05:00 hours

Opening Hours

Monday to Thursday 11:00 to 02:00 hours

Friday to Sunday 11:00 to 05:00 hours

With non-standard timings to 05:00 hours on "days like Christmas eve, new years eve and carnivals".

The premises is situated in the Peckham Major Town Centre Area, the Southwark Statement of Licensing Policy states under section 7 hours of operation, from the table in paragraph 153 that the recommended closing time for take-away establishments in a major town centre is;

Sunday to Thursday is 00:00 hours

Friday and Saturday is 01:00 hours

I therefore object to the granting of the hours applied for and recommend that the closing hours as stated in the licensing policy are substituted.

David Franklin
Licensing Authority as a Responsible Authority

From: Sharpe, Carolyn
Sent: Tuesday, June 28, 2016 12:45 PM
To: Regen, Licensing
Subject: RE: New Premises Licence for 117 Peckham High Street

To whom it may concern:

Re: Chick Chicken, 117 Peckham High Street, London SE15 5SE On behalf of the Acting 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 a new premises licence for late night refreshment indoors & outdoors between 23:00 - 02:00 Monday to Thursday & 23:00 to 05:00 Friday to Sunday. Opening between 11:00 - 02:00 Monday to Thursday & 11:00 to 05:00 Friday to Sunday. I have concerns regarding the opening hours requested. As per the attached bulls eye charts, this location has had issues with violence, public nuisance and anti-social behaviour. The premises is also located beneath residents. Research shows that late night food takeaway establishments cause people to congregate which is likely to contribute to the above issues, particularly late at night.

Moreover, this establishment is located in the Peckham Cumulative Impact Policy area. In my opinion the applicant has not adequately rebutted the presumption that this premises will add to the cumulative impact of late night establishments on the licensing objectives stated above.

Recommendations

I recommend that the closing time for this premises remains at 23:00 for everyday of the week

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

Yours faithfully,
Carolyn Sharpe
on behalf of Dr Jin Lim, Acting Director of Public Health

Carolyn Sharpe

Public Health Officer | London Borough of Southwark



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:
 Email:

Our reference: MD/21/2821 /16

Date: 15th June 2016

Re:- Chick Chicken

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence for late night refreshment for the following opening hours

Mon - Thu 11:00 to 02:00
Fri - Sun 11:00 to 05:00

These premises are situated within the cumulative impact area and as such require special consideration from the applicant as to how they intend to reduce any potential impact on the licensing objectives.

For a premises open to the public which is within a major town centre I would have expected to see more control measures other than the provision of CCTV and signage relating to noise nuisance.

The applicant has not addressed the four licensing objectives in the application, there is no mention of the control measures for the promotion of public safety, prevention of public nuisance or the protection of children from harm and those recommended for the promotion of the prevention of crime and disorder are insufficient.

As well as being in the cumulative impact area the hours requested in the operation falls outside of Southwark's 2016 licensing policy which state
 Fri to Sat 0100 closing time
 Sun to thurs 0000 closing time

In my opinion the application is lacking in sufficient detail for me to provide a satisfactory response to address the licensing objectives. If further information is forthcoming then further consideration can be given.

As it stands the application is outside of the licensing policy and does not address the cumulative impact concerns.

Kind Regards

PC Mark Lynch 246MD

McArthur, Wesley

From:
Sent: 18 July 2016 10:11
To: McArthur, Wesley; ?David.Franklin@SOUTHWARK.GOV.UK; ?
 Licensing.Regen@southwark.gov.uk; ?Ian.Clements@met.pnn.police.uk; ?
 Sarah.Newman2@southwark.gov.uk; ?SouthwarkLicensing@met.police.uk
Cc: Chick Chicken, 117 Peckham High Street, London, SE15 5SE
Subject:

Dear Sir / Madam,

Please accept this e-mail as confirmation of my instruction to represent and assist Mr Muhammad Nadeem with his new premises licensing application for Chick Chicken, 117 Peckham High Street, London, SE15 5SE.

My client has instructed me to modify his application which is detailed below for your consideration;

Late Night Refreshment

- * Monday to Thursday: 23:00hrs to 01:00hrs
- * Friday and Saturday: 23:00hrs to 02:00hrs
- * Sunday: 23:00hrs to 00:00hrs

Non - Standard Timings

- * Withdrawn

My client would like to add more detailed and specific conditions as part of his licensing application operating schedule in support of the licensing objectives. These conditions are now detailed below for your consideration.

*A CCTV system both inside and outside (near the main entrance) of the premises is to be installed to Data Protection Standards giving Dates and Times. Staff on duty must be trained in use of the CCTV and be able to provide recordings on demand to authorised persons. The cameras are to cover the whole of the premises; the recordings tapes (or such true copies) will be retained for 31 days and made available, on demand, to Police Officers, Community Officers and Authorised Persons. Such tapes must be in a format that can be viewed on readily available equipment without the need for specialist software.

*CCTV will be in operation at the premises 24 hours a day.

*Suitable notices shall be displayed at the premises requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.

*The premises will display notices at the entrance of the premises clearly visible to members of the public asking customers to wait for service inside the premises and when leaving to do so quietly and with consideration to residents.

*Children will not be permitted to enter the premises after 23:00hrs unless accompanied by an adult.

*No more than 4 customers of the premises at any one time will be permitted to smoke at the external shop front at any one time.

*The premises will provide and have a clearly visible and on display contact telephone number for neighbours to report any incidents.

*Training will be provided at least every 3 months for all staff with particular emphasis on the four Licensing Objectives.

*An Incident Book is to be kept on the premises at all times in which incident dates, times and circumstances of any incidents will be recorded. This incident book is to be made available for inspection by a Police Officer or Licensing Officer or Community Support Officer.

*The premises will keep records of the dates of training of staff and details of this training will be kept in a staff training record book available for inspection by the Police or an authorised officer.

*Any violent related incidents involving members of the public will immediately be notified to the Police and recorded in the premises incident record book.

*Any refusal of sale will be recorded in the incident record book.

*Unless serving a bona fide customer who is present at the premises who has paid for a hot meal or hot drink before the terminal hour the premises will be closed at the terminal hour.

*If serving a customer at the terminal hour of the premises licence, the premises will be closed except that the street door will be unlocked to allow egress only.

*The premises will at regular intervals clear up any rubbish deposited outside the shop by customers.

*The External parts of the premises will be swept and cleaned when all licensable activities have ceased.

*The doors of the premises will be closed after 23:00hrs except to customers entering and leaving the premises.

*Alcohol will not be permitted to be consumed on the premises at any time.

*Signage will be displayed prominently within the premises stating the words 'DRUG FREE ZONE'.

*Only customers purchasing food or waiting for customers purchasing food will be allowed within the premises.

*Any external plant such as air handling plant, condensers, etc. shall be so installed to ensure the sound output from each is 10db(A) below the lowest L90 15 min relevant to the period the plant will be operational.

*The kitchen exhaust air system shall terminate at eaves level and be fitted with adequate filtration to prevent odour nuisance in the vicinity of the premises.

*External waste handling, collections, deliveries and the cleaning of external areas shall occur only between the hours of 08:00hrs and 20.00hrs on any day.

Please can the change of hours and new proposed conditions be circulated to ALL parties for consideration.

Mrs D Rodriguez

McArthur, Wesley

From:
Sent: 19 July 2016 11:40
To: McArthur, Wesley
Subject: RE: Application for a premises licence - Chick Chicken, 117 Peckham High Street, London, SE15 5SE (our ref: L1U 852391)

Sir/Madam

in regards to the attached application and conditions , i have read and accept these conditions which should be applied to the licence and therefore withdraw our objections

regards

Pc Mark Lynch 246MD
Southwark Police Station
323 Borough High Street
SE1 3RL

McArthur, Wesley

From: Prickett, Mark
Sent: 20 July 2016 17:27
To: McArthur, Wesley
Cc: Newman, Sarah
Subject: RE: Application for a premises licence - Chick Chicken, 117 Peckham High Street, London, SE15 5SE (our ref: L1U 852391)

Hi Wes,

I've reviewed and I can confirm that the 2 reworded conditions are agreeable, and in light of all other EPT conditions being agreed to, EPT's representation has now been conciliated.

Kind regards,

Mark Prickett
Principal Enforcement Officer
Environmental Protection Team
3rd Floor, Hub 1
Southwark Council, 160 Tooley Street, SE1 2QH
Tel:

From: McArthur, Wesley
Sent: Wednesday, July 20, 2016 5:21 PM
To: Prickett, Mark
Cc: Newman, Sarah
Subject: Application for a premises licence - Chick Chicken, 117 Peckham High Street, London, SE15 5SE (our ref: L1U 852391)
Importance: High

Hi Mark,

In Sarah's absence are you able to confirm whether or not the amendments as provided below, to the above application, allow EPT to withdraw EPT's objection to the application. EPT's rep' is attached.

All of the EPT conditions have been agreed to, but I notice an amendment to the wordings of the second condition (re' signage) and the fourth condition (re' smokers). The applicant has offered a stricter condition re' smoking in that he states that he will not permit more than 4 smokers on the premises' frontage at any time, as opposed to after 23:00.

Regards,

Wesley McArthur
Principal Enforcement Officer
London Borough of Southwark
E-mail: wesley.mcarthur@southwark.gov.uk
General: licensing@southwark.gov.uk
Phone: 020 7525 5779
Fax: 020 7525 5705
Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2TZ
<< File: Chick Chicken May 2016 EPT rep'.docx >>

From: Hargrove, Barrie
Sent: Monday, June 27, 2016 4:53 PM
To: Jerrom, Charlie
Cc: Soanes, Cleo; Situ, Johnson; Lim, Jin; Thwaites, Caroline;
Mcgeeever, Jackie
Subject: FW: New Premises Licence for 117 Peckham High Street

Dear Charlie,

I wish to oppose this application for late night in doors and outdoors refreshment licence, which is already an area of crime and antisocial behaviour associated with irresponsible sales and use of alcohol. The premises is also I believe situated within a licensing Saturation area.

Kind regards,

Councillor Barrie Hargrove
London Borough of Southwark
Peckham Ward

From: Situ, Johnson
Sent: Tuesday, June 28, 2016 4:56 PM
To: Hargrove, Barrie; Jerrom, Charlie
Cc: Soanes, Cleo; Lim, Jin; Thwaites, Caroline; Mcgeever, Jackie
Subject: RE: New Premises Licence for 117 Peckham High Street

Dear Charlie,

I also write in objection of the application for the late night opening of 117 Peckham high street. The area already attracts a number of anti-social behaviour incidents and I am concerned an extension will further exacerbate this. I also have concerns for the implication on local residents and the estates surrounding the shop.

I know Councillor Soanes has similar concerns and will also like to register her objection to the application.

Best,
Johnson



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

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Councillor Charlie Smith	1	Jayne Tear, Licensing team	1
		David Franklin, Licensing team	1
Reserve		Bill Masini, Trading standards team	1
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		Sarah Newman, Environmental protection team	1
		Andrew Weir (spares)	6
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