

Licensing Sub-Committee

Friday 30 September 2016

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Charlie Smith

Reserves

Councillor Eliza Mann

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: 20 September 2016



Licensing Sub-Committee

Friday 30 September 2016
10.00 am

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

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: I GO CHOP, 46 CAMBERWELL CHURCH STREET, LONDON SE5 8QZ	1 - 35
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT	

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 20 September 2016

Item No. 5.	Classification: Open	Date: 30 September 2016	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: I Go Chop, 46 Camberwell Church Street, London SE5 8QZ	
Ward(s) of group(s) affected		Livesey	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Mr Tobi Raphael for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as I Go Chop, 46 Camberwell Church Street, London SE5 8QZ.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 18 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted are attached to this report in Appendices B and C. A map showing the location of the premises is attached to this report as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 26 July 2016 Mr Tobi Raphael applied to this council for the grant of a premises licence in respect of I Go Chop, 46 Camberwell Church Street, London SE5 8QZ. The premises are described as being a take away.
9. The application and is summarised as follows:
- **The provision of late night refreshment**
Monday to Sunday from 23:00 to 05:00 the following day
 - **The supply of alcohol to be consumed on the premises**
Sunday to Thursday from 10:00 to 23:30
Friday and Saturday from 10:00 to 00:30 the following day
 - **Opening hours**
Monday to Sunday - 24 hour opening
10. The proposed designated premises supervisor of the premises is Mr Tobi Raphael who has been granted a personal licence by Lewisham Council.
11. The premises licence application form provides the applicant's operating schedule. Parts I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and additional pages amending the application are attached to this report in Appendix A.

Representations from responsible authorities

12. Representations have been submitted by the Metropolitan Police Service (MPS) and this council's licensing responsible authority (LRA).
13. The MPS' representation notes that the premises are in a district town centre, as defined in this council's statement of licencing policy, and that the proposed closing time of the premises is later than the closing time suggested for takeaway premises in district town centres, suggested in the statement of licencing policy. The representation states conditions that the MPS seek conditions to be imposed on any licence issued subsequent to the application. The applicant agreed to include the conditions suggested by the MPS into the application and the MPS withdrew their representation.
14. The LRA's representation notes that the premises are in a district town centre, as defined in this council's statement of licencing policy, and that the proposed closing time of the premises is later than the closing time suggested for takeaway premises in district town centre's, suggested in the statement of licencing policy. The representation recommends that the hours of operation be amended to reflect those in the licensing policy and further recommends conditions that the LRA seek to be imposed on any licence issued subsequent to the application.
15. Copies of the representations submitted by the responsible authorities and related correspondence are attached as Appendix B.

Representations from other persons

16. Three representations have been submitted on behalf of five local residents. The representations are all concerned that the proposed operation of the premises will add to the existing nuisance and disorder issues in Camberwell caused by licenced premises operating late at night / in the early morning. Two of the objections also note that the premises are situated within the Camberwell cumulative impact policy area.
17. Copies of the representations submitted by other persons and related correspondences are attached in Appendix C.
18. **N.B. Takeaways are not subject to the Camberwell Cumulative Impact Policy, and so the policy must not be taken into consideration when determining the application. Therefore there is a presumption to grant the application, pending consideration of any representations received.**

Conciliation

19. The applicant was sent the representations that were submitted, and was advised to address the concerns within the representations.
20. The applicant agreed to include the conditions proposed by the MPS into the application, and the MPS withdrew their representation.
21. Following correspondence with the LRA the applicant agreed to include the conditions proposed by the LRA into the application. Subsequently, the LRA confirmed that they are agreeable to the hours sought in the application in respect of the sale of alcohol, however the LRA maintain their stance that the closing times of

the premises should be bought into line with the closing times suggested in the statement of Licencing policy. Therefore the part of the LRA's representation relating to the closing time of the premises must still be considered by the sub-committee.

22. The applicant provided a conciliation statement to the local residents who objected to the application. Two responses (on behalf of 4 local residents) were received in regards to the mediation letter. Both responses confirm that the original representations remain. At the time of the writing all of the local residents representations must be considered by the sub-committee.

Premises history

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

Temporary event notices (TENS)

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

Deregulation of entertainment

25. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 and 23:00 at on-licensed premises provided the audience does not exceed 500 people, 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').

Map

26. A map showing the location of the premises is attached to this report as appendix D. The premises are identified at the centre of the map by a black diamond. The following licensed premises are also shown on the map and have closing times as stated:

Public Houses and Bars

- **The Hermit's Cave, 28 Camberwell Church Street**
Monday to Wednesday till 00:00
Thursday and Saturday till 02:00
Sunday till 00:00
- **Storm Bird, 25 Camberwell Church Street**
Sunday to Monday till 00:30
Thursday to Saturday till 03:30
- **Communion Bar, Basement, 29 - 33 Camberwell Church Street**
Sunday to Thursday till 00:30
Friday and Saturday till 03:00

Restaurants and Takeaways

- **The Vineyard, 3 Camberwell Grove**
Monday to Saturday till 00:30
Sunday till 00:00
- **Kentucky Fried Chicken, 35 Camberwell Church Street**
Sunday to Thursday till 02:00
Friday and Saturday till 03:30
- **Tadim Cafe 41 Camberwell Church Street**
Monday to Sunday till 23.30
- **Carravagio, 47 Camberwell Church Street**
Monday to Sunday till 00:30
- **Silk Road, 49 Camberwell Church Street**
Monday to Saturday till 23:00
Sunday till 22:30
- **New Dome Hotel, 51-53 Camberwell Church Street**
Monday to Friday till 00:00
Sunday till 23:30
- **FM Mangal, 54 Camberwell Church Street**
Monday to Wednesday till 01:30
Thursday to Saturday till 02:30
Sunday till 00:30
- **Morley's Fast Food, 56 Camberwell Church Street**
Monday to Thursday till 02:00
Friday and Saturday till 03:30
- **Hoa Viet, 42 Camberwell Church Street**
Monday to Saturday till 00:30
Sunday till 00:00
- **Angels and Gypsies, 29 - 33 Camberwell Church Street**
Monday to Saturday till 00:30
Sunday till 00:00
- **Queens, 45 Camberwell Church Street**
Monday to Sunday till 23:30
- **Daily Goods, 36 Camberwell Church Street**
Monday to Sunday till 22:00
- **Theo's, 2 – 4 Grove Lane**
Monday to Saturday till 23:30
Sunday till 23:00

- **Cinnamon, 44 Camberwell Church Street**
Monday to Thursday till 02:00
Friday and Saturday till 04:00
Sunday till 03:00

Off Licences

- **Camberwell Superstore, 34 Camberwell Church Street**
Monday to Saturday till 23:00
Sunday till 22:30.

Southwark council statement of licensing policy

27. Council Assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011 Council Assembly approved Southwark's Statement of Licensing Policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016.
28. Further 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.
29. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on

its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

30. Within Southwark's statement of licensing policy, the premises are identified as being within the Camberwell district town centre area. The premises are described as a takeaway with alcohol sales. The closing times recommended in the statement of licensing policy for a takeaway in Camberwell district town centre are as follows:
- Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.
31. Takeaways are not subject to the Camberwell cumulative impact policy.

Resource implications

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

Consultation

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

Community impact statement

34. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

37. 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.
38. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

39. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives:
- To 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

40. 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.
41. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
43. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to 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.
44. 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

45. 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

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

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

50. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
51. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
52. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
53. 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.
54. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
55. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

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

Strategic Director of Finance and Governance

57. The head of 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 submitted by responsible authorities and related correspondence
Appendix C	Representations submitted by other persons and related correspondence
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	14 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		16 September 2016

[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted
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 Tobi Raphael

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
I Go Chop 46 Camberwell Church Street Southwark			
Post town	London	Postcode	SE5 8QZ

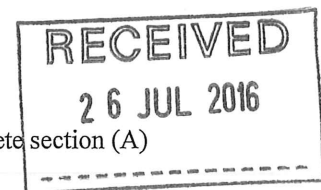
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£7,400

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)



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

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

Please tick yes

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Raphael			First names Tobi		

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

I Go Chop, is to be an Afro-Caribbean takeaway premises. The focus of the premises is that it is food led operating primarily as a takeaway but intends to offer alcohol for consumption both on and off the premises.

The premises has limited seating internally and is operated by an existing premises licence holder within the borough.

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

N/A

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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 performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	23:00	05:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23:00	05:00			
Wed	23:00	05:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	05:00	None		
Fri	23:00	05:00	<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	23:00	05:00			
Sun	23:00	05:00			

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 type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) None					
Mon	10:00	23:30						
Tue	10:00	23:30						
Wed	10:00	23:30						
Thur	10:00	23:30						
Fri	10:00	00:30						
Sat	10:00	00:30						
Sun	10:00	23:30						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

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

Name Tobi Raphael

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)	
Day	Start	Finish	None	
Mon	00:01	00:00		
Tue	00:01	00:00		
Wed	00:01	00:00		
Thur	00:01	00:00		<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	00:01	00:00		
Sat	00:01	00:00		
Sun	00:01	00:00		

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

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

1. The licence holder shall actively participate in any local Pubwatch or Retail watch scheme
2. Staff including delivery drivers shall be trained in Age Verification and Underage sales prevention

b) The prevention of crime and disorder

1. CCTV installed shall be, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available immediately on request to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) throughout the preceding 31 day period following any incident.
2. A member of staff with knowledge of the CCTV will be present on site whilst the premises are open to the public to aid any enquiry from a Police Officer or Authorised Officer requiring recent CCTV recordings with the minimum of delay when requested.
3. In relation to orders for delivery containing alcohol, full address details including postcode must be given.
4. Any reference to alcohol delivery will not be shown in any advertising on delivery vehicles
5. Any order containing Alcohol must be made ancillary to food
6. Customers will be reminded to provide acceptable ID such as Driving licence, passport or PASS card when placing orders containing alcohol for delivery.

c) Public safety

1. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.
2. Public areas will be maintained free from obstruction and trip hazards
3. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place by staff.
4. Appropriate fire escape route signs will be displayed

d) The prevention of public nuisance

1. Refuse such as bottles will be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
2. No deliveries to or collections from the premises will take place between 21:00 and 06:00 hours.
3. Notices shall be prominently displayed at all exits requesting patrons to leave the premises quietly
4. Any plant, air conditioning, ventilation or machinery of a similar nature operated at the premises shall not give rise to public or statutory nuisance.

e) The protection of children from harm

1. A challenge 25 policy will be adopted with proportionate and appropriate signage displayed.
2. A refusal to serve log shall be maintained and made available for inspection by a Police Officer or Authorised Officer, this log shall include the Date, Time, Name and signature of the staff member who refused the sale.
3. The refusal to serve log shall be signed by the DPS of the premises on a monthly basis
4. Staff shall be trained in Licensing Law with regards to children and alcohol, and the procedures that shall be adopted if it is considered that an individual may be under the age of 18

Checklist:

Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

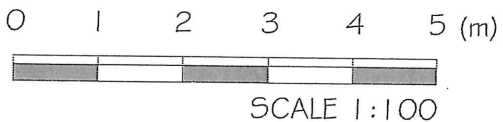
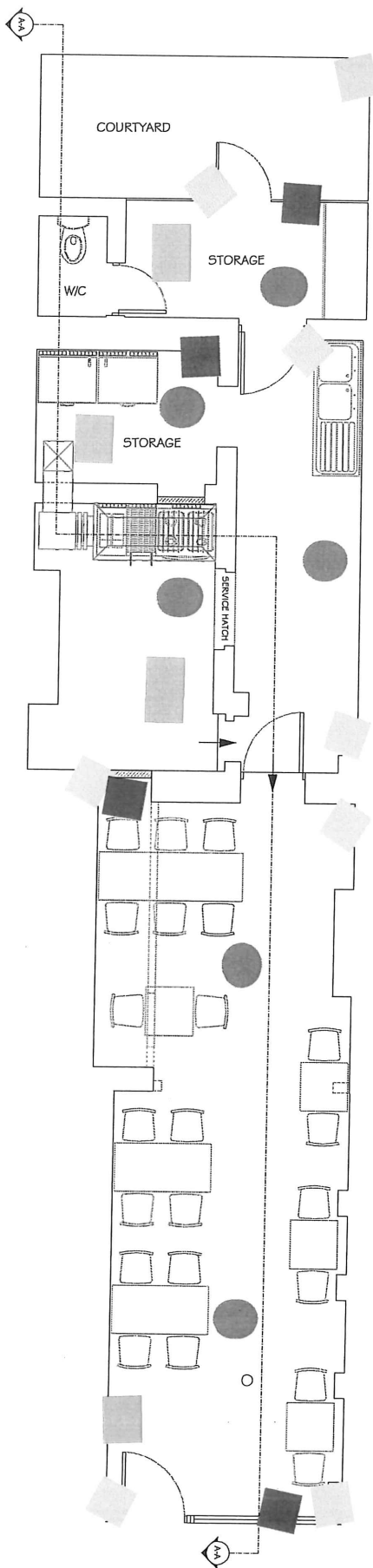
Signature		
Date		25/7/16
Capacity	Agent	

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Mr Guillaume Chinchase A.CiEx <div style="background-color: black; height: 100px; width: 100%;"></div>

-  Fire Blanket
-  Camara
-  Fire Extinguisher
-  Smoke Alarm



EXISTING FLOOR PLAN
SCALE 1:100



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

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

Tel:
 Email:

Our reference: MD/21/ 2853/16

Date: 16th August 2016

Re:- I Go Chop, Camberwell Church Street, London SE5 8QZ

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence to be granted under the licensing act 2003 for the following hours

Premises open to the public 24 hours Mon - Sun

Sale of alcohol 10:00 to 00:30 Fri - Sat
 10:00 to 23:30 Sun - Thurs

Late Night Refreshments 23:00 to 05:00 Mon - Sun

The operating schedule indicates that this is for take away and food delivery service.

The premises is located in a Camberwell Cumulative Impact Zone, and is designated a District Town Centre by the Southwark Council Licensing Policy and the hours applied for are outside of the policy. The latest terminal hour would be 00.00hrs Sunday to Thursday and 01.00hrs Friday and Saturday for a takeaway under the current policy.

No exceptional circumstances have been presented within the application and as such the police object to the granting of the application outside of the Council Licensing policy.

If the application is granted in any format the police would recommend the following conditions to be included on the licence, some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity. The following should be considered as conditions of the premises licence as a minimum.

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, all public areas, food service counter and pavement immediately outside the front.

2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. 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.
4. Signage on entrance/exit requesting customers to respect neighbours and leave quietly.
5. All alcohol should be covered from view when not available for sale.

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

Yours Sincerely

PC Graham White 288MD
Southwark Police Licensing Unit

From: Gui Chipchase
Sent: 30 August 2016 10:28
To: White Graham S - MD
Subject: Police Representation - i Go Chop, Camberwell Church Street

Hi Graham,

Good to speak to you this morning,

In relation to you representation to the above named premises, we are fine with the conditions as proposed in your rep letter (Listed below) and are happy for these to be included in the licence.

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, all public areas, food service counter and pavement immediately outside the front.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. 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.
4. Signage on entrance/exit requesting customers to respect neighbours and leave quietly.
5. All alcohol should be covered from view when not available for sale.

As briefly mentioned the premises itself whilst in the Camberwell CIP does not have the policy applied to it as it is primarily a café/takeaway and its alcohol hours fall within the suggested closing times as per s153 of the Southwark licensing policy.

If you could review the rep as discussed and let me know if you are happy to withdraw based on our agreement to the proposed conditions above and the nature of the premises I would greatly appreciate it.

Speak soon
Many Thanks

Gui Chipchase A.CiEx MloL
HEAD OF LICENSING

From:

Sent: Wednesday, September 14, 2016 4:08 PM

To: McArthur, Wesley

Subject: Police Representation - i Go Chop, Camberwell Church Street

Wes,

As below they have agreed to the conditions as listed below. We withdraw our objection.

Regards

Graham

PC Graham White 288MD

MEMO: Licensing Unit

To Licensing **Date** 19 August 2016

Copies

From David Franklin **Telephone** 020 7525 5800

Email

Subject **I Go Chop, 46 Camberwell Church Street SE5 8QZ**

I make this representation with regards to the application to vary a premises licence by Mr Tobi Raphael for the premises I Go Chop, 49 Camberwell Church Street SE5 8QZ under the licensing objectives of the prevention of public nuisance, prevention of crime and disorder and the protection of children from harm.

The premises is described as a primarily a take away business with alcohol for consumption both on and off the premises.

The application asks for the following:

Supply of alcohol both on and off the premises.

Sunday to Thursday 10:00 to 23:30 hours

Friday & Saturday 12:00 to 02:00 hours

Late night refreshment indoors

Monday to Sunday 23:00 to 05:00 hours

Opening hours

Monday to Sunday 00:01 to 00:00 hours

Conditions to promote the licensing objectives are submitted as part of the operating schedule.

The premises is situated in the Camberwell District Town Centre Area. The Southwark Statement of Licensing Policy states under section 7 hours of operation, from the table in paragraph 153 that the recommended closing time for types of premises related to this application is:

Closing time for Restaurants and Cafes :

Sunday to Thursday is 00:00 hours

Friday and Saturday is 01:00 hours

Closing time for Public Houses Wine bars or other drinking establishments :

Sunday to Thursday is 23:00 hours

Friday and Saturday 00:00 hours

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 is 00:00 hours

Friday and Saturday is 01:00 hours

As this premises is primarily a takeaway establishment I would recommend the following maximum activity and opening times recommended under the policy:

Supply of alcohol both on and off the premises.

Sunday to Thursday 10:00 to 23:30 hours

Friday & Saturday 12:00 to 00:30 hours

Late night refreshment indoors

Sunday to Thursday 23:00 to 00:00 hours

Friday & Saturday 23:00 to 01:00 hours

Opening hours

Sunday to Thursday 05:00 to 00:00 hours

Friday & Saturday 05:00 to 01:00 hours

The premises also sits within the Camberwell Cumulative Impact Policy Area, however restaurants and takeaways are not classes of premises that this policy relates to, therefore a condition to ensure that the premises cannot change it's nature in the future to a bar without applying to vary the licence with public consultation is recommended.

Additionally there are concerns in the Camberwell area of street drinkers during the daytime causing a public nuisance and we have received complaints that groups of persons congregating in Camberwell streets causing public nuisance and disorder. Conditions are recommended to address these concerns.

That the following additional conditions are recommended:

- i. That off-sales of alcohol shall be supplied in closed & sealed containers
- ii. 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.
- iii. That alcohol shall not be sold or supplied for consumption on or off the premises otherwise than to persons taking table meals and for consumption by such person as ancillary to his meal or customers waiting to be served a table meal.

David Franklin

Licensing Authority as a Responsible Authority

From: Gui Chipchase
Sent: Tuesday, August 23, 2016 2:36 PM
To: Franklin, David
Subject: I Go Chop, 46 Camberwell Church Street

Hi David,

Good to speak to you yesterday,

As promised, we are in agreement with the below 2 conditions proposed in your representation letter

- i. That off-sales of alcohol shall be supplied in closed & sealed containers
- ii. 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.

Furthermore just to confirm that we agreed to dispense with the third in relation to alcohol with table meals as this is covered in our operating schedule by way of the condition stating ***'Any order containing alcohol must be made ancillary to food'***

In relation to the opening hours of the premises, I have gone over the licensing policy again and can see that under s153 of the policy, it is clear that the intention for introducing the suggested closing times of types of premises in certain designated areas was over concerns raised regarding the impact upon the local community from the increase in the availability of alcohol, especially in the night time period.

I therefore ask that you re-consider this aspect as the hours that we have applied for in relation to the sale of alcohol are 30 minutes within the suggested closing times hours for restaurants/cafes and off-licences.

The opening of the premises beyond the suggested closing times is purely food led with non-alcoholic drinks, which would provide a valuable source of sustenance for people who had been out drinking in other venues in the locale. Giving people a place to go where they are not under any obligation/pressure to purchase alcohol.

I would appreciate your thoughts on this aspect, but nonetheless we can reach agreement on the proposed conditions.

Many Thanks

Gui Chipchase A.CiIEx MIoL

From: Franklin, David
Sent: Tuesday, August 23, 2016 4:06 PM
To: 'Gui Chipchase'
Cc: Regen, Licensing; McArthur, Wesley; Tear, Jayne
Subject: RE: I Go Chop, 46 Camberwell Church Street

Hi Gui,

To confirm our telephone call.

Thank you for the offered conditions, considering the conditions and hours, I do not have a concern with regards to the alcohol hours.

With regards to the representation from the Licensing Authority this just leaves the opening hours for the use as a takeaway. My concerns are that operating the premises later than the recommended hours when residents would be expecting to be able to sleep could impact the local community with regards to public nuisance and disorder. Patrons arriving and leaving the premises throughout the night for takeaway food in vehicles and on foot and associated noise from the vehicles such as loud radios, doors slamming and noise from people possibly having been drinking in other licensed premises within the area making their way to and from the premises with raised voices etc.

May I direct you to section 150 of the policy, if applying for hours that fall outside the guidance members will expect that it is fully explained why the particular arrangements for this particular premises in this location presents case for minimising public nuisance and disorder in the area should allow them to grant extended hours.

Kind regards

David

David Franklin
Team Leader Licensing
Regulatory Services

Objectors 1 & 2

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

From: [REDACTED]
Sent: Sunday, August 14, 2016 2:16 PM
To: Regen, Licensing
Subject: OBJECTION: Premises application 854904, 46 Camberwell Church Street

Dear Southwark Licensing

My family and I live near the [REDACTED]
[REDACTED]

We are writing to object to the premises licence being applied for the above named location (apparently to be known as I Go Chop).

As you will be aware the premises was previously a barber shop so granting of a new licence will increase the number of late night refreshment/alcohol sales in an area of Southwark that is within the saturation policy.

We are certainly concerned that another late night snack shop (with alcohol) will further add to nuisance of late night (likely to be intoxicated) patrons who often seem to wander up Camberwell Grove in the wee hours of the morning or draw others that leave the pubs to stay on even later in this ever growing residential area of Southwark.

We are especially concerned that the application is calling for much longer hours than the other late night snack shops on Camberwell Church Street, in the Brunswick Park Ward - it even includes a request for 24 hour opening hours.

While we think that the application should be dismissed on the basis of the saturation policy, we would ask that if any type of licence is to go forward, it should be limited (at a maximum) to hours of premises on Camberwell Church Street near the junction with Camberwell Grove - such as FM Mangal, Morleys, Oregano Pizza and KFC.

Many thanks for your consideration.

With kind regards

[REDACTED]

[REDACTED]

Reply from objectors 1 & 2 to the mediation letter:**From:****Sent:** Tuesday, September 13, 2016 5:41 PM**To:** McArthur, Wesley**Subject:** Re: Application for a premises licence: I Go Chop, 46 Camberwell Church Street, Camberwell, London, SE5 8QZ (our ref: L1U 854904)

Many thanks

On first read I am not willing to withdraw my representation

It isn't only the late-ish alcohol, it is also the late night refreshment being effectively all night

My best

Objector 3

From: [REDACTED]
Sent: Monday, August 15, 2016 4:52 PM
To: Regen, Licensing
Subject: Premises Application 854 904, 46 Camberwell Church Street

To: The Licensing Service

15 August 2016

Dear Sir/Madam

I object most strongly to the issuing of a late licence to premises at 46 Camberwell Church Street, particularly one that extends to 24 hours.

For many years residents of Datchelor Place and the northern end of Camberwell Grove have suffered from the excesses of badly behaved patrons of late night drinking establishments.

Over the years we have been subjected to noise of every conceivable kind, plus urination, fights, impromptu barbecues, even gun shots, from three particular establishments in succession, namely [REDACTED].

Furthermore, these disturbances continued until 6am seven days a week. No joke, especially if you have children or have to get up in the morning to go to work.

I anticipate that patrons of 46 Camberwell Church Street in need of a smoke, toilet or fresh air would naturally gravitate to Camberwell Grove or the newly pedestrianised space of Datchelor Place. We know from past experience where this would lead – same old problems. It doesn't bear thinking about. Please don't let it happen!

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]

August 22nd 2016

Attention Ms. Suzanne Bray,
Administrative Officer,
Licensing/EPU/SASBU
Third Floor Hub 1,
160 Tooley Street, LONDON SE1 2QH

Dear Ms. Bray,

Premises Application 854904 46 Camberwell Church Street, London SE5 8QZ

This is to object most strongly to the premises application which was posted on July 26th on the former shop at the above address. I believe it was formerly a hairdressing business.

The application is for alcohol variously from 00.30 or 23.00 for late night entertainment up to 0500 hrs and apparently for 24 hour opening.

Such a use for these premises in a residential area is not only entirely unsuitable but comes for an area which has been plagued with very serious late-night problems produced by nearby late night bars, notably from the former [REDACTED]. The problems of the latter continued unabated for some thirteen years in spite of regular objections.

46 Camberwell Church Street is within the area of the Camberwell Saturation policy. The area is already well served by licensed premises and there is no need whatever for any addition to those existing.

I live with my husband nearby and our sleep would be disturbed by such late-night activity. Would you kindly register my objection to this application?

Yours sincerely,

[REDACTED]

[REDACTED]

Reply from objectors 4 & 5 to the mediation letter

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

From:

Sent: Thursday, September 15, 2016 9:41 AM

To: McArthur, Wesley

Cc:

Subject: licensing application 46 Camberwell Church Street

Dear Wesley McArthur

As one of the objectors (both for the Camberwell Society and ourselves) to the above application, I am writing to say that I have received the detailed papers in regard to the proposed meeting on 30th September. Thank you for these.

I remain very concerned about the situation but cannot attend the meeting which has been called at too short notice (only about two weeks) and it should if possible be at a time when working people have a chance of attending, which they can hardly do at 10.00am on a weekday. I recognise that this is difficult to arrange but it would certainly help if the meeting could be postponed by say two or three weeks.

You are aware that the premises lie within a residential area with real past problems concerning particularly the [REDACTED] and its predecessors. It took no less than thirteen years of protestation at aggravated public nuisance before the [REDACTED] finally lost its licence. Local residents are not likely to forget this and prospective purchasers of houses in the area are, we find, most concerned about the historical public nuisance from which residents have suffered.

The application in question raises a number of inconsistencies and curiosities which leads one to suspect that the real purpose may be to introduce a bar with late night activity under the guise of a food take-away. Firstly, why is an entertainment licence needed for the management of an apparent food take-away business? Secondly why should a food take-away business need CCTV cameras and coordination with the police? There is a statement from CPL Training that the sale of hot food and hot drinks is a licensable activity between 23.00 hours and 05.00 hours. I find it difficult to understand how this can be the case, since we are considering the alcohol licensing regulations which hardly apply to hot drinks.

You have indicated to me that the premises do not fall within the Camberwell Saturation Policy because it is a food take-away. This argument seems implausible in view of the availability of alcohol and I regard the Saturation Policy requirements as being palpably applicable

Yours sincerely

Date 14/9/2016



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

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

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Renata Hamvas (Chair)	1	Debra Allday, Legal team	1
Councillor David Hubber	1	Wesley McArthur, Licensing team	1
Councillor Charlie Smith	1	Jayne Tear, Licensing team	1
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