

Licensing Sub-Committee

Thursday 15 September 2016

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

Councillor David Hubber
Councillor Sunny Lambe
Councillor Bill Williams

Reserves

Councillor Charlie Smith

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 6 September 2016



Licensing Sub-Committee

Thursday 15 September 2016
10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	ELECTION OF CHAIR	
	To elect the chair for this meeting	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	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.	
5.	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.	
6.	LICENSING ACT 2003: L'EMPORIO LTD, 134 DRUID STREET, LONDON SE1 2HH	1 - 31
7.	LICENSING ACT 2003: MRH NEWINGTON, 197-209 NEW KENT ROAD, LONDON SE1 4AG	32 - 73

- | | | |
|-----------|---|----------------|
| 8. | LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE | 74 - 79 |
|-----------|---|----------------|

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

- | | |
|-----------|---|
| 9. | CONFIDENTIAL: LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE |
|-----------|---|

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

Date: 6 September 2016

Agenda Item 6

Item No. 6.	Classification: Open	Date: 15 September 2016 10am	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: L'Emporio Ltd, 134 Druid Street, London SE1 2HH	
Ward(s) or groups affected:		Riverside	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by L'Emporio Ltd, for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as L'Emporio Ltd, 134 Druid Street, London SE1 2HH.
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 a responsible authority and other persons and is therefore referred to the licensing 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 12 to 19 of this report deals with the representations received regarding the premises licence application. Copies of the representations from the responsible authorities are attached as Appendix B. Copies of the relevant representations from other person/s is attached are Appendix C.
 - d) Paragraph 23 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix D.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a 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 8 July 2016, L'Emporio Ltd applied to this Council for the grant of a new premises licence in respect of the premises known as L'Emporio Ltd, 134 Druid Street, London SE1 2HH.

9. The premises is described as a railway arch used for food distribution to a restaurant. The intention is to serve alcohol inside the dedicated delicatessen space, which holds up to 30 people at any time. The application is summarised as follows:
 - Indoor sporting events
Sunday to Wednesday from 11:00 to 22:00
Thursday to Saturday from 11:00 to 23:00

 - Live music (indoors and outdoors)
Sunday to Wednesday from 11:00 to 22:00
Thurs to Sat from 11:00 to 23:00

 - Recorded music (indoors and outdoors)
Sunday to Wednesday from 11:00 to 22:00
Thursday to Saturday from 11:00 to 23:00

 - The supply of alcohol (for consumption on and off the premises)
Sunday to Wednesday from 11:00 to 22:00
Thursday to Saturday from 11:00 to 23:00

- Operating hours
Sunday to Wednesday from 08:00 to 22:00
Thursday to Saturday from 08:00 to 23:00
 - Non standard timings: Although non standard timings have been requested on the application form for festivities, national holidays such as Christmas and Easter, there are no timings or specific dates actually given for consideration.
10. The premises licence application form provides the applicant operating schedule. Parts C, E, F, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor (DPS) is Alessandro Fanzola, who has a personal licence from Waltham Forest Council.

Representations from responsible authorities

12. Representations were submitted by the Metropolitan Police Service, the environmental protection team (EPT) and licensing as a responsible authority. The Police expressed concerns regarding the safe exit of patrons from the premises considering the limited space available and the noise issues that may arise when they exit directly onto the public highway. They have recommended conditions that address the prevention of crime and disorder and anti-social behaviour in the area.
13. The proposed conditions concern the installation and maintenance of CCTV, ensuring staff are trained in the mandatory conditions imposed by the Licensing Act 2003 and the licence conditions imposed by the Licensing Sub-Committee. Finally they also suggested conditions limiting the amount of people smoking outside the premises and the control of the off sale of alcohol being only in sealed containers for consumption away from the premises.
14. The EPT is concerned that the premises is in proximity to residential properties. They also raised issue with the applicant's intention to play live music both, inside and outside of the premises without any explanation as to how they will address the prevention of public nuisance and the escape of noise. Clarification as to the applicants plans are sought.
15. The Licensing authority request clarification as to which of the supply of alcohol hours are actually sought. They also highlight that the premises are situated in a residential area and that, in accordance with the borough's licensing policy the appropriate closing times for such a premises is 23:00 daily.
16. The licensing authority have suggested that the applicant limit the opening hours in line with the policy, they also state that the supply of alcohol for consumption on the premises should cease 20 minutes before the closing time. Further suggestions also include clear signage for patrons to leave the venue quietly and to consume any alcohol bought for consumption away from the premises not within the direct vicinity.

Finally a request has been made for a limit on the capacity of the venue to be set at 30.

17. The representations are attached as Appendix B.

Representations from other persons

18. Four representations have been received from other persons, consisting of a local ward councillor and three local residents. They state that they live very close to the premises and the other existing licensed premises. The area is densely populated and they already have well known and long running issues with some of the other premises with regards to noise nuisance. Concerns are also raised regarding deliveries, disposal of bottles and waste, and anti social behaviour of the patrons.
19. Copies of the representations are attached as Appendix C.

Conciliation

20. The applicant has been forwarded the representations received and has been advised to address the concerns within the representations submitted. The licensing committee shall be updated at the hearing on 15 September 2016.

Temporary event notices

21. There have been no temporary event notices (TENs) submitted for this address within the last 12 months.

Complaints

22. There have been no complaints specifically related to the premises received by the licensing team within the last 12 months.

The local area

23. A map of the area is attached to this report as Appendix D. The premises is identified at the centre of the map. For purposes of scale-only the circle on the map has a 100-metre radius. There are several licensed premises within this 100m radius.
- Marquis of Wellington PH, 21 Druid Street, London SE1 (Monday to Wednesday till 23.00, Thursday till 00.00, Friday and Saturday till 01.00 and Sunday till 00.00) - Currently closed for operation.
 - Elmadero, Railway Arch 840, 30 Druid Street, London SE1 (Monday to Sunday till 23.00)
 - Southwark Brewing Company Limited, 46 Druid Street, London SE1 (Monday to Sunday till 23.00)
 - St John Bakery Company Ltd, 72 Druid Street, London SE1 (Monday to Sunday till 23.00)
 - Bea's of Bloomsbury Railway Arch, 76 Druid Street, London SE1 (Monday to Sunday till 22.00)
 - Maltby & Greek wholesalers, Railway Arch, 76 Druid Street, London SE1 (Monday to Sunday till 22.00)
 - Comptoir Gourmand, 98 Druid Street, London SE1 (Monday to Sunday till 23:00)

- Anspach & Hobday, 116 - 118 Druid Street, SE1 (Monday to Sunday till 23:00)
- Bottles, 128 Druid Street, London SE1 (Monday to Sunday till 23.00)

Deregulation of entertainment

24. On 6 April 2015 entertainment became deregulated and as a result:

- Live unamplified music is deregulated between 08:00 to 23:00 on any premises.
- Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.

25. However, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

Southwark statement of licensing policy

26. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:

- Closing time for restaurants and cafes: Sunday to Thursday 00:00 and Friday and Saturday 01:00
- Closing time for public houses, wine bars or other drinking establishments: Sunday to Thursday 23:00 and Friday and Saturday 00:00
- Closing time for hotel bars and guest houses : No restrictions for residents
- Closing time for night clubs (with sui generis planning classification): Monday to Thursday 01:00, Friday and Saturday 03:00 and Sunday 00:00
- Closing time for off-licences and alcohol sales in grocers and supermarkets: 00:00 hours daily
- Closing time for take-away establishment: Sunday to Thursday 00:00 and Friday and Saturday 01:00
- Closing time for cinemas and theatres: 02:00 daily
- Closing time for vessels: 23:00 daily
- Closing time for qualifying members club: 02:00 daily.

27. 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.
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 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 B.

Consultation

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 a similar notice 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.
50. 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.
51. 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.
52. 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

53. 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

54. 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 Home Office Guidance to the Act Secondary Regulations Southwark statement of licensing Policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London SE1 2QH	Kirty Read Tel: 020 7525 5748

APPENDICES

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

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	2 September 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		2 September 2016

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

08/07/2016
Business - Application for a premises licence to be granted under the Licensing Act 2003
Ref No. 647496

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

	L'Emporio Ltd
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Premises Details

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

£	11,500.00
	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	134 DRUID STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 2HH
Ordnance survey map reference	
Description of the location	
Telephone number	02072322188

Applicant Details

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

	a person other than an individual (limited company, partnership, etc)
--	---

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

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

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

Other Applicants

Personal Details - First Entry

Name	L'Emporio ltd
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Address - First Entry

Street number or building name	134
Street Description	Druid Street
Town	London
County	
Post code	SE1 2HH
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc)	Limited Company

Contact Details - First Entry

Telephone number	(0044) 02072322188
Email address	info@lemporiofinefoods.com

Operating Schedule

When do you want the premises licence to start?

	11/07/2016
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If you wish the licence to be valid only for a limited period, when do you want it to end?

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General description of premises (see guidance note 1)

	<p>We are a warehouse under Arches in Bermondsey. The Arch is about 30 meters long and 6 meters wide. It stocks food for distribution to restaurants; it has got 10x3m both walk in fridge and freezer storage. We intend to serve alcohol inside our dedicated deli space only and we hold up to 30 people at any time.</p>
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Business - Application for a premises licence to be granted under the Licensing Act 2003

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)
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Provision of regulated entertainment

	c) indoor sporting events
	e) live music
	f) recorded music

Provision of late night refreshment

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Supply of alcohol

	j) Supply of alcohol
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C - Indoor Sporting Event

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

	To show football matches on screen with amplified sound system.
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Standard days and timings for Indoor Sporting Events (Please read guidance note 6)

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

Day	Start	Finish
Mon	11:00	22:00
Tues	11:00	22:00
Wed	11:00	22:00
Thur	11:00	23:00
Fri	11:00	23:00
Sat	11:00	23:00
Sun	11:00	22:00

State any seasonal variations for indoor sporting events (Please read guidance note 4)

--	--

Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed. (Please read guidance note 5)

	Festivities, National Celebrations such as Christmas and Easter
--	---

E - Live Music

Will the performance of live music take place indoors or outdoors or both? (Please read guidance note 2)

	Both
--	------

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

	Amplified Music, Dee Jay set ups
--	----------------------------------

Standard days and timings for Live Music (Please read guidance note 6)

Day	Start	Finish
Mon	11:00	22:00
Tues	11:00	22:00
Wed	11:00	22:00
Thur	11:00	23:00
Fri	11:00	23:00
Sat	11:00	23:00
Sun	11:00	22:00

State any seasonal variations for the performance of live music (Please read guidance note 4)

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

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed. (Please read guidance note 5)

	Festivities, National Celebrations such as Christmas and Easter
--	---

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (Please read guidance note 2)

	Both
--	------

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

	Amplified Music, Dee Jay set ups
--	----------------------------------

Standard days and timings for Recorded Music (Please read guidance note 6)

Day	Start	Finish
Mon	11:00	22:00
Tues	11:00	22:00
Wed	11:00	23:00
Thur	11:00	23:00
Fri	11:00	23:00
Sat	11:00	22:00
Sun	11:00	

State any seasonal variations for playing recorded music (Please read guidance note 4)

--	--

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. (Please read guidance note 5)

	Festivities, National Celebrations such as Christmas and Easter
--	---

J - Supply of Alcohol

Will the supply of alcohol be for consumption (Please read guidance note 7)

	Both
--	------

Standard days and timings for Supply of alcohol (Please read guidance note 6)

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

Day	Start	Finish
Mon	11:00	22:00
	00:00	00:00
Tues	11:00	22:00
	00:00	00:00
Wed	11:00	22:00
	00:00	00:00
Thur	11:00	23:00
	00:00	00:00
Fri	11:00	23:00
	00:00	00:00
Sat	11:00	23:00
	00:00	00:00
Sun	11:00	22:00
	00:00	00:00

State any seasonal variations for the supply of alcohol (Please read guidance 4)

--	--

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

	Festivities, National Celebrations such as Christmas and Easter
--	---

Please upload the consent form completed by the proposed premises supervisor

	CCF07072016-00000.jpg
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Premises Supervisor

Full name of proposed designated premises supervisor

First names	Alessandro
Surname	Fanzola

Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	
County	

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

Post code	[REDACTED]
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Personal licence number of proposed designated premises supervisor, if any,

Personal licence number (if known)	[REDACTED]
Issuing authority (if known)	Waltham Forest Council

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
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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	08:00	22:00
Tues	08:00	22:00
Wed	08:00	23:00
Thur	08:00	23:00
Fri	08:00	23:00
Sat	08:00	22:00
Sun	08:00	

State any seasonal variations (Please read guidance note 4)

--	--

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)

	Festivities, National Celebrations such as Christmas and Easter.
--	--

M - Steps to promote four licencing objectives

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

	Strict Implementation of Challenge 25 Policy. All Staff to be trained in responsible alcohol retailing. Every sale/supply of alcohol under the premises license shall be
--	--

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

	made, or authorised by a person who holds a personal license. Proper management of the door, including admission policy. Joining neighbourhood schemes and keeping in touch with the police and authorities.
--	--

b) the prevention of crime and disorder

	Train all staff and develop the right atmosphere with the customers. Entrance reinforced making it difficult for intrusion. Keep a close watch on all customers and keep clear view of premises liaise with the local police. Keep calm and decisive and do not react to provocation. External lighting providing obvious means of crime deterrence. Door admission policy, refusing entry when needed and manage capacity.
--	---

c) public safety

	Health and Safety risk assessments to be carried out regularly. Installation of appropriate and adequate safety equipment. Installation of emergency lighting and evacuation procedures in place with warning signs. Fire evacuation procedures to comply with all current fire and health and safety legislation as required by law. Alternatives to glass drinking are available and enforced when needed.
--	--

d) the prevention of public nuisance

	Management policy in place to take into account the external areas of the premises and the conduct of the customers. Notice to customers regarding consideration for neighbours to monitor and social behaviours by use of cctv. Strict policy not to serve drunk or on drugs customers, or people under 18 years old, and request proof of age, id.
--	--

e) the protection of children from harm

	Strict implementation of challenge 25 policy. Signs to be put on shelves in regards to no id no sale on alcohol shelves/section. Staff fully trained on no ID no sale, challenge 25 policy. Only accept valid ID in a form of passport, driving license. Health and safety measures are in place where equipment is in danger to young people.
--	--

Please upload a plan of the premises

	FLOOR-PLANT-2016.docx
--	---------------------------------------

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.
--	--

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

Declaration

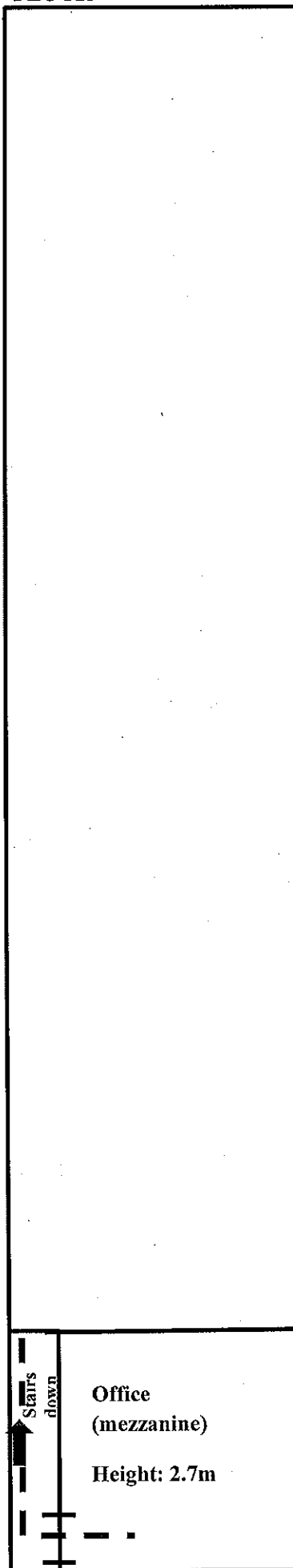
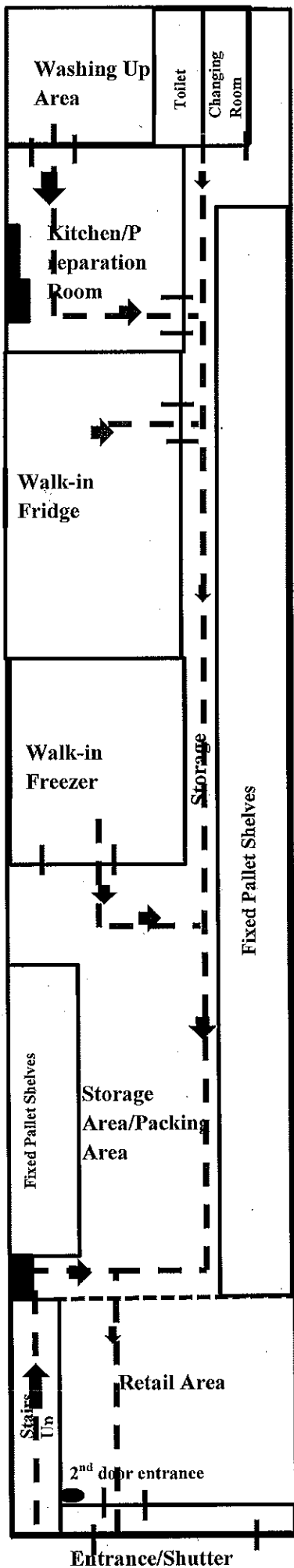
I agree to the above statement





	I agree
PaymentDescription	200003360576, ,
AuthCode	001908
LicenceReference	LPA-94212-166
PaymentContactEmail	

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.

L'EMPORIO LTD – GROUND FLOOR

L'EMPORIO LTD – 1ST FLOOR



-  Fire extinguisher
-  Fire Blanket
-  Fire Bell
-  Escape Route

Length: 31.6 m

Width: 5.3 m

Height: 2.7m



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2849/16

Date: 11th August 2016

Dear Sir/Madam

Re:- L'Emporio, 134 Druid Street, London, SE1 2HH

Police are in possession of an application from the above for a new premise licence. The hours applied for fall within the current council policy and the premises is described as a Deli with dedicated space for 30 people. The venue does not benefit from any outside space and the doors to the venue exit immediately onto the public highway.

Police would recommend the following conditions to be included on the licence and will assist with the prevention of crime and disorder and anti-social behaviour in the area. Complaints have been received regarding other venues in the immediate vicinity with a similar business module.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises. It should cover all areas within the premises including the outside area to the front in all lighting conditions.
2. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device.
3. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
5. That customers shall use no outside area to the front of the premises other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time. No drinks shall leave the premises other than off sales that are sold in a sealed container for consumption away from the premises.

6. That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers that require a tool such as a bottle opener or corkscrew to be opened.

The Following is submitted for your consideration.
Yours Sincerely

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

MEMO: Environmental Protection Team

To Regen.licensing; **Date** 12 August 2016

Copies

[Dorcas Mills](#)

From Ken Andrews **Telephone** 020 7525 54258 **Fax** 020 7525 5728

Email Ken.andrews@southwark.gov.uk

Subject L'Emporio, 134 Druid Street SE1 APP 836833 (EPRA) representation

EPRA have considered a new premises licence application for the above address, and would like to make representation under the prevention of public nuisance licensing objectives.

The premises is within a commercial premises, the arches, but it is in proximity to residential properties.

The application is to carry on indoor sporting events, live and recorded music and the supply and the sale of alcohol for consumption both on and off the premises between 11.00-22.00 Monday, Tuesday, Wednesday and Sunday and 11:00-23:00 on Thursday, Friday and Saturday.

It is also the intention of the applicant to undertake live music inside and outside of the premises.

The applicant did not adequately address how they will address the prevention of public nuisance.

EPRA consider that the proposal to have live music outside of the premises will be unacceptable because the noise will not be able to be controlled adequately so as not to cause a nuisance to nearby residents. In addition, the front of the premises is small and designed to be used as a loading bay. It will be unsuitable to have any entertainment in that area.

EPRA would suggest that the applicant considers the intended activities in light of the comments above and to submit details or specific plans to prevent noise escape and avoid causing a statutory nuisance to nearby residents.

Ken Andrews - Principal Environmental Health Officer

MEMO: Licensing Unit

To Licensing Unit **Date** 12 August 2016

From Jayne Tear **Telephone** 020 7525 0396

Email Jayne.tear@southwark.gov.uk

Subject Re: L' Emporio Ltd, 134 Druid Street, London, SE1 2HH
Application for a premises licence

I write with regards to the above application for a premises licence submitted by L'Emporio Ltd which the following licensable activities:

- Indoor sporting events on Sunday to Thursday from 11:00 to 22:00, Friday and Saturday from 11:00 to 23:00
- Live music (indoors and outdoors) on Sunday to Thursday from 11:00 to 22:00, Friday and Saturday from 11:00 to 23:00
- Recorded music (indoors and outdoors) on Sunday to Thursday from 11:00 to 22:00, Friday and Saturday from 11:00 to 23:00
- The supply of alcohol (on & off the premises) on Sunday to Thursday from 11:00 to 22:00, Friday and Saturday from 11:00 to 23:00 (and 24hrs on each day)
- Premises shall be open to the public on Sunday to Thursday from 08:00 to 22:00, Friday and Saturday from 08:00 to 23:00

Although NON STANDARD TIMINGS have been requested on the application form for Festivities, National Holiday such as Christmas and Easter – there are no timings actually given for consideration.

The hours applied for 'the supply of alcohol (on & off the premises)' is confusing and conflicting as 2 sets of times are written on the application form and could be read as 24hrs and this is not consistent with the opening hours. I think that errors have been made when filling in the WEB FORM whereby two sets of hours have been entered, and I seek clarification on the times applied for and reserve any further comments if the hours asked for are past 23:00.

The premises is described as '*a warehouse under arches in Bermondsey. The arch is about 30 metres long and 6 metres wide. It Stocks food for distribution to restaurants, it has got 10x3m both walk in fridge and freezer storage. We intend to serve alcohol inside our dedicated deli space only and we hold up to 30 people at any time*'.

The premises is situated in a residential area and under the Southwark Statement of Licensing Policy 2016 - 2020 the appropriate closing times for Restaurants, Public Houses, Wine bars or other drinking establishments in this area is **23:00 daily**.

My representation is concerned with public nuisance and the prevention of crime and disorder as the application does not adequately address those objectives.

The council has received past complaints regarding public nuisance, noise and anti social behaviour from patrons drinking in the street and urinating in the street, broken bottles being left on the estate and other bottles left along walls in the street from similar licensed premises in Druid Street.

To address my concerns I ask the applicant to consider an amendment to the hours of the alcohol on sales and to add the following conditions to the operating schedule of the application to address the licensing objectives::

- That sales of alcohol to be consumed **on the premises** shall cease at least 20 minutes before the closing time.
- That the accomodtion limit of the premises (excluding staff) shall not exceed 30 people.
- That alcohol for consumption off the premsies is not sold for immediate consumption in the area around the premises and is supplied in sealed containers that require a tool such as a bottle opener or corkscrew to be opened.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises
- That clear legible signage shall be prominently displayed at all patrons exits, where it can be easily seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation.

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

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

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

From: Al-Samerai, Anood
Sent: Tuesday, August 09, 2016 7:26 PM
To: Regen, Licensing; Regen, Licensing
Cc: Mann, Eliza; 'Hamish McCallum'
Subject: Representation from Riverside Ward Councillors Licence Number 854588

Premises Licence Application – L'Emporio Ltd, 134 Druid Street, SE1 2HH

We write as elected representatives of Riverside Ward to express serious concern about the proposals for alcohol and music until 11pm.

Druid Street has seen considerable growth in licensed premises in recent years and the council is now having to manage the impact of these, particularly related to public nuisance including noise, anti-social behaviour, litter and urinating. There is considerable evidence that these problems have been a result of additional licensed premises and it is, therefore, reasonable to suggest that a further licence will add to public nuisance, crime and disorder and risk public safety.

Ward councillors support business and the local economy and we have worked hard to balance tensions between businesses and residents. There have been improvements, but the remaining problems along Druid Street relate to licensed premises. We have tried to impose various conditions on other premises, but alcohol is the sticking point with customers becoming drunk and noisy no matter how well intentioned the businesses may be. This area is not a traditional high street and residents live very near to the various premises. These railway arches were never designed to be bars and it is becoming increasingly apparent that the applications for licenses are turning them into bars, which have a clear impact on the licensing objectives mentioned above.

We are keen to support businesses and jobs in the area, but in a way which balances the inevitable and very real problems of public nuisance and crime and disorder by stopping the alcohol and music elements. We do hope that these representations will be fully considered and would be keen to attend any sub-committee meeting, if diaries permit.

Best wishes,
Anood, Eliza and Hamish

**Councillors Anood Al-Samerai, Eliza Mann and Hamish McCallum
Liberal Democrat Cllrs for Riverside Ward**

From: [REDACTED]
Sent: Thursday, July 28, 2016 7:41 PM
To: Al-Samerai, Anood; John, Peter; Regen, Licensing; Franklin, David;
hse complaints
Subject: Opposing yet another drinks license feet from 2 licensed
arches

[REDACTED]
[REDACTED]
Druid st
London se1 2dx

Residents living in Druid st are already struggling with noise nuisance anti social issues with existing business to add yet another licensed premises and entertainment will prevent residents from using their homes gardens, getting peace rest. Already noise with 24 HR deliveries continue to wake us ? Now this ?

I and residents wish to oppose this [REDACTED] estate feet from noisy anti social users in Druid st already, waking us all hours day and night at present.

Already has 2 alcohol outlets in tiny road ? Feet from each other and 134 Druid st

[REDACTED]

3

From: [REDACTED]
Sent: Sunday, July 31, 2016 11:21 PM
To: Al-Samerai, Anood; Regen, Licensing; Franklin, David
Subject: Re: Opposition to license

To whom it may concern

We are writing in opposition to a license being given to 134 Druid Street SE1 for sales of alcohol and entertainment.

We already have two drinking outlets in Druid Street (The Bottle Shop and Anspach and Hobday) that cause a lot of noise and Nuisance.

The rubbish bins from these outlets are left in the road full and stinking for up to a week at a time. They smell really bad and encourage vermin like rats and mice which come into our gardens.

Us residents have just managed to get the Druid Street market moved away from our flats. Granting this license would defeat the whole object.

Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
LONDON
SE1 2DX

30 JULY 2016

TO WHOM IT MAY CONCERN

RE: OBJECTION TO LICENSE FOR ALCOHOL AND ENTERTAINMENT FOR 134 DRUID STREET SE1.

WE WISH TO RAISE CONCERNS REGARDING THE ABOVE APPLICATION, WE LIVE VERY CLOSE TO THE "ANSRACH AND HOBDAV" MICRO BREWERY AND ALSO "THE BOTTLE SHOP". THEY ARE BOTH OUTLETS IN THE DRUID STREET ARCHES THAT CAUSE NOISE, NUISANCE AND ANTI-SOCIAL BEHAVIOUR.

THERE ARE DELIVERIES CAUSING NOISE ALL HOURS OF THE EVENING AND THROUGHOUT THE NIGHT.

THERE ARE OFTEN CROWDS OF INTOXICATED PEOPLE IN THESE OUTLETS WHICH SPILL OUT ONTO DRUID STREET, AND ALL THIS IN FRONT OF IMPRESSIONABLE CHILDREN WHO LIVE ON THE ARNOLE ESTATE.

THE BEHAVIOUR IS DISGRACEFUL. WE CANNOT ENJOY THE USE OF OUR GARDEN OR OPEN

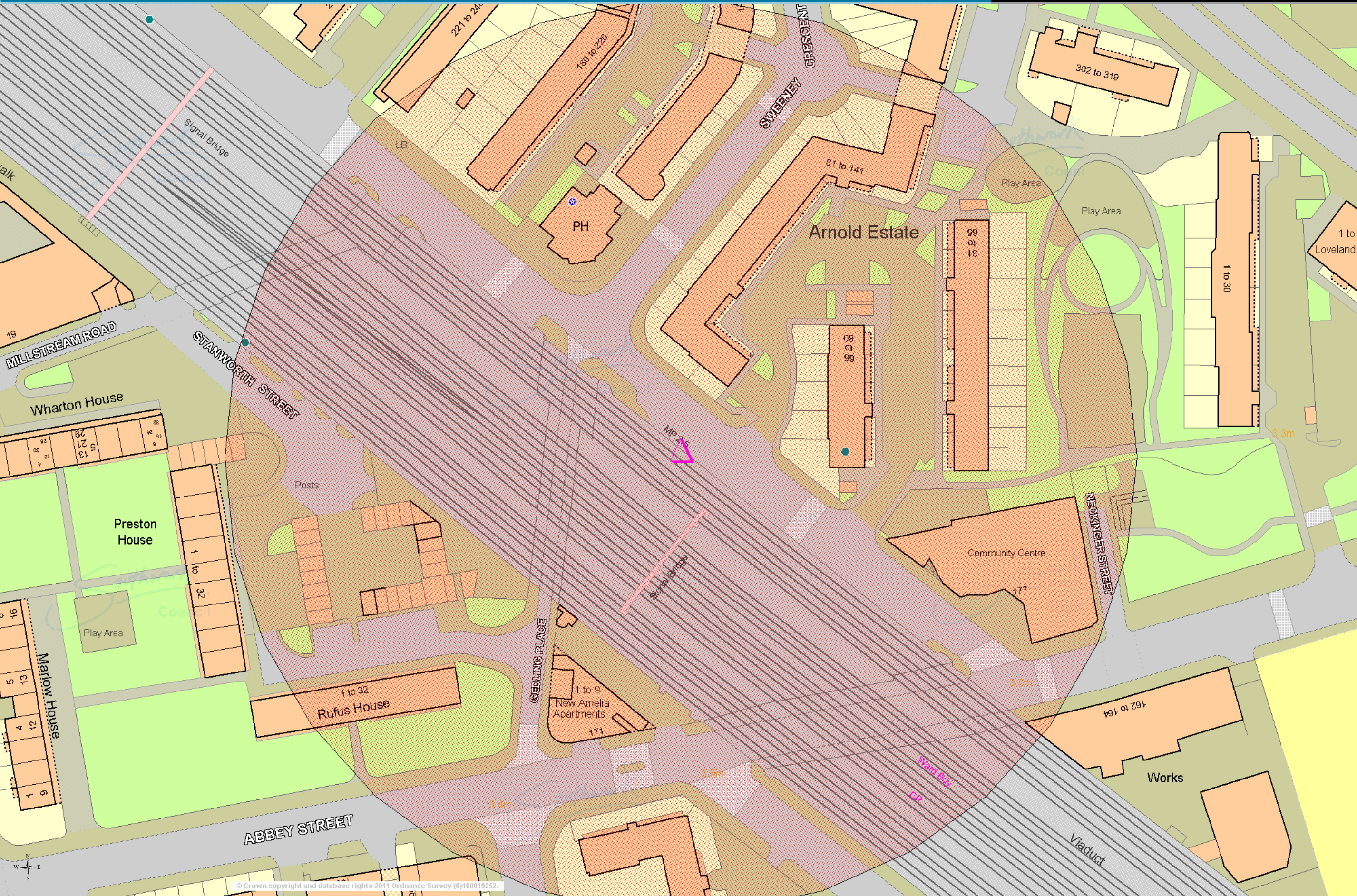
RESIDENTS HAVE ONLY JUST MANAGED TO GET THE "DRUID STREET MARKET" MOVED AWAY FROM OUR RESIDENCES. WE ALREADY HAVE TWO DRINKING OUTLETS TO CONTEND WITH. TO AGREE TO YET ANOTHER, JUST FEET FROM THE EXISTING ONES IS LUDICROUS.

I AM DISTRESSED AND DESPERATELY UNHAPPY IN MY HOME OF 38 YEARS. WE PAY FULL RENT, BUT ARE UNABLE TO ENJOY OUR LITTLE GARDEN. THIS IS DUE TO NOISE, DRUNKEN PEOPLE AND SMELLS FROM COOKING AND FROM THE MICRO BREWERIES. WE CANNOT EVEN OPEN OUR WINDOWS DUE TO THE ABOVE.

DRUID STREET ALREADY HAVE RUBBISH BINS FROM THE OUTLETS THAT ARE OVER-FLOWING AND SIMPLY LEFT FOR UP TO A WEEK AT A TIME. THIS ENCOURAGES VERMIN. WE ARE CONTINUOUSLY FINDING RATS ETC. IN OUR GARDENS. ANOTHER DRINKING OUTLET WOULD ONLY MAKE THIS SITUATION WORSE.

SINCERELY

P.S. VERY LOUD NOISE AGAIN TODAY FROM MICRO-BREWERIES (30 JULY 2016) ALL DAY & INTO LATE NIGHT, ONLY 30 YARDS.



Item No. 7.	Classification: Open	Date: 15 September 2016	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: MRH Newington, 197-209 New Kent Road, London SE1 4AG	
Ward(s) or groups affected:		Chaucer	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Malthurst Petroleum Limited, to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as MRH Newington, 197-209 New Kent Road, London SE1 4AG.
2. Notes:
 - a) This application seeks to vary existing licensable activities held under current legislation in respect of the premises known as MRH Newington under Section 34 of the Licensing Act 2003. Existing permitted licensable activities are not the subject of representations and are not under consideration at this meeting. The variation application is subject to representations from responsible authorities and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 8 to 9 of this report provide a summary of the current premises licence. A copy of the current licence is attached as Appendix B.
 - c) Paragraphs 10 to 13 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.
 - d) Paragraphs 14 to 19 of this report deals with the representations received to the application. Copies of the representations from responsible authorities are attached as Appendix C.
 - e) Paragraph 24 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix D.
 - f) 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 current licence

8. The premises known as BP Newington Convenience Store (now referred to as MRH Newington), 197-209 New Kent Road, London SE1 4AG has held a licence under the Licensing Act since 28 August 2005 under previous management. A transfer of licence and a designated premises supervisor (DPS) variation were issued to Malthurst Petroleum Limited on 25 May 2016 and permits the following licensable activities:
 - Late night refreshment (indoors)
Monday to Sunday from 23:00 to 05:00
 - Supply of alcohol (off the premises)
Monday to Sunday from 08:00 to 23:00
 - Operating hours
Monday to Sunday - 24 hours
9. The current premises licence is attached as Appendix B to the report.

The variation application

10. On 21 July 2016, Malthurst Petroleum Limited applied to this council in respect of a variation of this premises licence.
11. The application proposes to amend the premises licence to:
 - Extend the hours for the sale of alcohol to 24 hours daily
 - To remove all the embedded restrictions/conditions in premises licence
 - To remove all the condition under Annex 2
 - To include in Annex 2 the condition in boxes B to E of Section M of the operating schedule
 - To make alterations to the premises (referenced by new plans)
12. The premises licence application form provides the applicant operating schedule. Parts J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application and the subsequent amendments through conciliation are attached to this report as Appendix A.

Designated premises supervisor

13. The designated premises supervisor (DPS) is Vindthan Suntharalingam, who has a personal licence from Dartford Council.

Representations from responsible authorities

14. Representations were submitted by three responsible authorities, the Metropolitan Police Service, licensing as a responsible authority and the public health authority.
15. The police representation is concerned that the premises are situated in a designated residential area under the current Southwark council licensing policy and is already licenced to sell alcohol in accordance with the hours set out by the policy see no exceptional circumstances within the application to deviate from the policy.
16. The licensing authority representation highlights that the premises are situated in a residential area and that, in accordance with the Southwark statement of licensing policy, the appropriate closing times for such a premises is 23:00 daily and recommend that under the policy to promote the licensing objectives of the prevention of public nuisance and crime and disorder that the part of the application to extend the sales of alcohol is refused. They however recommend that other parts of the application be granted with modifications to the proposed conditions to promote the licensing objectives of protection of children from harm and the prevention of crime and disorder and have proposed conditions.
17. The representation from public health makes reference to the Southwark statement of licensing policy which recommends closing times for alcohol to be 23:00 daily for this type of establishment in this area. Furthermore, early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to

antisocial behaviour such as street drinking and therefore recommend that the application to be refused.

18. The representations are attached as Appendix C to the report.

Representations from other persons

19. There are no representations from other persons.

Conciliation

20. The applicant has been forwarded the representations received and has been advised to address the concerns within the representations submitted. The licensing committee shall be updated at the hearing on 15 September 2016.

The local area

21. A map of the area is attached to this report as Appendix D. The premises is identified at the centre of the map. For purposes of scale-only the circle on the map has a 100 metre radius.

Off licence

- New Kent General Store, 179 New Kent Road London SE1 (Monday to Sunday till 02:00)

Public houses/restaurant

- Lebanese Grill, 173 New Kent Road, London SE1 (Monday to Saturday till 02:00 and Sunday till 01:00)
- La Cabana, 198 New Kent Road, London SE1 (Monday to Thursday till 01:00, Friday and Saturday till 02:00 and Sunday till 23:00).

Deregulation of entertainment

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

Southwark statement of licensing policy

24. The premises is situated in a residential 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 off licences of alcohol sales in a residential area is 23:00 hours daily

25. 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.
26. 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

27. A fee of £315 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band C.

Consultation

28. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

29. 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

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

Principles for making the determination

32. 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.
33. 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
34. 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

35. 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.

36. The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm.

37. 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.

38. 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.

39. 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

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

Hearing procedures

41. 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.
42. 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

43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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.

49. 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.
50. 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

51. 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

52. 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 & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence variation
Appendix B	Current licence
Appendix C	Representations from responsible authorities
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	2 September 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		2 September 2016

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Malthurst Petroleum Limited

(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

852295

Part 1 – Premises Details

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

MRH Newington
197-209 New Kent Road

Post town

London

Postcode

SE1 4AG

Telephone number at premises (if any)

Non-domestic rateable value of premises

£67,000

Part 2 – Applicant details

Daytime contact telephone number	01992 571937	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> RECEIVED 21 JUL 2016 </div>	
E-mail address (optional)			
Current postal address if different from premises address	Vincent House 4 Grove Lane All correspondence to: Winckworth Sherwood LLP (Ref: CV/29898/108/RPB) Minerva House 5 Montague Close London SE1 9BB		
Post town	Epping	Postcode	CM16 4LH

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)

A petrol forecourt store selling a broad range of groceries, household products and alcohol. Situated at MRH Newington, 197-209 New Kent Road, London, SE1 4AG to be varied as follows:

1. To extend the hours for the sale of alcohol to 24 hours daily.
2. To remove all the embedded restrictions/conditions in the premises licence.
3. To remove all the conditions under Annex 2 of the premises licence.
4. To include in Annex 2 the conditions in boxes b to e of Section M of the operating schedule.
5. To make alterations to the premises.

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	0000	2400			
Tue	0000	2400			
Wed	0000	2400			
Thur	0000	2400			
Fri	0000	2400			
Sat	0000	2400			
Sun	0000	2400			

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).

The premises sell alcohol and other age restricted products.

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)

--

b) The prevention of crime and disorder

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. 2. 3. 4. 5. 6. | <p>A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.</p> <p>The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.</p> <p>Any recording will be retained and stored in a suitable and secure manner for a minimum of 14 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.</p> <p>The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.</p> <p>The system will display, on any recording, the correct time and date of the recording.</p> <p>The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.</p> |
|--|--|

c) Public safety

<p>The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.</p>

d) The prevention of public nuisance

<p>Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.</p>

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

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

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

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

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	<i>W. Kenwood</i>
Date	20 July 2016
Capacity	Solicitors duly authorised on behalf of the Applicant

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

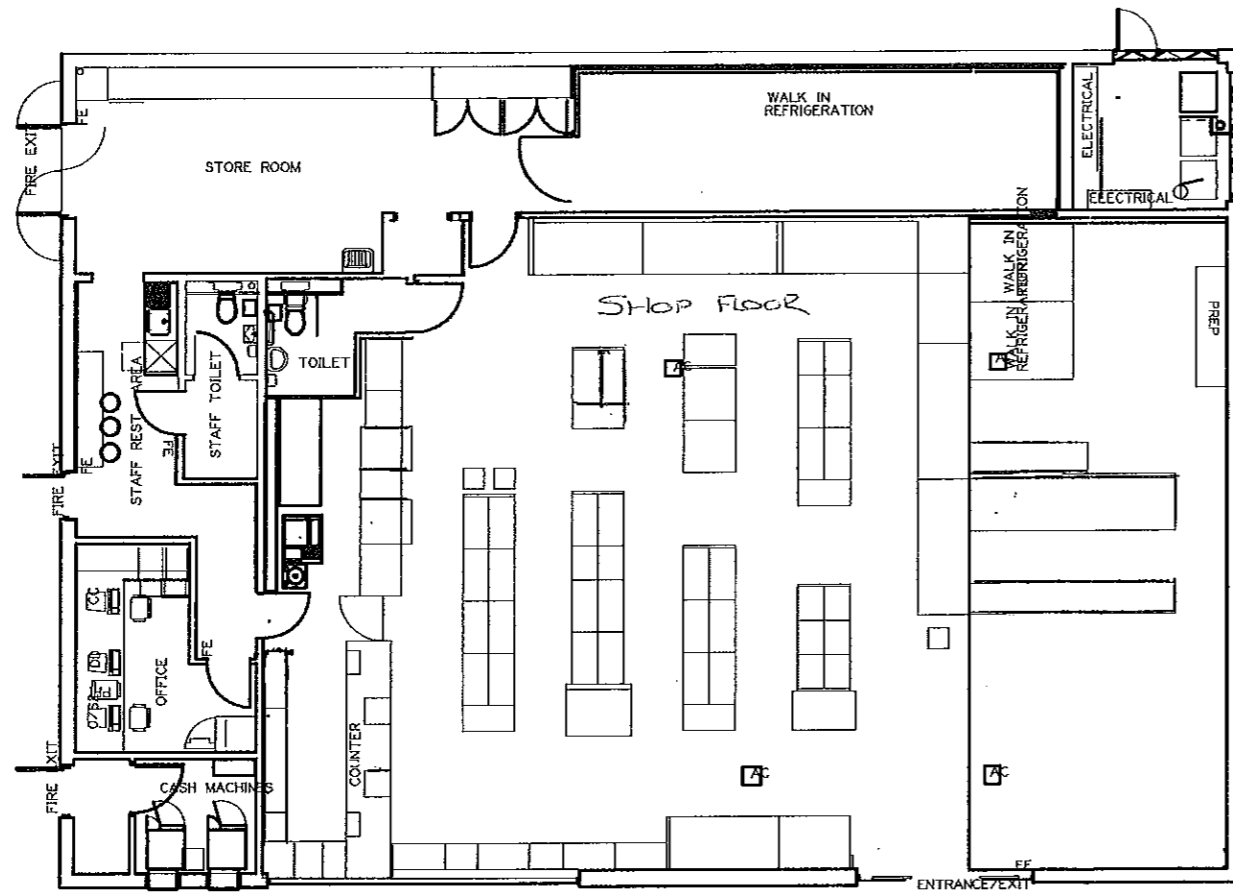
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) (Ref: CVE/29898/108/RPB) Winckworth Sherwood LLP Minerva House 5 Montague Close			
Post town	London	Post code	SE1 9BB
Telephone number (if any)	020 7593 0277		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) cedwards@wslaw.co.uk			

Notes for Guidance

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

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



MRH NEWINGTON PREMISES LICENCE
 116sqm SHOP FLOOR
 A3 SCALE 1:100

FE = FIRE EXTINGUISHER

THE ENTIRE PREMISES MAY BE USED FOR THE
 SALE OF ALCOHOL AND THE PROVISION OF
 LATE NIGHT REFRESHMENT

Ref 29898/108 date 20.07.16

Licensing Act 2003 Premises Licence

61

APPENDIX B



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

852295

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
BP Newington Convenience Store 197-211 New Kent Road London SE1 4AG	
Ordnance survey map reference (if applicable), 179006532656	
Post town London	Post code SE1 4AG
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed off premises

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

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

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed off premises

Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	08:00 - 23:00

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

Malthurst Petroleum Limited
Vincent House
4 Grove Lane
Epping
Essex
CM16 4LH

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

00762360

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

Vindthan Suntharalingam
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No. [REDACTED]
Authority Dartford Borough Council

Licence Issue date 20/05/2016

[REDACTED]
Head of Regulatory Services
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

488 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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

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

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

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

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence;

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

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

Annex 2 - Conditions consistent with the operating Schedule

124 Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

On weekdays, Sundays, Christmas Day and Good Friday, 8.00.a.m. to 11.00.p.m.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- 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;
- iv) 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.

124 Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

On weekdays, Sundays, Christmas Day and Good Friday, 8.00.a.m. to 11.00.p.m.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- 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;
- iv) 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.

125 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

340 a) That a CCTV system will be maintained which is fit for the purpose. The system will incorporate a camera covering the entrance door and capable of providing an image which is regarded as identification standard.

b) The CCTV system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.

c) The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

d) The precise position of the cameras may be agreed with the police from time to time.

341 The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police

342 Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

343 That all staff will be trained to request evidence of age from any person seeking to buy alcohol and appearing to the member of staff to be under the age of 18. Such evidence is to be of a photographic nature such as a passport or photographic driving licence until other effective identification technology, such as thumbprint or pupil recognition is introduced.

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

Annex 4 - Plans - Attached

Licence No. 852295
Plan No. 10486-79
Plan Date July 2007



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

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

Tel: 020 7232 6756
Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/2852 /16

Date: 15th August 2016

Re:- MRH Newington, 197-211 New Kent Road, London SE1 4AG

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to your premises licence for sale of Alcohol for the following opening hours

Mon – Sun: 24 Hours

The premises are situated in a designated residential area under the current Southwark council licensing policy. The premises is already licenced to sell alcohol in accordance with the hours set out by the policy and I see no exceptional circumstances within the application to deviate from the policy.

The police object to any variation to the licence.

Kind Regards

PC Mark Lynch 246MD

MEMO: Licensing Unit

To Licensing **Date** 18 August 2016

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject **MRH Newington 197-211 New Kent Road SE1 4AG**

I make this representation with regards to the application to vary a premises licence by Malthurst Petroleum LTD for the premises MRH Newington 197-211 New Kent Road SE1 4AG.

The application asks for the following:

1. To extend the sale of alcohol to 24 hours daily.
2. To remove all the embedded restrictions/conditions in the premises licence.
3. To remove all the conditions in Annexe 2.
4. To include in Annexe 2 the conditions set out in the operating schedule, CCTV installed and maintained, Premises licence holder will maintain adequate staff levels, waste receptacles to be placed immediately outside the premises, Challenge 25 to be in place.
5. To make alterations to the premises.

The premises is situated in a residential 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 off licences of alcohol sales in a residential area is 23:00 hours daily.

The premises currently has the following:

Off-sale of alcohol 08:00 to 23:00 daily

Late-night refreshment 23:00 to 05:00 daily

Opening hours for petrol and refreshment – 24hours daily

I therefore recommend that under the policy to promote the licensing objectives of the prevention of public nuisance and crime and disorder that the part of the application to extend the sales of alcohol is refused.

I recommend that the other parts of the application is granted, but with modifications to the proposed conditions to promote the licensing objectives of protection of children from harm and the prevention of crime and disorder.

- i. That CCTV shall be fitted at the premises and the CCTV recordings shall be retained for 31 days and shall be available for immediate viewing and download on request of the Police or authorised council officer.
- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.

David Franklin
Licensing Authority as a Responsible Authority

From: Sharpe, Carolyn On Behalf Of Public Health Licensing
Sent: Tuesday, August 16, 2016 4:07 PM
To: Regen, Licensing
Subject: RE: Consultation LDO 18.8.2016 Malthurst Petroleum Limited
197-209 New Kent Road

To whom it may concern:
Re: 197 – 209 New Kent Road, London SE1 4AG

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

This application is to vary the existing license to permit off-sales of alcohol 24hours daily. The applicant also requests all restrictions/conditions imposed upon the current license to be removed. I have concerns regarding these requests. The applicant's current license permits sales of alcohol between the hours of 08:00 and 23:00 daily. Southwark's Statement of Licensing Policy recommends closing times for alcohol to be 23:00 daily for this type of establishment in this area. Furthermore, early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. Therefore, I do not recommend these hours be extended.

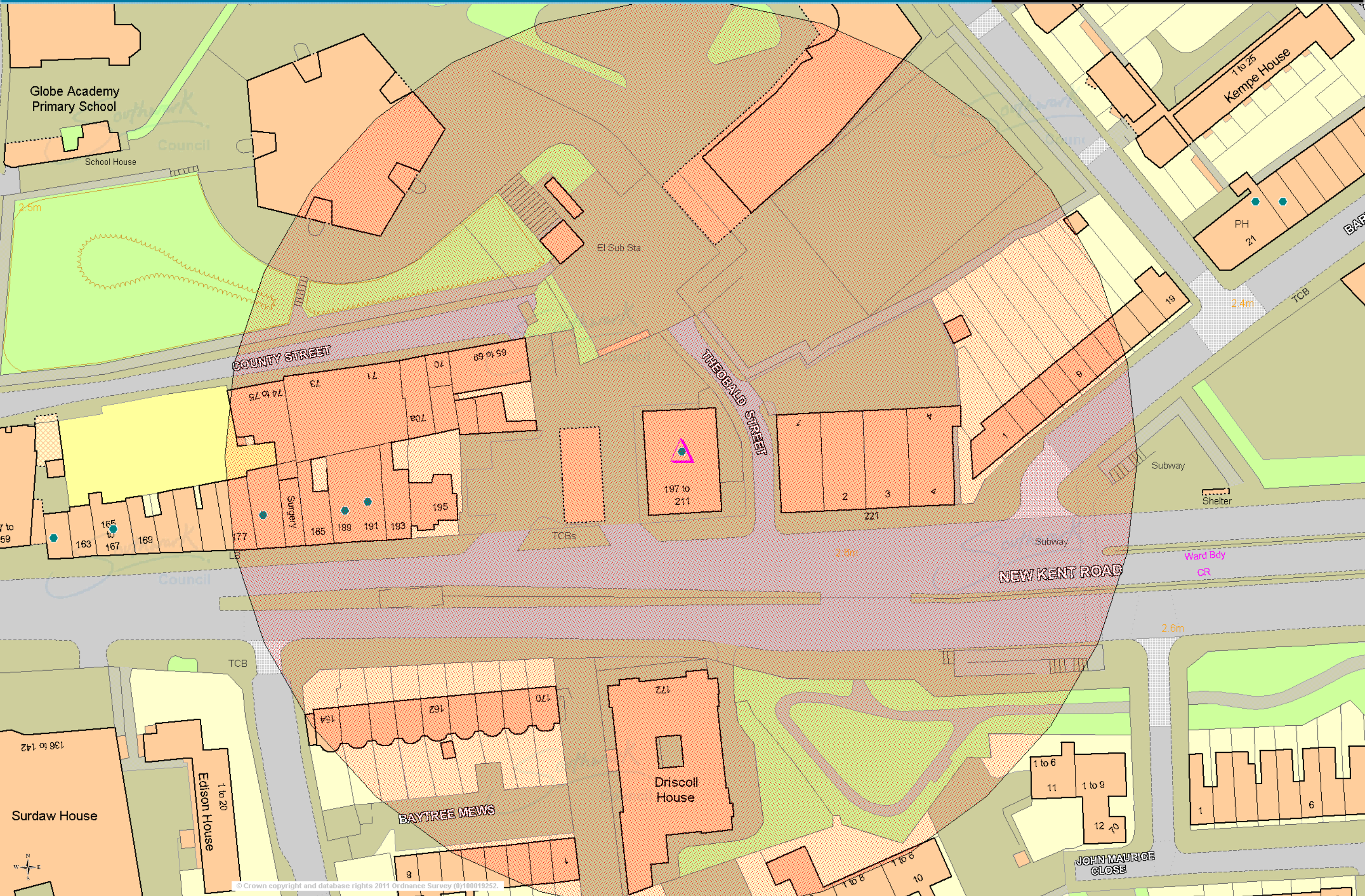
Recommendations

- I urge this application to be rejected outright

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 | carolyn.sharpe@southwark.gov.uk; | Public Health Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH



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Item No. 8.	Classification: Open	Date: 19 August 2016	Meeting Name: Licensing Sub-Committee
Report Title:		Licensing Act 2003: Application for a Personal Licence	
Ward(s) or groups affected:		None	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee decide whether to grant the application for a personal licence made under section 117 of the Licensing Act 2003 to the individual specified in the closed report.
2. Notes:
 - a) The representations have been made in respect of this application by the Commissioner of Police for the Metropolis.
 - b) Due to the level of personal data in relation to this application, personal details have been omitted from this report. A closed version will be available to relevant participants at the hearing.

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 alcohol; the provision of regulated entertainment; and the provision of late night refreshment.
4. This new licensing regime became effective as of 24 November 2005. From this date, licensable activities under the Act can only be carried on under the appropriate combination of personal and premises licences, club premises certificates and temporary event notices.
5. Except for circumstances where the police raise representations, properly made applications will be granted.

KEY ISSUES FOR CONSIDERATION

The personal licence application process

6. A personal licence is required under the Act by any person who intends to operate in a position where they will authorise the sale or supply of alcohol in conjunction with a premises licence. Applications for personal licences are made to the local

authority for the area in which the applicant normally resides. Licences do not expire and are portable.

7. Individuals seeking a personal licence must:

- Possess an accredited licensing qualification or be a person of a prescribed description.
- Have had no personal licence held by them forfeited in the period of five years ending with the day the application was made.
- Provide a criminal records disclosure (or certified copy of it).
- Provide a photograph of him or herself, endorsed to the effect that it is a true likeness.
- Provide a statement (by way of a form entitled “disclosure of convictions and declaration”) giving details of any relevant or foreign offence of which they have been convicted.
- Provide a copy of the application to the police within 48 hours of the application being made.
- Pay the appropriate fee of £37.

8. Where the applicant has been convicted of a relevant offence or foreign offence and the chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, the chief officer of police must give an “objection notice” no later than 28 days after the day on which a copy of the application is provided. Unless this “objection notice” is withdrawn, the local authority must hold a hearing to consider the objection and must determine the matter within a period of three months beginning on the day on which the authority receives the application.

The application under consideration

9. On the 12 July 2016, the applicant applied to this council under section 117 of the Licensing Act 2003 for a personal licence. The application was accompanied by the additional documentation and information outlined in paragraph seven above.
10. A copy of the application and the disclosure certificates are attached as Appendix A of the closed report.

Police notice of objection

11. On 19 July 2016 the Commissioner of Police for the Metropolis made objection in respect of the original application. A copy of the objection notice is attached as Appendix B of the closed report.

12. The police propose that the information provided in the objection notice be taken into consideration and the matter is put to the licensing sub-committee accordingly.

The Licensing Act 2003 and the Southwark Council statement of licensing policy

13. The Licensing Act 2003 requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm.

14. In carrying out its 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
- Relevant representations.

15. Council assembly approved the Southwark Council statement of licensing policy on 25 November 2015. Sections of the statement that are considered to be of particular relevance to this application are:

- Section three which sets out the purpose and scope of the policy and reinforces the four licensing objectives.
- Section four covering administration, exercise and delegation of function which deals with the licensing process.
- Appendix C details other relevant council and government policies including the relevant Articles under the Human Rights Act 1998.

16. The purpose of Southwark's licensing statement of 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 applications placed before it. 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

17. A fee of £37 has been paid by the applicant, being the statutory fee payable in respect of an application for a personal licence. The fee makes a contribution toward the cost of processing the application.

Consultation

18. The provisions of the Licensing Act 2003 do not provide for any consultation beyond that with the Commissioner of Police for the Metropolis.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

19. The sub-committee is asked to determine the application for a grant of personal licence. The application for a personal licence should normally be granted without the need for a hearing if no relevant objections were received from the police on crime and disorder grounds.
20. It is important to distinguish the application for grant/renewal of a personal licence under the Licensing Act 2003 from the type of applications previously heard by the sub-committee, where a licence was renewed or an applicant sought to vary. The principles that apply are significantly different in many respects (although the requirement to give all parties a fair, unbiased hearing remains).
21. The principles which sub-committee members must apply are set out below.

Principles for making the determination

22. The general principle is that applications must be granted unless relevant representation is received. This is subject to the proviso that the applicant has not been convicted of, or committed any of the relevant offences as contained in Schedule 4 of the Licensing Act 2003.

Determination of application for grant of personal licence

23. The sub-committee's discretion is thus limited. It can only grant, or refuse the personal licence, if it is necessary to do so in regards to the promotion of the prevention of crime and disorder.

Hearing procedures

24. 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
 - 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.

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

25. 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.
26. 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.
27. The licensing sub-committee is entitled to consider other information not contained in this document if they are relevant, i.e. are properly attributable to the suitability of the applicant to hold a licence. Guidance is that the licensing authority will primarily focus on the direct impact of granting the personal licence to the applicant on members of the public, living, working or engaged in normal activity in the area concerned.
28. Members will be aware of the council's code of conduct that 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.

Guidance

29. Members are required to have regard to the Secretary of State's 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

30. 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 Home Office Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Southwark Licensing, Hub 1, Floor 3, 160 Tooley Street, London SE1 2QH	Kirty Read 0207 525 5748

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Alexander Lisowski, Licensing Officer	
Version	Final	
Dated	2 September 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	2 September 2016	

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		Jayne Tear, Licensing team	1
		David Franklin, Licensing team	1
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