

## Licensing Sub-Committee

Monday 7 November 2016

10.00 am

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

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Eliza Mann  
Councillor Catherine Rose

### Reserves

Councillor Sandra Rhule

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 28 October 2016



## Licensing Sub-Committee

Monday 7 November 2016  
10.00 am

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

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: THE CLF ART CAFÉ, UNIT A1, A2 AND A3, AG1, BASEMENT A, THE BUSSEY BUILDING, COPELAND PARK, 133 COPELAND ROAD, LONDON SE15 3SN</b>	1 - 88
6.	<b>LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON SE1 5UE</b>	89 - 161

**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: 28 October 2016

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 7 November 2016	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: The CLF Art Café, Unit A1, A2 and A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN	
<b>Ward(s) or groups affected:</b>		The Lane	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Michael Smith and Saija Kamarainen to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: The CLF Art Café, Unit A1, A2 and A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN.
2. Notes:
  - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: The CLF Art Café, Unit A1, A2 and A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by responsible authorities and/or other persons and is therefore referred to the sub-committee for determination.
  - Paragraphs 9 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 B. A map showing the location of the premises is attached as Appendix F.
  - Paragraphs 13 to 20 of this report deal with the representations submitted in respect of the application. (Copies of the relevant representation and related correspondence are attached in Appendix C).

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.

4. Within Southwark, this council wholly administers the licensing responsibility.
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 interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The current premises licence**

8. The current premises licence issued in respect of the premises known as The CLF Art Café, Unit A1, A2 and A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN was issued on 11 November 2015 and allows the following licensable activities:
  - Regulated entertainment and the sale of alcohol to be consumed on the premises:
 

Sunday to Wednesday	between 09:00 and 23:00
Thursday	between 09:00 and 02:30 the following day
Friday and Saturday	between 09:00 and 06:00 the following day

- Late night refreshment:
 

Monday to Wednesday	between 23:00 and 23:00
Thursday	between 23:00 and 02:30 the following day
Friday and Saturday	between 23:00 and 05:00 the following day
Sunday	between 09:00 and 22:00
  
- Opening hours:
 

Sunday to Wednesday	between 09:00 and 23:00
Thursday	between 09:00 and 02:30 the following day
Friday and Saturday	between 09:00 and 06:00 the following day

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

### **The variation application**

9. Michael Smith and Saija Kamarainen have applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as The CLF Art Café, Unit A1, A2 and A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN.
  
10. The application is summarised as follows:
  1. To amend conditions 302, 303, 307, 313, 341 and 354
  2. To remove conditions 342, 345, 353. The removal of 353 will mean that the third floor could be used for all of the licensable activities permitted by the premises licence on the other floors and not just be used for theatre (or similar) use
  3. The applicant states in the application that:
 

*“The application only seeks to amend existing conditions or remove superfluous conditions to improve the operation of the premises in relation to the four licensing objectives. Therefore all conditions of the existing premises licence are to remain as is save for those conditions proposed to be removed or modified via this application. No further conditions are required.”*
  
11. The premises licence application form provides the applicant’s operating schedule. Part M sets out the proposed operational control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. A copy of the application is attached to this report as Appendix B.

### **Designated premises supervisor**

12. The designated premises supervisor (DPS) under the existing premises licence is Saija Kamarainen.

### **Representations from responsible authorities**

13. This council’s environmental protection team (EPT), licensing responsible authority (LRA) and the Metropolitan Police Service (MPS) have submitted representations objecting to the application.

14. Please note that the EPT and MPS submitted representations based on an incorrect licence which was shown on this council's licensing register. On receiving a copy of the correct licence the EPT amended their representation. Both the EPT's original representation and amended representation are included in this report.
15. The amended EPT representation observes that the existing and proposed amended wording in regards to condition 307:
 

“...both create ambiguity over which physical floors are licensed for which capacities...”
16. The representation notes that the premises are subject to the Peckham cumulative impact policy. The representation objects to the proposed amendments to conditions 313, 345 and 353 contending that the proposed amendments amount to an intensification of use, that requires justification if it is to be allowed late at night in a cumulative impact area, particularly where there are nearby residential premises. The representation requests that acoustic reports be submitted in respect of the proposed amendments to conditions 313 and 345.
17. The LRA's representation notes that the premises are subject to the Peckham cumulative impact policy and seeks clarification of the intended operation of the premises in relation to the proposed amendment to condition 345. The representation states that the proposed amendment to condition 313:
 

*“Would mean that a large number of patrons, (as there is no limit on the number of people who will use the courtyard), will be allowed to drink in the outside courtyard until 6am and resident's that live close by could be affected by 'people noise from those patrons.'”*
18. The representation contends that the applicant has not addressed the presumption to refuse this application in relation to the Peckham cumulative impact policy and recommends refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area
19. The MPS's representation recommended alternative wordings to those offered by the applicant in respect of the proposed amendments to conditions 303, 307 and 313. The representation stated that the application to remove condition 353 would be acceptable if the applicant were to accept the MPS's recommended wordings for conditions 307 and 313. Following clarification of the existing licence and an agreed to re-wording of condition 303 the MPS withdrew their representation.
20. Copies of all the above representations and related correspondence are attached in Appendix C.

### **Representations from other persons**

21. No representations in regards to this application have been submitted by other persons.

### **Conciliation**

22. The applicant was sent all of the representations and advised to contact the responsible authorities directly to facilitate conciliation of the representations.

Following clarification of the existing licence and an agreed to re-wording of condition 303 the MPS withdrew their representation, however at the time of the writing of this report the representations submitted by the EPT and LRA remain outstanding and must be considered by the licensing sub committee.

23. On 6 October 2016 the licensing sub-committee postponed the hearing scheduled for that date until 7 November 2016.
24. The sub-committee considered the application to postpone the hearing and allow the parties further time to finalise the conciliation process. The sub-committee noted that no objection was received from the responsible authorities and noted the agreement to the request to postpone by the licensing officer representing the council as a responsible authority and the environmental protection officer. The sub-committee considered under the circumstances a postponement would be in the public interest and agreed to postpone the hearing to be heard on 7 November 2016

### **Operating history**

25. The current premises licence in respect of the premises was issued in 15 August 2014.
26. Michael Smith and Saija Kamarainen have applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as The CLF Art Café, Unit A1, A2 and A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN.
27. A list of all Temporary Event Notices submitted in respect of the premises is attached in Appendix E.
28. A list of all night time visits to the premises by licensing officers is attached in Appendix D.

### **Map**

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

- **PECKHAMPLEX, 95A Rye Lane SE15 4ST** licensed for:
  - The provision of films on Sunday to Thursday between 09:00 and 00:00 (midnight) and on Friday and Saturday between 09:00 and 02:00
  - Sale of alcohol to be consumed on the premises on Monday to Thursday between 14:00 and 22:00 and on Friday to Sunday between 12:00 and 23:00.
- **Roof B (Bussey Building), 133 Copeland Road SE15 3SN** licensed for:
  - The sale of alcohol to be consumed on the premises on Monday to Friday between 17:00 and 22:30 and on Saturday between 12:00 and 22:30
  - The provision of films on Monday to Sunday between 12:00 and 00:00

- The provision of live music on Monday to Sunday between 12:00 and 22:00
- The provision of plays on Monday to Sunday between 12:00 and 23:00.
- **Forza Win Ltd, Unit 4.1, Copeland Industrial Park, 133 Copeland Road SE15 3SN** licensed for:
  - The sale of alcohol to be consumed on the premises on Wednesday to Saturday between 12:00 and 23:30 and on Saturday between 12:00 and 22:30.
- **The Last Refuge Arts, 133 Unit, 9a Copeland Road SE15 3SN** licensed for:
  - The provision of films on Monday to Friday between 18:00 and 00:00 and on Saturday and Sunday between 12:00 and 00:00
  - The sale of alcohol and the provision of live music and recorded music on Monday to Friday between 17:30 and 00:00 and on Saturday and Sunday between 14:30 and 00:00
  - The provision of plays on Monday to Friday between 19:30 and 22:30 and on Saturday and Sunday between 14:30 and 22:30.
- **Frank's Café, Levels 9 and 10, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST** licensed for:
  - The sale of alcohol to be consumed on the premises on Monday to Sunday between 11:00 and 23:00.
- **Frank's Café, Levels 7 and 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST** licensed for:
  - The sale of alcohol to be consumed on the premises Tuesday to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00.
- **Bold Tendencies, Levels 7 and 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST** licensed for:
  - The provision of live and recorded music to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00.
- **Rye Express, 137 - 139 Unit 1 Rye Lane SE15 4ST** licensed for:
  - The sale of alcohol to be consumed off the premises Monday to Sunday 08:00 to 00:00.
- **John The Unicorn, 157 - 159 Rye Lane SE15 4TL** licensed for:
  - The sale of alcohol to be consumed on the premises Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00

- The provision of late night refreshment Sunday to Thursday 23:00 to 00:00 and Friday to Saturday 23:00 to 01:00.
- **Iceland Frozen Foods, 74 Rye Lane SE15 5DQ** licensed for:
  - The sale of alcohol to be consumed on the premises Monday to Saturday 08:00 to 23:00 and Friday to Saturday 10:00 to 22:30.

### **Southwark council saturation policy for Peckham**

30. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2015-2020 Statement of Licensing Policy.
31. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late-night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
32. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
33. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

### **Southwark council statement of licensing policy**

34. 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.
35. 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**

36. A fee of £635.00 being the statutory fee payable for premises within non-domestic rateable value band A has been paid by the applicant company in respect of this application.

#### **Consultation**

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

#### **Community impact statement**

38. 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**

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

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

41. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
42. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the

applicant has complied with regulations in advertising and submitting the application.

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

### **Conditions**

45. 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.
46. The four licensing objectives are
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance; and
  - The protection of children from harm.
47. 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.
48. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
49. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced 3 new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap

water. In October 2010 an additional 2 conditions will come into force; age verification policy and smaller measures for alcoholic drinks.

50. Members are also referred to the Home Office guidance on conditions, specifically section 7, and Annexes D, E, F and G.

### **Reasons**

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

### **Hearing procedures**

52. 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.

53. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrate's 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**

61. 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

62. 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 and Enforcement 160 Tooley Street London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

### APPENDICES

Name	Title
Appendix A	Copy of existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of the representations from responsible authorities
Appendix D	List of night time visits to the premises by licensing officers
Appendix E	List of temporary event notices submitted in respect of the premises
Appendix F	Map of the local area

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Wesley McArthur, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	26 October 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	27 October 2016	

# Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards  
Licensing Unit  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
The CLF Art Cafe Unit A1, A2, & A3, AG1, Basement A The Bussey Building Copeland Park 133 Copeland Road	
Ordnance survey map reference (if applicable): 176313534475	
<b>Post town</b> London	<b>Post code</b> SE15 3SN
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
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<b>Licensable activities authorised by the licence</b>
Plays - Indoors Films - Indoors Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday            09:00 - 23:00
Tuesday          09:00 - 23:00
Wednesday      09:00 - 23:00
Thursday        09:00 - 02:30
Friday            09:00 - 06:00
Saturday         09:00 - 06:00
Sunday            09:00 - 23:00

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

Sale by retail of alcohol to be consumed on 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

**Plays - Indoors**

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

**Films - Indoors**

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

**Live Music - Indoors**

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

**Recorded Music - Indoors**

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

**Performance of Dance - Indoors**

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00
Saturday	09:00 - 06:00
Sunday	09:00 - 23:00

**Entertainment Similar to live/recorded music - Indoors**

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 02:30
Friday	09:00 - 06:00

Saturday	09:00 - 06:00
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Sunday	09:00 - 23:00
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**Late Night Refreshment - Indoors**

Monday	09:00 - 23:00
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Tuesday	09:00 - 23:00
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Wednesday	09:00 - 23:00
-----------	---------------

Thursday	23:00 - 02:30
----------	---------------

Friday	23:00 - 06:00
--------	---------------

Saturday	23:00 - 06:00
----------	---------------

Sunday	09:00 - 22:00
--------	---------------

**Sale by retail of alcohol to be consumed on premises**

Monday	09:00 - 23:00
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Tuesday	09:00 - 23:00
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Wednesday	09:00 - 23:00
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Thursday	09:00 - 02:30
----------	---------------

Friday	09:00 - 06:00
--------	---------------

Saturday	09:00 - 06:00
----------	---------------

Sunday	09:00 - 23:00
--------	---------------

## Part 2

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

Michael Smith

[REDACTED]

Saija Marjaana Kamarainen

[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Saija Kamarainen

[REDACTED]

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

Licence No. [REDACTED]

Authority: L.B Southwark

Licence Issue date 15/08/2014

[REDACTED]

Anti-Social Behaviour, Noise Nuisance &  
Licensing Manager  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

[REDACTED]  
[licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

## Annex 1 - Mandatory conditions

**100** No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

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

**102** The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

**485** (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

**488** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

**489** The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

**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**

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

**4AB** All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

**4AC** Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

**4AI** A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

**112** This licence allows for the premises to remain open for non standard timings as stated on the days below. During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

**113** This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

**114** This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Plays, films, live music, recorded music, performance of dance, facilities for making music and facilities for dancing: During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

**115** This licence allows for the premises for the provision of late night refresherment for non standard timings stated below on the following days: During new years eve and August Bank Holiday weekends, the premises will be open no later than 06:00 (August BH) and 06:00 (New years eve).

**156** All SIA Staff are required to record their details, including SIA Badge number, in a booking on/off register.

**162** A security search of the premises is conducted prior to opening to the public and a record kept of who conducted the search.

**288** That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.

**289** 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.

**290** That SIA registered door supervisor, one of whom shall be a female, shall be employed at all times after 22.00hrs until the terminal hour. This requirement is restricted to days when the premises licence permits operation past 23.00hrs i.e. Friday/Saturday/Sunday and any days for non standard timings. SIA door

supervisors shall be provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded..

**298** That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'.

**302** That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs

**303** That you shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Council and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.

**307** That the maximum number of persons that may be accommodated within the licensed area at any one time shall not exceed 1050, comprising of 100 on the basement , 350 on the ground floor bar and 300 each on the first and second floor area of the premises

**311** That suitable notices shall be displayed and announcements made requesting people to leave the premises in quiet and orderly manner so as not to disturb local residents.

**313** Ground Floor Front [ SW ]Court Yard

- No amplified music or speech be permitted to be performed on or broadcast on to ground floor courtyard
- No artificial lighting other than that to facilitate the safe passage of patrons to, from and on the courtyard
- The courtyard be closed to patrons by 02.00 each day, but thereafter may be used as smoking area but no drinks to be taken out on the courtyard after this time.

**336** That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.

**340** That the Premises Licence holder and/or Designated Premises Supervisor join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.

**341** First Floor

a) that all north facing windows are maintained shut during performance of any music based or backed entertainment.

b) that the area is equipped with adequate and sound insulated means of extract ventilation and replacement air.

c) that amplification systems and instruments requiring amplification used in connection with regulated entertainment or performances brought on to this location be connected through the sound limiter circuit.

**342** Second Floor

a) That all north facing windows are maintained shut during performance of any music based or backed entertainment.

b) That the areas are equipped with adequate and sound insulated means of extract ventilation and replacement air.

c) that all amplification systems and instruments requiring amplification used in connection with regulated entertainment or performances brought on to second floor locations be connected through a sound limiter circuit.

d) That no music be played in the theatre lounge / café in the south -west corner.

**343** The premises shall enforce a no re-admissions policy after 23.00hrs on weekends and during late night events.

**344** A Refusal book shall be introduced and details of all refusals recorded.

**345** That the 3rd floor premises be used only for Theatre and Similar use with fixed/fitted seating and not for any other purpose.

**346** The promotion, staging or exhibition of works that will cause offence or incite violence shall be avoided.

**347** The display, staging or exhibition of sexually explicit material in any form shall be prohibited.

**348** Access to the premises shall be restricted to persons under 18 (unless accompanied by an adult). All persons under the age of 18 shall be denied access after 22:00hrs.

**349** That only plastic containers and toughened glass shall be used for the serving of beverages after 22.00 during the staging of late night events only.

**350** A drugs and weapons box shall be provided at the entrance to the premises.

**351** That the opening times of the premises shall be displayed at the entrance to the premises.

**352** No open containers of alcohol or any other drink shall be taken outside of the premises.

**353** The premises shall only use the private courtyard and alleyway as a designated smokers area.

**354** A dispersal policy shall be implemented to encourage customers to leave smoothly, quickly, quietly and orderly.

**355** Access shall be denied and no counterfeit products such as alcohol, tobacco, DVDs, CDs will be supplied or sold at the venue.

**356** An incident log shall be kept at the premises detailing any problems relating to crime and disorder at the premises.

**357** That the necessary fire signage shall be clearly displayed and kept in good condition.

**358** That secondary emergency lighting units, independent from the mains supply shall be provided to THE FIRE EXIT ROUTES AND FIRE EXIT DOORS. The illumination provided by each unit shall be sufficient to enable members of the public to make their way out of the premises in safety at any one time.

**359** Monthly health, safety and fire prevention meetings shall be hosted with tenants from relevant businesses located in CIP house.

**360** Sound limiters shall be fitted and set to appropriate levels on all levels to ensure all music is kept to an acceptable and legal level.

**361** The premises shall use the corridor which connects to the private courtyard for the queuing of customers arriving at the venue to avoid noise disturbance to the surrounding area. The corridor shall also be used to ensure the smooth dispersal of customers leaving the premises.

**362** First aid kits shall be provided at the premises and all staff shall be trained in basic first aid.

**363** A premises greeting/security station shall be set up at the private courtyard entrance so as avoiding queuing, admission, security issues.

**364** All rubbish shall be stored on site at the rear of the venue in the Copeland Road Industrial Park car park. Post operation clean ups and bin collections shall only take place between 08.00hrs and 20.00hrs.

**365** The front of the premises shall be kept clean and free of rubbish at all times.

**366** The perimeter of the premises shall be regularly checked to ensure that the premises is not creating

public nuisance.

**367** That a minimum of 1 staff member shall be present per 50 children during the staging of children specific events.

**368** Irresponsible drinks promotions shall be avoided at the premises.

**369** There shall be the provision of fire precaution and alarms, training of staff to implement significant findings of risk assessment.

**370** All child specific films or animation screenings shall be seating only.

**371** That a policy shall be developed, implemented and continually evolved for keeping children safe from harm. All staff shall be trained to ensure that they are able to implement the policy.

**372** An accessible complaints system shall be put into place to ensure children are able to report any forms of inappropriate or violent behaviour towards them. This shall include a system to report any issues or concerns relating to the welfare of children to the local police, education authority and/or social services.

**373** That the applicant shall have a permanent sound limitation devices fitted to the sound amplification systems in the basement, first floor, second floor and third floor.

**376** That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment in any of the spaces where licensed entertainment is permitted, the sound limiter/s shall be re-set, using a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises or will cause a public nuisance in the vicinity of the premises.

**377** That all speakers for the broadcast of sound shall be isolated from the structure of the premises by anti-vibration mountings or mats.

**378** That any additional amplification equipment imported on to the premises by third parties shall be connected to and use the sound limited circuit. No additional front-of-house amplification shall be imported onto the premises at any time.

**379** That live music performers may bring backline amplification onto the premises subject to the following limitations Guitar amplifiers: no more than one speaker cabinet per performer, containing no more than two speakers of up to 12" diameter. Bass and keyboard amplifiers: no more than one speaker cabinet per performer, containing no more than one speaker of diameter 15", or, no more than two speakers of diameter 12", or, no more than 4 speakers of diameter up to 10".

**381** That patrons shall not be permitted to take drinks into the smoking area or anywhere outside the premises after 02.00hrs

**382** That external waste handling, collections, deliveries (including performers equipment) and the cleaning of external areas shall only occur between the hours of 08.00hrs and 20.00hrs.

**383** Suitable and sufficient health and safety risk assessments are carried out and include dealing with violence and aggression in the premises. The risk assessment submitted is Fire Risk assessments only and not a Health and Safety risk assessment.

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

**Annex 4 - Plans - Attached**

Licence No. 845207  
Plan No. N/A  
Plan Date 01.11.2013



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

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We **Michael Smith and Saija Kamarainen**

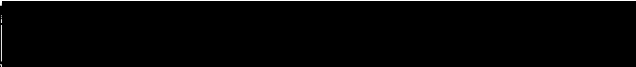
*(Insert name(s) of applicant)*

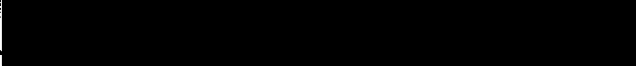
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	
-------------------------	---

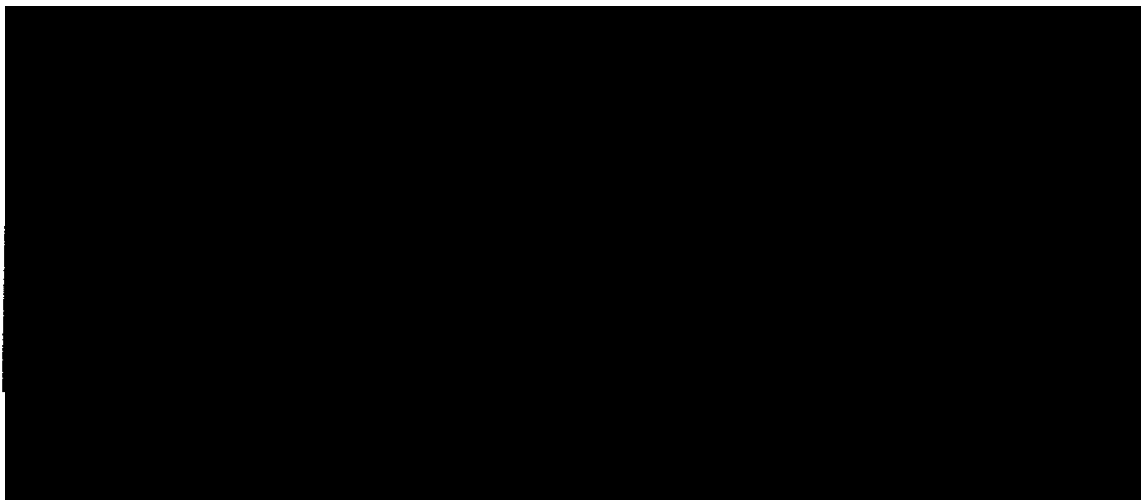
**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
<b>The CLF Art Café, Unit A1, A2, A3, AG1 &amp; Basement A, The Bussey Building, Copeland Park, 133 Copeland Road</b>			
Post town	<b>London</b>	Postcode	<b>SE15 3SN</b>

Telephone number at premises (if any)	
---------------------------------------	--

Non-domestic rateable value of premises	
---	--

**Part 2 – Applicant details**


 A large rectangular area at the bottom of the form is completely redacted with a solid black box.

**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)

**1: Amend condition 302 to read:**

"That all matters relating to drugs shall be in accordance with any current Metropolitan Police Service guidance in relation to drugs in nightclub / entertainment venues. A copy of any such guidance shall be kept at the premises and be made available / accessible to officers of the council or police immediately on request"

**2: Condition 302 currently refers to a document that isn't available.****3: Amend condition 303 to read:**

"That any external promoter hiring the premises to hold an event must complete the 'Promotion Event Risk Assessment - Form 696' provided by the Metropolitan Police Service. Once completed, a copy of the 'Promotion Event Risk Assessment - Form 696' must be provided to Southwark Police Licensing Unit a minimum of fourteen (14) days prior to the date of the event."

Condition 303 currently refers to a 'Venue hire Agreement' provided by Southwark Council. Such a form doesn't exist.

**4. Amend condition 307 to read:**

"That the maximum number of persons that may be accommodated at the premises at any one time shall not exceed 1050 as follows:

Basement: 100  
Ground floor: 300  
First (1st) floor: 350  
Second (2nd) floor: 300

That when the third (3rd) floor of the premises are in use, that the maximum numbers of persons that may be accommodated shall not exceed 1050 as follows:

Basement: 100  
Ground floor: 100  
First (1st) floor: 350  
Second (2nd) floor: 300  
Third (3rd) floor: 200

**IMPORTANT NOTE:** The above amendment does not increase the accommodation limit set in respect of the premises, and in fact imposes an accommodation limit in regards to the third floor that didn't exist before and is therefore increasing the safety of the premises.

Requested variations continued on following sheet .....

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

N/A

**CLF Art Cafe Variations Continued****5. Amend condition 313 by removing the following sentence:**

"The courtyard be closed to patrons by 23:00 each day, but thereafter may be used as smoking area but no drinks to be taken out on the courtyard after this time."

And also amend so that the condition only refers to the 'Court Yard.'

**6. Amend condition 341 to read:**

Basement, First (1st), Second (2nd) and Third (3rd) floors of the premises:

- a) That each of the above floors is equipped with adequate and sound insulated means of extract ventilation and replacement air.
- b) That permanent sound limiting devices (or other similar sound limiting equipment) shall be installed on each of the above floors and shall be in use at all times that amplified sound is provided on any of the above floors.
- c) That the sound limiting devices (or other similar sound limiting equipment) are calibrated so that amplified sound at the premises does not give rise to public or statutory nuisance.
- d) That any temporary or permanent amplification system(s) and any amplified instrument(s) used on any of the above floors shall be connected to the sound limiter device (or other similar sound limiting equipment) installed on that floor.
- e) That no music be played in the theatre lounge / café in the south-west corner.
- f) That all north facing windows on the first (1st), second (2nd) and third (3rd) floors of the premises are maintained shut during performance of regulated entertainment.

**7. Remove condition 342 as it will be superfluous because of the amendment to condition 341.****8. Remove condition 345 to allow use of the third floor.****9. Remove condition 353 as it is contradictory to other conditions in respect of the use of the courtyard at the premises.****10. Amend condition 354 to read:**

"That a written dispersal policy shall be devised and be implemented at the premises at all times that the premises are in use in accordance with the Licensing Act 2003. The dispersal policy shall be available / accessible at the premises at all times the premises are in use, and shall be provided immediately to officers of the council or police on request. All staff shall be trained in regards to the dispersal policy. A record of such training shall be kept. The training record shall include the name of the trainer, the name of the trainee, the date of the training and the trainer and trainee's signatures. The training record shall be available / accessible at the premises at all times the premises are in use and shall be provided immediately to officers of the council or police on request."

**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.

- | <b>Provision of regulated entertainment</b>  | <b>No changes to existing operating schedule<br/>Please tick all that apply</b> |
|--|---|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/>  |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/>  |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>  |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>  |
| e) live music (if ticking yes, fill in box E)  | <input type="checkbox"/>  |
| f) recorded music (if ticking yes, fill in box F)  | <input type="checkbox"/>  |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/>  |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>  |

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

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

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

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b>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</b> (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Conditions 342, 345, 353

Please tick as appropriate

- 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.

**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)**

This application does not seek to add licensable activities to the existing licence, extend the permitted times for licensable activities nor increase the capacity of the premises.

The application only seeks to amend existing conditions or remove superfluous conditions to improve the operation of the premises in relation to the four licensing objectives. Therefore all conditions of the existing premises licence are to remain as is save for those conditions proposed to be removed or modified via this application. No further conditions are required.

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

This application does not seek to add licensable activities to the existing licence, extend the permitted times for licensable activities nor increase the capacity of the premises.

The application only seeks to amend existing conditions or remove superfluous conditions to improve the operation of the premises in relation to the four licensing objectives. Therefore all conditions of the existing premises licence are to remain as is save for those conditions proposed to be removed or modified via this application. No further conditions are required.

**c) Public safety**

This application does not seek to add licensable activities to the existing licence, extend the permitted times for licensable activities nor increase the capacity of the premises.

The application only seeks to amend existing conditions or remove superfluous conditions to improve the operation of the premises in relation to the four licensing objectives. Therefore all conditions of the existing premises licence are to remain as is save for those conditions proposed to be removed or modified via this application. No further conditions are required.

**d) The prevention of public nuisance**

This application does not seek to add licensable activities to the existing licence, extend the permitted times for licensable activities nor increase the capacity of the premises.

The application only seeks to amend existing conditions or remove superfluous conditions to improve the operation of the premises in relation to the four licensing objectives. Therefore all conditions of the existing premises licence are to remain as is save for those conditions proposed to be removed or modified via this application. No further conditions are required.

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

This application does not seek to add licensable activities to the existing licence, extend the permitted times for licensable activities nor increase the capacity of the premises.

The application only seeks to amend existing conditions or remove superfluous conditions to improve the operation of the premises in relation to the four licensing objectives. Therefore all conditions of the existing premises licence are to remain as is save for those conditions proposed to be removed or modified via this application. No further conditions are required.

## Checklist:

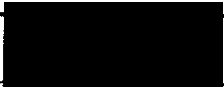
Please tick to indicate agreement

- 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	
Date	Jul 13 2016
Capacity	Director

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	Jul 13 2016
Capacity	Director

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

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

## APPENDIX C

**From:** Newman, Paul  
**Sent:** Thursday, July 28, 2016 3:20 PM  
**To:** Regen, Licensing  
**Cc:** Legassick, Bill  
**Subject:** Variation application CLF Arts Cafe 133 Copeland Road PL 845207 EH Ref C/836732

Hi Debbie

I hope this finds you well.

Thank you for your memo dated 13 July 2016, requesting comments on an application to vary premises licence number 845207 at CLF Arts Café, Bussey Building 133 Copeland Road.

The application is for amendment and removal of conditions, without changes to the licensed hours.

I wish to make the following observations on and objections to the application;

Proposal to vary condition 307.

Objection:

The proposed amended condition 307 (currently 'That the maximum number of persons that may be accommodated within the licensed area at any one time shall not exceed 900...') would permit an increase in the licensed capacity of the premises from 900 to 1050.

The premises are in the Peckham Cumulative Impact Policy area (Statement of Licensing Policy; sections 134-136, page 35), and permitting this increase in licensed capacity would be contrary to the aim of controlling the negative impacts described in the Statement of Licensing Policy; section 114 at page 32.

The applicant has not supplied any evidence as required by the Statement of Licensing Policy section 119 page 33, to demonstrate that the variation would not contribute to a negative cumulative impact on a licensing objective.

An increase of 150 persons is a significant increase for the purposes of paragraph 121, bullet 2, page 33.

Proposal to vary condition 313

Objection:

The proposed amendment of this condition would permit the courtyard to be used as a beer garden/ external vertical drinking area between 2 a.m. until 6 a.m. on Friday and Saturday nights. There is nearby high rise residential premises in close proximity in Bournemouth Road. This proposal is likely to create a significant level of noise nuisance to nearby residential premises.

Observation:

It is appropriate to treat 'Court Yard ' as a proper noun and hence capitalise when referring to a designated location ('Ground Floor Front South West Court Yard'), and appropriate to treat it as a common noun when describing its use or function ('...the safe passage of patrons to, from, and on the courtyard').

Proposal to remove condition 345

Objection:

Removing this condition ('That the 3rd floor premises be used only for Theatre and Similar use with fixed/fitted seating and not for any other purpose') will allow intensification of use of the third floor by permitting it to be used for music based or backed entertainment.

There are nearby high rise residential properties on a level with the third floor, and there is a significant risk of complaints of noise nuisance.

Proposal to remove condition 353

The proposed removal of this condition would in tandem with the proposed amendment of condition 313, permit the courtyard to be used as a beer garden/ external vertical drinking area between 2 a.m. until 6 a.m. on Friday and Saturday nights. There are residential premises in close proximity at address/street. This proposal is likely to create a significant level of noise nuisance to nearby residential premises.

Observation:

Condition 353 is not well drafted and could be tidied up. I would suggest:

'The private courtyard and alleyway at the premises shall only be used for access and egress, and as a designated smoking area.'

I hope this is helpful

Kind regards

**Paul Newman, EHO**  
Principal Environmental Protection Officer

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----- Forwarded message -----

From: **Mickey Smith**

Date: Fri, Sep 9, 2016 at 7:04 PM

Subject: Re The CLF Art Cafe Variation

To:

Dear Paul,  
hope you are well Sir and having a good day.

**Re CLF Art Cafe variation application + representation**

Sorry it's taken a while to get back to you on this, but have been away and a little unwell. Anyways back at it now + have had time to go through and answer your comments on my variation application.

Please find attached a copy of your letter with responses by myself in italics where relevant.

Hopefully once you've read them, you'll agree that any issues are solvable / solved and that the need for a hearing will not be required.

Should you have any further queries or would like to take me up my invitation to visit the 3/F space, then pls don't hesitate to get in touch,

Look forward to hearing from you soonest,

All the best,

Mickey Smith

**From:** Newman, Paul  
**Sent:** Thursday, July 28, 2016 3:20 PM  
**To:** Regen, Licensing  
**Cc:** Legassick, Bill  
**Subject:** Variation application CLF Arts Cafe 133 Copeland Road PL 845207 EH Ref C/836732

Hi Debbie

I hope this finds you well.

Thank you for your memo dated 13 July 2016, requesting comments on an application to vary premises licence number 845207 at CLF Arts Café, Bussey Building 133 Copeland Road.

The application is for amendment and removal of conditions, without changes to the licensed hours.

I wish to make the following observations on and objections to the application;

Proposal to vary condition 307.

Objection:

The proposed amended condition 307 (currently 'That the maximum number of persons that may be accommodated within the licensed area at any one time shall not exceed 900...') would permit an increase in the licensed capacity of the premises from 900 to 1050.

The premises are in the Peckham Cumulative Impact Policy area (Statement of Licensing Policy; sections 134-136, page 35), and permitting this increase in licensed capacity would be contrary to the aim of controlling the negative impacts described in the Statement of Licensing Policy; section 114 at page 32.

The applicant has not supplied any evidence as required by the Statement of Licensing Policy section 119 page 33, to demonstrate that the variation would not contribute to a negative cumulative impact on a licensing objective.

An increase of 150 persons is a significant increase for the purposes of paragraph 121, bullet 2, page 33.

***- Condition 307 already allows a capacity of 1050. You are referring to a previous license (number 837671). License number 837671 is defunct. The current premises license (as referred to in the application) is 845207***

Proposal to vary condition 313

Objection:

The proposed amendment of this condition would permit the courtyard to be used as a beer garden/ external vertical drinking area between 2 a.m. until 6 a.m. on Friday and Saturday nights. There is nearby high rise residential premises in close proximity in Bournemouth Road. This proposal is likely to create a significant level of noise nuisance to nearby residential premises.

Observation:

It is appropriate to treat 'Court Yard ' as a proper noun and hence capitalise when referring to a designated location ('Ground Floor Front South West Court Yard'), and appropriate to treat it as a common noun when describing its use or function ('...the safe passage of patrons to, from, and on the courtyard').

***-Condition 381 prohibits drinks being consumed in the courtyard after 02:00. Please refer to the current existing premises license (number 845207)***

*We have not referred to the capitalization of the word courtyard, or its use as a proper noun or otherwise. We may have been unclear in our application as to what was meant, so to clarify, we meant that condition 313 should be amended to read:*

*"(a) No amplified music or speech be permitted to be performed on or broadcast on to ground floor courtyard.*

*(b) No artificial lighting other than that to facilitate the safe passage of patrons to, from and on the courtyard."*

*However we are happy to further amend condition 313 so that it reads*

*"(a) That no amplified sound shall be broadcast to or performed in any external area of the premises (including the ground floor courtyard)*

*(b) That the operation of the premises and / or use of any area of the premises shall not give rise to statutory or public nuisance of any kind at any time."*

*In addition to this we inform you that we have installed an acoustic baffle to deaden 'people noise' emanating from the courtyard and are happy to make 'acoustic baffle' a permanent condition.*

*Amending condition 313 so that it also reads.*

*"(c) That a permanent acoustic baffle shall be installed and maintained in the courtyard to attenuate sound escape from the courtyard."*

Proposal to remove condition 345

Objection:

Removing this condition ('That the 3rd floor premises be used only for Theatre and Similar use with fixed/fitted seating and not for any other purpose') will allow intensification of use of the third floor by permitting it to be used for music based or backed entertainment.

There are nearby high rise residential properties on a level with the third floor, and there is a significant risk of complaints of noise nuisance.

*-The License currently allows amplified sound to be provided on the third floor, but only as part of a theatre (or similar) performance. We want to be able to provide amplified sound in regard to other licensable activities.*

*Condition 341 in the proposed variation requires that sound limiters are installed and maintained at the premises and that the north facing windows must retain shut. Condition 341 applies to the 3rd floor of the premises.*

*Soundproofing Note: The 3rd floor has been fully sound proofed on all four sides. (North, South, East and West) including additional internal and external sound proofing on all south facing windows.*

*We welcome a further condition to 341.*

***"That permanent soundproofing shall be installed & maintained in the licensable area of the third floor".***

***We are open to discussions to provide further conditions to ensure that the use of the 3rd floor does not give rise to any nuisance and would invite you to attend the premises to inspect the 3rd floor should that aid in your consideration of the application. (Please also note part (b) of our proposed amendment to condition 313 as above)***

Proposal to remove condition 353

The proposed removal of this condition would in tandem with the proposed amendment of condition 313, permit the courtyard to be used as a beer garden/ external vertical drinking area between 2 a.m. until 6 a.m. on Friday and Saturday nights. There are residential premises in close proximity at address/street. This proposal is likely to create a significant level of noise nuisance to nearby residential premises.

Observation:

Condition 353 is not well drafted and could be tidied up. I would suggest:

'The private courtyard and alleyway at the premises shall only be used for access and egress, and as a designated smoking area.'

***-The proposed variation will not allow the courtyard to be used for the consumption of drinks between 02:00 and 06:00 on any day week.***

***Condition 381 prohibits drinks being consumed in the courtyard after 02:00. Conditions 313, 353 and 381 taken together are ambiguous. These conditions were requested by the EPT during various previous license applications, the purpose of them was to ensure that no drinks would be taken into the courtyard after 02:00, which condition 381 does on it's own. However, to remove any further ambiguity we are happy to amend condition 381 to read:***

***"That patrons shall not be permitted to take drinks into the designated smoking area or anywhere outside the premises after 02:00hrs. The designated smoking area is the courtyard adjacent to Rye Lane."***

***In addition to this we inform you that we have installed an acoustic baffle to deaden 'people noise' emanating from the courtyard.***

I hope this is helpful

Kind regards

**Paul Newman, EHO  
Principal Environmental Protection Officer**

On Tue, Sep 20, 2016 at 11:26 AM, Newman, Paul wrote:  
Hi Mickey

The licence on the public register is now the correct one, and I am re-considering my comments.

The premises licence plans do not appear on the public register, and please can you provide me with copies?

I also have some queries relating to plans and layout;

You are currently licensed for Basement, Ground, First, and Second Floors, with the Third floor also presumably within the licensed area, but with no floor specific capacity limit, other than the overall limit for the licensed area of 1050. I am assuming the same applies to the roof top cinema, and look forward to receiving the Annex 4 plan copies to confirm this.

My understanding of the arrangement of the building is:

Basement – Rye Wax and Café

Ground – Church – not part of the licensed premises

First – CLF Art Café

2<sup>nd</sup> – Studios

3<sup>rd</sup> – Theatre

4<sup>th</sup> – Not sure about the use of this or whether it is within the licensed area

Rooftop – Cinema.

Please can you confirm whether this is correct?

In my view the floor numbering on the licence needs to reflect what is actually present in the building, otherwise you risk invalidating the licence or part of it.

The ground floor appears to be occupied by a church, which does not appear to be within your licensed area, but the licence refers to it and gives it a limit of 350. You are looking to swap the ground and first floor limits around. As you can't presently make use of the ground floor, this appears to be an intensification by 50 persons. Please can you comment on this.

**Paul Newman, EHO**  
**Principal Environmental Protection Officer**

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**From:** Newman, Paul

**Sent:** Tuesday, September 20, 2016 11:27 AM

**To:** McArthur, Wesley

**Cc:** 'Mickey Smith'

**Subject:** Variation application for CLF Arts Café, Bussey Building 133 Copeland Road My ref 836732

Hi Wesley

I hope this finds you well.

Thank you for your email of 15/09/2016 15:01 informing me that premises licence number 845207 version on the public register has been updated since I first made comments on the Variation

application for CLF Arts Café, Bussey Building 133 Copeland Road. I have therefore reconsidered my comments, and please find my revised representation below.

The application is for amendment and removal of conditions, without changes to the licensed hours.

I wish to make the following observations on and objections to the application;

Proposal to vary condition 307.

Observation:

Existing condition 307, and the proposed amended condition 307 both create ambiguity over which physical floors are licensed for which capacities. The ground floor is referred to, but this is currently occupied by a church run by a completely separate organisation, and appears not to form part of the licensed area. The building appears to be basement, ground, first, second, third and fourth floors, with a cinema on the rooftop.

Proposal to vary condition 313

Objection:

The effect of the proposed variation is that the courtyard is no longer 'closed to patrons after 2.00 a.m. except as a smoking area'. This means it can be used by patrons to congregate, in addition to being used as a smoking area. If it is only being used as a smoking area and this caused problems to nearby residents then this use could have a condition added to limit the numbers of people allowed outside to smoke at any one time. Allowing unrestricted congregation in this area in my view is an intensification of use, that requires justification if it is to be allowed late at night in a cumulative impact area, particularly where there are nearby residential premises.

The premises are in the Peckham Cumulative Impact Policy area (Statement of Licensing Policy; sections 134-136, page 35), and permitting this intensification of use of the outdoor area would be contrary to the aim of controlling the negative impacts described in the Statement of Licensing Policy; section 114 at page 32.

It is for the applicant to supply evidence as required by the Statement of Licensing Policy section 119 page 33, to demonstrate that the variation would not contribute to a negative cumulative impact on a licensing objective.

There is nearby high rise residential premises in close proximity in Bournemouth Road. This proposal is likely to create a significant level of noise nuisance to nearby residential premises.

Observation:

It is appropriate to treat 'Court Yard ' as a proper noun and hence capitalise when referring to a designated location ('Ground Floor Front South West Court Yard'), and appropriate to treat it as a common noun when describing its use or function ('...the safe passage of patrons to, from, and on the courtyard').

The applicant has offered by way of mitigation to the cumulative impact, to further amend condition 313 so that it reads

"(a) That no amplified sound shall be broadcast to or performed in any external area of the premises (including the ground floor courtyard)

(b) That the operation of the premises and / or use of any area of the premises shall not give rise to statutory or public nuisance of any kind at any time."

The proposed wording at (b) is too vague to create an enforceable condition.

I have been informed that the applicant says they have installed an acoustic baffle to deaden 'people noise' emanating from the courtyard, and that they have offered to amend condition 313 so that it also reads;

"That a permanent acoustic baffle shall be installed and maintained in the courtyard to attenuate sound escape from the courtyard."

Before recommending to the sub committee that they should accept as mitigation of the cumulative impact any physical structures that will supposedly attenuate noise from an external area (especially a reverberant space like the courtyard), I would want to see a report from a professionally qualified acoustician, with predictions of the likely acoustic performance of the 'baffle'.

#### Proposal to remove condition 345

Objection:

Removing this condition ('That the 3rd floor premises be used only for Theatre and Similar use with fixed/fitted seating and not for any other purpose') will allow intensification of use of the third floor by permitting it to be used for music based or backed entertainment.

Amplified sound as part of a theatre performance is less likely in my view to cause noise complaints than for example a live band. This proposed amendment amounts to intensification in a cumulative impact area. I would want to see a proposed scheme of soundproofing works and comments from a suitably qualified acoustic consultant before agreeing to any change in this condition.

There are nearby high rise residential properties on a level with the third floor, and there is a significant risk of complaints of noise nuisance.

#### Proposal to remove condition 353

Representation:

The use of the courtyard should be conditions for use only as a smoking area, and for access and egress.

Observation:

Condition 353 is not well drafted and could be tidied up. I would suggest:

'The private courtyard and alleyway at the premises shall only be used for access and egress, and as a designated smoking area.'

I hope this is helpful

Kind regards

**Paul Newman, EHO**  
**Principal Environmental Protection Officer**

----- Forwarded message -----

From: **Mickey Smith**

Date: Tue, Sep 20, 2016 at 2:31 PM

Subject: Re: Re The CLF Art Cafe Variation

To: "Newman, Paul"

Dear Paul,

thanks for the message, i was already writing a lengthy response to your last mail, which included a statement that the current license on-line is not the same as the granted license given to me by David Franklin and Jayne Tear.

In said approved final License you will see that the wording of condition 307 has been changed by Licensing to the following;

"That the maximum number of persons that may be accommodated within the licensed area at any one time shall not exceed 1050, comprising of 100 on the basement, 350 on the ground floor bar and 300 on first and second floor area of the premises"

License clearly states the capacity for said rooms which the word "licensed areas" surely refers to, meaning our capacity is clearly set for each floor.

Pls find a copy attached attached.

#### **Re Licensed Floors**

Pls note The Rooftop Cinema and Level 4 have absolutely nothing to do with us - and in no way are or have ever been a part of The CLF Art Cafe

The Arrangement of floors for the CLF Art Cafe & Rye Wax are incorrect and have been incorrectly listed.

They should be as followed;

**Basement:** Rye Wax [Run by The CLF]

**Part Ground Floor:** Rye Wax [Toilets], CLF Art Cafe Offices + Studios

**First Floor:** CLF Art Cafe

**Second:** CLF Art Cafe

**Third Floor:** CLF Theatre

Hence and as mentioned we are not trying to increase the G/F capacity by 50 people. We actually applied for a license to open a bar, toilets and studios on G/F [which we have rented and occupied approx 1200 sq ft of G/F since the start of 2014] and are currently using as toilets and studios whilst we await the moving of the church, so as we can rent the entirety of the Ground floor.

Capacities for the Licensed floors, which and FYI we are legally obliged to keep to agreed numbers on each floor, utilising security with clickers / counting devices to ensure that the numbers are always correct for each floor at all times. And it works.

Also note, that the 307 statement is also incorrect despite us mentioning it several times during council visits and we would very much appreciate said doc being layed out correctly / as follows;

"That the maximum number of persons that may be accommodated within the licensed area at any one time shall not exceed 1050, comprising of 100 on the basement, 50 on the ground floor, 350 on first, 300 on the second floor and 250 on the third floor area of the premises"

This would then be completely accurate and leave zero room for confusion. Will also ask to amend floor numbers wherever else is mentioned in Premises License, as per my following email.

As mentioned - i was half way through a very long document to go into details of our operation in full and to make sure that it was clear that we have absolutely no intention of change the legal numbers or how we operate.

For example...

### **Re Acoustic Baffle**

The Acoustic baffle was installed Sep 2015 after meeting with Mr Curth Henry of Southwark Noise Team during the summer [took us approx 8 weeks to get permissions as we are tenants only] , due to a single complainant from Thalia Court who for some reason used to blames us for anything that happened across Copeland park, rooftop cinema etc - even though we are The CLF Art Cafe and only run part of Block A of The Bussey Building. Even complaining several times on Sundays when we were not even open and somehow trying to blame us. Anways and in short ..... despite the fact that we could clearly prove that the new increase in noise coming from Copeland park had absolutely nothing to do with us [We ran for 8 years without a single complaint about courtyard noise] we then entered a dialogue with the council, sent them requested acoustic consultant information, explained what we were gonna do and invested over £15000 in building a 13m X2.5m Acoustic baffle which was fixed atop a south / Thalia Court facing 3m wall which ended the 'supposed' problem once and for all.

FYI: Since installation of said acoustic baffle 12 months ago we have not had a single complaint about courtyard noise from anybody. In fact earlier this month was the first time we heard from the Thalia Court 'tenant' in question / since Sep 2015 post installation of the Acoustic Baffle. Again it was a complaint about someone else's noise and something we proved once and for all, was absolutely and without question nothing to do with us. In brief, we were contacted by Phone at 8pm [prior to us opening at 10pm] on a Saturday night and said neighbour complained about noise coming from The Courtyard the night before on The Friday. A night when we had a particularly quiet and not very well attended event. We explained this to her and also stated that other things / venues [which were out of our control / nothing to do with us] were running late events on the Friday across copeland park and that the noise wasn't and couldn't of been ours and was most likely the event at the Copeland park Car Park.

We then stated that if there were any problems / noise during the coming Saturday evening from us [The CLF Art Cafe] then she should contact us immediately and we would resolve it - but [and again] we made it clear that this wouldn't be an issue as said noise the night before was not coming from us. Thalia Court Tenant then advised us that, she was "Going to sleep with her windows open" and that if she heard anything at all from the courtyard, then she would contact the noise team that same night / immediately and angrily complain and also take things further with the council on Monday. She never called and we have heard nothing since. Surely proving once and for all that the noise from our courtyard is not an issue.

Finally i must also re-state that prior to the opening of new venues across Copeland Park over the last year or so, we had not had a single complaint in some 7 and half years of operation about noise emanating from The Courtyard and have dealt with the single complaint that we have had vigorously

and immediately by investing some £15000 in an acoustic baffle to ensure that once and for all we were stop being blamed for other people's noise and to ensure that there were no issues re sound pollution.

As well as Acoustic baffle and so you know, we also have security at all building exits [including G/F] and also have courtyard security whose only job it is, is to control outside space and ensure that drinks aren't taken outside after 0200hrs and that courtyard guest numbers are correct and that all guests behave themselves at all times and are respectful of our own self imposed noises restrictions. We take our neighbours as well as our patrons well being on every level seriously and want to always ensure we do things correctly at all times and for the good of the all. Not just ourselves and our customers. An example of this being that we currently invest in an average of 25-30 SIA security personnel at every event to ensure that the building runs well and correctly at all times.

All of this leading to us having one of the best health, safety and security records in the country. Our venue now described as Low risk.

Apologies, I am just heading to a meeting now, but will respond in full to questions posed in your last mail when i get back.

In the meantime what might help you to know is.

#### **Re Level Capacities**

So you know [and as touched on], we agreed years ago with Licensing and responsible authorities - to set up a counting system where we have security positioned on every exit on every level, both front and rear with counters / clickers. Their job to ensure that venue numbers do not exceed our legal defined capacity in any licensed area at any one time. Hence we have a working system that controls capacity easily and ensures that the building runs safely and correctly at all times. And it works.

#### **Re 3/F CLF Theatre Goals and Sound Proofing**

The only reason we want to expand the Theatres uses is to support and fund Theatre as well as offer a more dynamic, creative programme. As a self funded NGO The CLF [Chronic Love Foundation] loses money continuously through the staging of Theatre and would like the opportunity to make it self funding by expanding its remit. We have no intention of 'opening another club floor' but would like to be able to host a wider variety of events from Musical Cabaret to Live scored Cinema or early evening Live concerts in the style of Ronnie Scotts. As a predominantly jazz, Funk, Soul and Disco venue [music wise] we are not talking about booming club nights, we are talking about using the 3/F Theatre for a wider range of sophisticated creative projects in line with the Theatre's own admirable goals to support local and International companies, organisations, colleges and charities [The Royal Court Theatre, Brit School, Oval House, Goldsmiths the list goes on and on] + invest further in the creative well being of the local and wider national community.

The only reason the original condition was added to limit our use of 3/F Theatre was to ensure that we keep a Theatre there. Well some 5 years later we still are, have no intention to change, but would like the opportunity to expand what it does and maximise the use of the space for the local and wider community and already have everything in place to make sure that this could happen with zero negative impact on the venue and wider area in any way shape or form.

Furthermore and i can't impress this on you enough. The 3/F is fully soundproofed. And has been for years. All sides [north/south/east/west] soundproofed by a qualified acoustician in the same manner and level as lower 'music' levels of the venue, which were also tested years ago for audibility levels

from Thalia Court. Also, all South / Thalia Court Facing 'windows' have been soundproofed both internally and externally. The Theatre a Silent space that was sound proofed to stop the noise of north facing train track and the building + site entering the space during performances - as well as containing noise within the space. As a result, the 3/F Theatre does not pose any threat what so ever in terms of Noise pollution to Thalia Court Neighbours and has already been checked from Thalia court years ago to make sure that that is the case.

As we also use sound Limiters on level 3 the new variation would not lead to any issues for our neighbours, so i would pls ask you to take another look at this and let me know your thoughts.

Gotta run, so will try to call you later and send you my full response once complete,

Thanks for your time + hope we can resolve this soonest,

Like i said, a site visit and chat, might just nip all of this in the bud,

Cheers + speak soon,

All the best,

Mickey Smith

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**From:** Mickey Smith

**Sent:** Wednesday, September 21, 2016 4:50 PM

**To:** Newman, Paul

**Cc:** Tear, Jayne; McArthur, Wesley

**Subject:** Re remove proposal to amend conditions 313 and 353

Dear Paul,  
trust you are well sir.

A quick mail to say that based on your comments i would like to remove proposal to amend conditions 313 and 353 from my application.

Will also mail you tomorrow re other points raised in my mail of yesterday,

With thanks,

All the best,

Mickey Smith

# MEMO: Licensing Unit

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To Licensing Unit Date 10 August 2016

Copies

From Jayne Tear Telephone 020 7525 0396 Fax

Email jayne.tear@southwark.gov.uk

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Subject Re: The CLF Art Café, Unit A1, A2, A3, AG1, & Basement, The Bussey Building, Copeland Park, Copeland Road, London, SE15 3SN  
 – Application to vary the premises licence

I write with regards to the above application to vary the premises licence submitted by Michael Smith and Saija Kameranen under the Licensing Act 2003, which seeks to amend/remove existing conditions and add licensable activities to the third floor of the premises as follows:

1. Amend condition 302 to read:

"That all matters relating to drugs shall be in accordance with any current Metropolitan Police Service guidance in relation to drugs in nightclub /entertainment venues. A copy of any such guidance shall be kept at the premises and be made available /accessible to officers of the council or police immediately on request"

2. Condition 302 currently refers to a document that isn't available.

3. Amend condition 303 to read:

"That any external promoter hiring the premises to hold an event must complete the 'Promotion Event Risk Assessment- Form 696' provided by the Metropolitan Police service. Once completed, a copy of the 'Promotion Event Risk Assessment - Form 696' must be provided to Southwark Police Licensing Unit a minimum of fourteen (14) days prior to the date of the event."

Condition 303 currently refers to a 'Venue hire Agreement' provided by Southwark Council. Such a form doesn't exist.

4. Amend condition 307 to read:

"That the maximum number of persons that may be accommodated at the premises at any one time shall not exceed 1050 as follows:

Basement: 100  
 Ground floor: 300 First (1st)  
 floor: 350  
 Second (2nd) floor: 300

That when the third (3rd) floor of the premises are in use, that the maximum numbers of persons that may be accommodated shall not exceed 1050 as follows:

Basement: 100  
 Ground floor: 100 First (1st)  
 floor: 350  
 Second (2nd) floor: 300 Third  
 (3rd) floor: 200.

5. Amend condition 313 by removing the following sentence:

"The courtyard be closed to patrons by 23:00 each day. but thereafter may be used as smoking area but no drinks to be taken out on the courtyard after this time."

And also amend so that the condition only refers to the 'Court Yard.'

6. Amend condition 341 to read:

Basement, First (1st), Second (2nd) and Third (3rd) floors of the premises:

- a) That each of the above floors is equipped with adequate and sound insulated means of extract ventilation and replacement air.
- b) That permanent sound limiting devices (or other similar sound limiting equipment) shall be installed on each of the above floors and shall be in use at all times that amplified sound is provided on any of the above floors.
- c) That the sound limiting devices (or other similar sound limiting equipment) are calibrated so that amplified sound at the premises does not give rise to public or statutory nuisance.
- d) That any temporary or permanent amplification system(s) and any amplified instrument(s) used on any of the above floors shall be connected to the sound limiter device (or other similar sound limiting equipment) installed on that floor.
- e) That no music be played in the theatre lounge / cafe in the south-west corner.
- f) That all north facing windows on the first (1st), second (2nd) and third (3rd) floors of the premises are maintained shut during performance of regulated entertainment.

7. Remove condition 342 as it will be superfluous because of the amendment to condition 341.

8. Remove condition 345 to allow use of the third floor.

9. Remove condition 353 as it is contradictory to other conditions in respect of the use of the courtyard at the premises.

10. Amend condition 354 to read:

"That a written dispersal policy shall be devised and be implemented at the premises at all times that the premises are in use in accordance with the Licensing Act 2003. The dispersal policy shall be available / accessible at the premises at all times the premises are in use, and shall be provided immediately to officers of the council or police on request. All staff shall be trained in regards to the dispersal policy. A record of such training shall be kept. The training record shall include the name of the trainer, the name of the trainee, the date of the training and the trainer and trainee's signatures. The training record shall be available / accessible at the premises at all times the premises are in use and shall be provided immediately to officers of the council or police on request."

The 3<sup>rd</sup> floor of the premises is licensed only to operate as a theatre and condition 345 on the premises licence states:

***'345 - That the 3rd floor premises be used only for Theatre and Similar use with fixed/fitted seating and not for any other purpose'***

By seeking removal of this condition it would mean that all other licensable activities would be provided on the 3<sup>rd</sup> floor yet the application does not asked to add any extra licensable activities. I seek clarification as to what the third floor is going to be used for if the condition is to be removed. If the 3<sup>rd</sup> floor is to be used for all of the existing licensable activities currently allowed on the licence this could have a significant negative impact upon crime and disorder and public nuisance and has not been addressed within the operating schedule.

Allowing the removal of condition 313 which states:

***313 - Ground Floor Front [ SW ]Court Yard***

***• No amplified music or speech be permitted to be performed on or broadcast on to ground floor courtyard***

- **No artificial lighting other than that to facilitate the safe passage of patrons to, from and on the courtyard**
- **The courtyard be closed to patrons by 02.00 each day, but thereafter may be used as smoking area but no drinks to be taken out on the courtyard after this time'**

Would mean that a large number of patrons, (as there is no limit on the number of people who will use the courtyard), will be allowed to drink in the outside courtyard until 6am and resident's that live close by could be affected by 'people noise from those patrons'. The operating schedule does not offer any further control measures to address the noise impact upon local residents.

The premises is situated in Peckham Major Town Centre and also falls within Peckham CIP Area.

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

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham area as defined in paragraph 135 of the policy and as a nightclub this premises falls into the class of premises in 136 of the policy.

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

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area.

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

----- Forwarded message -----

From: **Mickey Smith**  
 Date: Fri, Sep 9, 2016 at 7:04 PM  
 Subject: Re The CLF Art Cafe Variation  
 To: "Tear, Jayne"

Dear Jayne,

trust you are well and had a good weekend

**Re CLF Art Cafe variation application + representation**

Sorry it's taken a while to get back to you on this, but have been away and a little unwell. Anyways back at it now + have had time to go through and answer your comments on my variation application.

Please find attached a copy of your letter with responses by myself in italics where relevant.

Hopefully once you've read them, you'll agree that any issues are solvable / solved and that the need for a hearing will not be required.

Should you have any further queries or would like to take me up my invitation to visit the 3/F space, then pls don't hesitate to get in touch,

Look forward to hearing from you soonest,

Have a great week,

All the best,

Mickey Smith

## MEMO: Licensing Unit

To	Licensing Unit	Date	10 August 2016
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Copies

From	Jayne Tear	Telephone	Fax
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Email

Subject Re: The CLF Art Café, Unit A1, A2, A3, AG1, & Basement, The Bussey Building, Copeland Park, Copeland Road, London, SE15 3SN  
 – Application to vary the premises licence

I write with regards to the above application to vary the premises licence submitted by Michael Smith and Saija Kamarainen under the Licensing Act 2003, which seeks to amend/remove existing conditions and add licensable activities to the third floor of the premises as follows:

11. Amend condition 302 to read:

"That all matters relating to drugs shall be in accordance with any current Metropolitan Police Service guidance in relation to drugs in nightclub /entertainment venues. A copy of any such guidance shall be kept at the premises and be made available / accessible to officers of the council or police immediately on request"

12. Condition 302 currently refers to a document that isn't available.

13. Amend condition 303 to read:

"That any external promoter hiring the premises to hold an event must complete the 'Promotion Event Risk Assessment- Form 696' provided by the Metropolitan Police service. Once completed, a copy of the 'Promotion Event Risk Assessment - Form 696' must be provided to Southwark Police Licensing Unit a minimum of fourteen (14) days prior to the date of the event."

Condition 303 currently refers to a 'Venue hire Agreement' provided by Southwark Council. Such a form doesn't exist.

14. Amend condition 307 to read:

"That the maximum number of persons that may be accommodated at the premises at any one time shall not exceed 1050 as follows:

Basement: 100

Ground floor: 300 First (1st) floor: 350

Second (2nd) floor: 300

That when the third (3rd) floor of the premises are in use, that the maximum numbers of persons that may be accommodated shall not exceed 1050 as follows:

Basement: 100

Ground floor: 100 First (1st) floor: 350

Second (2nd) floor: 300 Third (3rd) floor: 200.

15. Amend condition 313 by removing the following sentence:

"The courtyard be closed to patrons by 23:00 each day. but thereafter may be used as smoking area but no drinks to be taken out on the courtyard after this time."

And also amend so that the condition only refers to the 'Court Yard.'

16. Amend condition 341 to read:

Basement, First (1st), Second (2nd) and Third (3rd) floors of the premises:

a) That each of the above floors is equipped with adequate and sound insulated means of extract ventilation and replacement air.

b) That permanent sound limiting devices (or other similar sound limiting equipment) shall be installed on each of the above floors and shall be in use at all times that amplified sound is provided on any of the above floors.

c) That the sound limiting devices (or other similar sound limiting equipment) are calibrated so that amplified sound at the premises does not give rise to public or statutory nuisance.

d) That any temporary or permanent amplification system(s) and any amplified instrument(s) used on any of the above floors shall be connected to the sound limiter device (or other similar sound limiting equipment) installed on that floor.

e) That no music be played in the theatre lounge /cafe in the south-west corner.

f) That all north facing windows on the first (1st), second (2nd) and third (3rd) floors of the premises are maintained shut during performance of regulated entertainment.

17. Remove condition 342 as it will be superfluous because of the amendment to condition 341.

18. Remove condition 345 to allow use of the third floor.

19. Remove condition 353 as it is contradictory to other conditions in respect of the use of the courtyard at the premises.

20. Amend condition 354 to read:

"That a written dispersal policy shall be devised and be implemented at the premises at all times that the premises are in use in accordance with the Licensing Act 2003. The dispersal policy shall be available / accessible at the premises at all times the premises are in use, and shall be provided immediately to officers of the council or police on request. All staff shall be trained in regards to the dispersal policy. A record of such training shall be kept. The training record shall include the name of the trainer, the name of the trainee, the date of the training and the trainer and trainee's signatures. The training record shall be available / accessible at the premises at all times the premises are in use and shall be provided immediately to officers of the council or police on request."

The 3<sup>rd</sup> floor of the premises is licensed only to operate as a theatre and condition 345 on the premises licence states:

'345 - That the 3rd floor premises be used only for Theatre and Similar use with fixed/fitted seating and not for any other purpose'

By seeking removal of this condition it would mean that all other licensable activities would be provided on the 3<sup>rd</sup> floor yet the application does not ask to add any extra licensable activities. I seek clarification as to what the third floor is going to be used for if the condition is to be removed. If the 3<sup>rd</sup> floor is to be used for all of the existing licensable activities currently allowed on the licence this could have a significant negative impact upon crime and disorder and public nuisance and has not been addressed within the operating schedule.

***-We seek that the third floor be permitted to allow the provision of all other licensable activities authorised by the existing premises license.***

***Condition 341 in the proposed variation requires that sound limiters are installed and maintained at the premises and that north facing windows must remain shut. Condition 341 applies to the 3rd floor of the premises.***

***Soundproofing Note: The 3rd floor has been fully sound proofed on all four sides. (North, South, East and West) including additional internal and external sound proofing on all south facing windows. To ensure that the use of the 3rd floor does not give rise to any nuisance we would invite you to attend the premises to inspect the 3rd floor should that aid in your consideration of the application.***

***We also welcome a new condition such as the following***

***"That permanent soundproofing shall be installed & maintained in the licensable area of the third floor".***

***The License currently allows amplified sound to be provided on the third floor, but only as part of a Theatre (or similar) performance. We want to be able to provide amplified sound in regard to other licensable activities. We are open to discussions to provide further conditions to ensure that the use of the 3rd floor does not give rise to any nuisance.***

***We do not agree that the use of the third floor would have a negative impact on crime and disorder. As stated in the application, we are not seeking to increase the overall accommodation limit of the premises. If the same number of people are permitted on the premises, but spread out over more floors we contend that this would actually reduce the likelihood of crime and disorder, as people will be more dispersed over the entire venue (for events that aren't theatre based).***

***We also contend that if the current conditions are sufficient to address the licensing objectives for all types of licensable activities elsewhere in the venue, they will also be sufficient to address all the licensing objectives in respect of the third floor for uses other than the provision of theatre (or similar) entertainment. Indeed many of the existing license conditions were requested by responsible authorities, so it would seem strange that they are sufficient for the rest of the venue, but according to your representation not specifically for the third floor. We are happy to discuss further possible conditions.***

Allowing the removal of condition 313 which states:

*313 - Ground Floor Front [SW]Court Yard*

- No amplified music or speech be permitted to be performed on or broadcast on to ground floor courtyard*
- No artificial lighting other than that to facilitate the safe passage of patrons to, from and on the courtyard*
- The courtyard be closed to patrons by 02.00 each day, but thereafter may be used as smoking area but no drinks to be taken out on the courtyard after this time'*

Would mean that a large number of patrons, (as there is no limit on the number of people who will use the

courtyard), will be allowed to drink in the outside courtyard until 6am and resident's that live close by could be affected by 'people noise from those patrons'. The operating schedule does not offer any further control measures to address the noise impact upon local residents.

***-We have not applied to remove condition 313, we have applied to amend it. Further to this, condition 381 on the existing license prohibits customers taking drinks outside of the premises after 02:00.***

***The proposed variation will not allow the courtyard to be used for the consumption of drinks until 06:00.***

***Conditions 313, 353 and 381 taken together are ambiguous. These conditions were requested by the Environmental Protection Team during various previous license applications, the purpose of them was to ensure that no drinks would be taken into the courtyard after 02:00, which condition 381 does on its own. However, to remove any further ambiguity we are happy to amend condition 381 to read:***

***"That patrons shall not be permitted to take drinks into the designated smoking area or anywhere outside the premises after 02:00hrs. The designated smoking area is the courtyard adjacent to Rye lane."***

***and to further amend condition 313 so that it reads:***

***"(a) That no amplified sound shall be broadcast to or performed in any external area of the premises (including the ground floor courtyard)***

***(b) That the operation of the premises and / or use of any area of the premises shall not give rise to statutory or public nuisance of any kind at any time."***

***In addition to this we inform you that we have installed an acoustic baffle to deaden 'people noise' emanating from the courtyard and are happy to make 'acoustic baffle' a permanent condition.***

***Amending condition 313 so that it also reads.***

***(c) That a permanent acoustic baffle shall be installed and maintained in the courtyard to attenuate sound escape from the courtyard."***

The premises is situated in Peckham Major Town Centre and also falls within Peckham CIP Area.

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

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham area as defined in paragraph 135 of the policy and as a nightclub this premises falls into the class of premises in 136 of the policy.

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

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area.

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\\_-](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



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: [REDACTED]

Email: [REDACTED]

Our reference: MD/21/ 2847/16

Date: 04th August 2016

Dear Sir/Madam

### Re:- The CLF Art Café

Police are in possession of an application from the above for a variation to the premise licence. This includes the removal and alteration to a number of the conditions.

Police would recommend the following wording of the conditions rather than what is proposed within the application to avoid ambiguity and to address the licensing objectives.

#### Amendment 1&2.

Condition 302-wording acceptable as per application

#### Amendment 3.

Condition 303-requires only preferred wording amendment to read as follows

**303-** A 696 Risk assessment form must be submitted for any occasion in the premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded/live background music, operating any time between 10pm and 6am, that is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket. Once completed a copy of the '696' must be submitted a minimum of 14 days to police licensing.

#### Amendment 4/5.

Condition 307/313-There is an increase in footfall of 150 persons according to the application and the change of use for the courtyard require amendments therefore the below wording for condition 307/313 is required

**307-** Each floor when in operation shall have a minimum of two SIA security staff and in addition the court yard shall have one at all times to monitor the flow of people entering and leaving each floor so as to prevent any disorder caused by overcrowding. A counting system shall be in place either by mechanical counting device or regular head count recorded in a log.

**313-**The court yard area shall have sufficient CCTV to identify persons entering and leaving the area.

#### Amendment 6.

Condition 341-Wording acceptable as per application

Amendment 7.

Condition 342-Removal acceptable as per application

Amendment 8.

Condition 345-Removal acceptable as per application

Amendment 9.

Condition 353-Removal acceptable providing Police amended conditions to 307/313 are accepted

Amendment 10.

Condition 354-Wording acceptable as per application

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

Yours Sincerely

PC Mark Lynch 246MD  
Southwark Police Licensing Unit

----- Forwarded message -----

From: **Mickey Smith**  
 Date: Fri, Sep 9, 2016 at 7:04 PM  
 Subject: Re The CLF Art Cafe Variation  
 To:

Dear Sir / Madame,

**Re CLF Art Cafe variation application + representation**

Sorry it's taken a while to get back to you on this, but have been away and a little unwell. Anyways back at it now + have had time to go through and answer your comments on my variation application.

Please find attached a copy of your letter with responses by myself in italics where relevant.

Hopefully once you've read them, you'll agree that any issues are solvable / solved and that the need for a hearing will not be required.

Should you have any further queries or would like to visit the 3/F Theatre space, then pls don't hesitate to get in touch,

Look forward to hearing from you soonest,

Have a great week,

All the best,

Mickey Smith  
 Director + Founder



**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: [REDACTED]

Email: [REDACTED]

Our reference: MD/21/ 2847/16

Date: 04th August 2016

Dear Sir/Madam

**Re:- The CLF Art Café**

Police are in possession of an application from the above for a variation to the premise licence. This includes the removal and alteration to a number of the conditions.

Police would recommend the following wording of the conditions rather than what is proposed within the application to avoid ambiguity and to address the licensing objectives.

Amendment 1&2.

Condition 302-wording acceptable as per application

Amendment 3.

Condition 303-requires only preferred wording amendment to read as follows

**303-** A 696 Risk assessment form must be submitted for any occasion in the premises licensed under the provisions of the Licensing Act 2003, using a DJ or MC performing to recorded/live background music, operating any time between 10pm and 6am, that is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket. Once completed a copy of the '696' must be submitted a minimum of 14 days to police licensing.

***-The above wording cannot be accepted. We have voluntarily submitted an application to correct a condition imposed on the license by the police, which was incorrect in the first place. We are under no obligation to do so. We have been operating for 9 years without incident and without having to provide 696 forms (or similar) for our own internal promotions. The above wording will mean that we will have to submit a 696 form for all our own promotions (which comprise over 90% of our promotions) and not just in regards to external promotions. We currently host DJ led entertainment 3-4 times a week (and sometimes more). This would mean having to submit a minimum of 208 '696' forms per year - just for our own promotions.***

***We don't have to do this now and do not think we should have to do this in the future. If our in-house promotions become the source of crime and disorder the review mechanism can be used by responsible authorities. The 696 form is in relation to the risk assessment; we say that after 9 years of trouble free operation that our in-house events are proven to be low risk events. We therefore respectfully request that you accept the wording that we have provided, which, as you will acknowledge is an improvement on the current wording, which is unenforceable.***

Amendment 4/5.

Condition 307/313-There is an increase in footfall of 150 persons according to the application and the change of use for the courtyard require amendments therefore the below wording for condition 307/313 is required

**307-** Each floor when in operation shall have a minimum of two SIA security staff and in addition the court yard shall have one at all times to monitor the flow of people entering and leaving each floor so as to prevent any disorder caused by overcrowding. A counting system shall be in place either by mechanical counting device or regular head count recorded in a log.

**313** -The court yard area shall have sufficient CCTV to identify persons entering and leaving the area.

***-As clearly stated in the application, there is no change in the application to the total number of people to be permitted on the premises. The accommodation limit shall remain at 1050, as it is now. There is no increase in footfall of 150 persons. Please note that the current premises license number is 845207***

***Further to this, there is no change of use in regards to the courtyard. As explained in the application form, the existing license contains contradictory conditions in respect of the courtyard.***

***On its own, condition 381 of the existing license prohibits customers taking drinks outside of the premises after 02:00.***

***FYI condition 381 states: "The patrons shall not be permitted to take drinks into the smoking area of anywhere outside the premises after 02:00hrs."***

***Taking the above into account, we do not think the further amendments above are required, however to remove any remaining ambiguity we are happy to amend condition 381 to read the following:***

***"The patrons shall not be permitted to take drinks into the designated smoking area or anywhere outside the premises after 02:00hrs. The designated smoking area is the courtyard adjacent to Rye Lane."***

***In addition to this we inform you that we have installed an acoustic baffle to deaden 'people noise' emanating from the courtyard.***

Amendment 6.

Condition 341-Wording acceptable as per application

Amendment 7.

Condition 342-Removal acceptable as per application

Amendment 8.

Condition 345-Removal acceptable as per application

Amendment 9.

Condition 353-Removal acceptable providing Police amended conditions to 307/313 are accepted

***-See comments above re the courtyard***

Amendment 10.

Condition 354-Wording acceptable as per application

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

Yours Sincerely

PC Mark Lynch 246MD  
Southwark Police Licensing Unit

**From:****Sent:** Friday, September 16, 2016 2:28 PM**To:** McArthur, Wesley**Subject:** Application to vary a premises licence - CLF Art Cafe, Unit A1, A2, A3, AG1 & Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, SE15 3SN (our ref: L1U 854693)

Good Afternoon Wesley

Just to let you know I have sent CLF an email stating that I am willing to withdraw all my objections based on the information re patron numbers with the exception of Amendment 3

**Condition 303**

1. That you shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing unit and, once completed, you shall ensure that a copy of the agreement is provided to the central licensing unit as detailed on the form 696 and the local Police Licensing Unit a minimum of fourteen days prior to the date of hire.

The above amendment would bring the club into line with most others in regards to 696 and should not burden them

Regards

Pc Mark Lynch 246MD

**From:** Mickey Smith [mailto:  
**Sent:** 30 September 2016 15:03  
**To:** Lynch Mark A - MD <[mark.A.Lynch@met.pnn.police.uk](mailto:mark.A.Lynch@met.pnn.police.uk)>  
**Cc:** McArthur, Wesley <[Wesley.McArthur@southwark.gov.uk](mailto:Wesley.McArthur@southwark.gov.uk)>  
**Subject:** Re: : Re The CLF Art Cafe Variation

Dear PC Lynch,

thank you for your mail.

Apologies again for the delay in getting back to you, but your mail got lost in the spam ether. [Not having much luck here]

Am now up to date with the all and thank you for withdrawing most objections.

**Re Condition 303.**

The wording you suggested for condition 303 in your mail dated Sep 16 works fine for me, offers clarity and is manageable.

However have been informed that additional wording has been added by yourself in a summary of revised condition to read the following...

**“That any external promoter or any other 3rd party hiring the premises must complete the ‘Promotion Event Risk Assessment - Form 696’ provided by the Metropolitan Police Service. That all new DJs to the venue shall complete ‘Promotion Event Risk Assessment - Form 696’.** Once such forms are completed the licensee and / or premises management shall ensure that a copy of the form is provided to The Police Licensing Intelligence Unit as detailed on the form, and also Southwark Police Licensing Unit, a minimum of fourteen days prior to the date of the event.”

Pls know that the addition of the words **“That all new DJs to the venue shall complete ‘Promotion Event Risk Assessment - Form 696’** would still mean us filling out a minimum of 250 - 300 forms per year, such is the extent with which we book, work with, help and develop new, up and coming talent and different established local and International artists across The CLF Art Cafe and Rye Wax on an on-going basis. Simply put, the filling out of this amount [probably more] of said documents, i feel would not be sustainable by ourselves and would add major problems to our venues creative and business operations. A venue which is a non funded independent extremely Low Risk centre of the arts - which operates with a very small creative team.

With this in mind, pls advise if it would be possible to amend wording as follows...

**“That any external promoter or any other 3rd party hiring the premises must complete the ‘Promotion Event Risk Assessment - Form 696’ provided by the Metropolitan Police Service. Once such forms are completed the licensee and / or premises management shall ensure that a copy of the form is provided to The Police Licensing Intelligence Unit as detailed on the form, and also Southwark Police Licensing Unit, a minimum of fourteen days prior to the date of the event.”**

Above wording is pretty much in line with your mail of Sep 16 and would allow variation to take place without any major changes to our operations, which currently work well and have done for some 9 years and counting.

Thanks for your time + i look forward to hearing from you soonest re the above,

Need anything else then pls don't hesitate to get in touch,

Have a great weekend,

All the best,

Mickey Smith  
Director + Founder

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On Fri, Sep 30, 2016 at 4:40 PM, <[mark.A.Lynch@met.pnn.police.uk](mailto:mark.A.Lynch@met.pnn.police.uk)> wrote:

Sir

In regards to your email stating that you are happy with the wording of condition 303 which was sent on the 16<sup>th</sup> September 2016 and our subsequent conversation , please can you reply confirming you are happy to accept the wording as follows

Amendment 3

Condition 303

1. That you shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing unit and, once completed, you shall ensure that a copy of the agreement is provided to the central licensing unit as detailed on the form 696 and the local Police Licensing Unit a minimum of fourteen days prior to the date of hire.

Regards  
Pc Mark Lynch 246md

---

**From:** Mickey Smith [ ]  
**Sent:** 30 September 2016 17:00  
**To:** Lynch Mark A - MD <[mark.A.Lynch@met.pnn.police.uk](mailto:mark.A.Lynch@met.pnn.police.uk)>  
**Subject:** Re: The CLF Art Cafe Variation

Dear Mark,  
thank you for your mail.

As requested i am writing to confirm that the wording is acceptable.

Thanks + appreciate all of your help,

All the best,

Mickey Smith

---

**From:** [mark.A.Lynch@met.pnn.police.uk](mailto:mark.A.Lynch@met.pnn.police.uk) [mailto:[mark.A.Lynch@met.pnn.police.uk](mailto:mark.A.Lynch@met.pnn.police.uk)]  
**Sent:** Friday, September 30, 2016 5:08 PM  
**To:** McArthur, Wesley  
**Cc:** [Ian.Clements@met.pnn.police.uk](mailto:Ian.Clements@met.pnn.police.uk)  
**Subject:** The CLF Art Cafe Variation

Good Afternoon Wesley

This has now been consolidated and the applicant has now accepted the wording to condition 303 as below in RED and in view of this I would now like to withdraw our objection to the application

Regards  
Pc Mark Lynch 246MD

**APPENDIX D**

No.	Ref' no.	Start date	End date	Duration	Max' no. people	Alcohol?	Entertainment?	LNR?	Late TEN?	Premises user	Police obj?	EPT obj?	Counter notice?
1	824597	10/08/2007	12/08/2007	12:00 - 00:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
2	824900	15/09/2007	16/09/2007	12:00 - 03:00	499	Yes	No	No	No	Saija Kamarainen	No	No	
3	828874	20/12/2008	21/12/2008	20:00 - 06:00	499	Yes	Yes	Yes	No	William George Greg	No	No	
4	829343	20/03/2009	21/03/2009	21:00 - 04:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
5	830035	27/06/2009	28/06/2009	22:00 - 05:00	499	Yes	Yes	Yes	No	Terence Ulysses	No	No	
6	830514	18/09/2009	19/09/2009	20:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
7	830535	26/09/2009	27/09/2009	19:00 - 04:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
8	830568	02/10/2009	03/10/2009	19:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
9	830963	28/11/2009	29/11/2009	22:00 - 06:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
10	831191	31/12/2009	02/01/2010	22:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
11	831259	29/01/2010	30/01/2010	20:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
12	831327	05/02/2010	06/02/2010	20:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
13	831528	12/03/2010	13/03/2010	21:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
14	831578	21/03/2010	21/03/2010	00:00 - 06:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
15	831615	26/03/2010	26/03/2010	22:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

				06:00									
16	831761	17/04/2010	17/04/2010	00:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
17	832003	28/05/2010	29/05/2010	19:00 - 03:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
18	832055	06/06/2010	06/06/2010	00:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
19	832128	18/06/2010	18/06/2010	00:00 - 04.30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
20	832211	26/06/2010	26/06/2010	00:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
21	832731	28/08/2010	28/08/2010	00:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
22	834624	14/05/2011	15/05/2011	02:00 - 09:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
23	834895	18/06/2011	19/06/2011	02:00 - 06.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
24	835006	01/07/2011	03/07/2011	00.00 - 04.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
25	835056	09/07/2011	09/07/2011	12:00 - 06.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
26	835110	24/07/2011	24/07/2011	13:00 - 22:00	350	Yes	Yes	No	No	Michael Smith	No	No	
27	835354	20/08/2011	20/08/2011	14:00 - 00:00	499	Yes	Yes	No	No	Michael Smith	No	No	
28	835619	30/09/2011	30/09/2011	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
29	835765	15/10/2011	15/10/2011	00:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
30	835822	23/10/2011	23/10/2011	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
31	835823	30/10/2011	30/10/2011	02:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

				06:00									
32	836020	20/11/2011	20/11/2011	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
33	836068	27/11/2011	27/11/2011	02:00 - 09:00	499	Yes	Yes	Yes	No	Michael Smith	No	No	
34	836616	28/01/2012	28/01/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
35	836609	04/02/2012	04/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
36	836690	12/02/2012	12/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
37	836692	19/02/2012	19/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
38	837257	25/02/2012	25/02/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
39	837359	11/03/2012	11/03/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
40	837439	13/03/2012	13/03/2012	17:00 - 23:00	250	Yes	Yes	Yes	No	Laura Crampsie	No	No	
41	837451	25/03/2012	25/03/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
42	837557	06/04/2012	08/04/2012	00.00 - 06.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
43	837559	07/04/2012	07/04/2012	18:00 - 03:00	300	Yes	Yes	Yes	No	Alexandra Martinelli	No	No	
44	837589	14/04/2012	14/04/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
45	837707	28/04/2012	28/04/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
46	837779	05/05/2012	06/05/2012	02:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
47	838087	02/06/2012	02/06/2012	02:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

				06:00									
48	838329	30/06/2012	01/07/2012	13:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
49	840531	31/03/2013	01/04/2013	22:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
50	840841	03/05/2013	03/05/2013	02:30 - 05:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
51	840907	05/05/2013	06/05/2013	22:00 - 05:30	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
52	841202	05/05/2013	06/05/2013	23:00 - 04.00	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
53	841204	17/05/2013	18/05/2013	23:00 - 04.00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
54	842313	25/08/2013	26/08/2013	22:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
55	842429	24/08/2013	24/08/2013	12:00 - 23:00	499	Yes	Yes	No	Yes	Samuel James Barker	No	No	
56	842949	12/10/2013	13/10/2013	18:00 - 04:30	250	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
57	843601	31/12/2013	01/01/2014	21:00 - 06.00	300	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
58	843619	21/12/2013	22/12/2013	21:00 - 06:00	300	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
59	844031	08/02/2014	09/02/2014	12:00 - 04:00	300	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
60	844302	22/03/2014	23/03/2014	21:00 - 05:00	300	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
61	844651	04/05/2014	05/05/2014	22:00 - 05:00	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
62	844865	25/05/2014	26/05/2014	22:00 - 06:00	499	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
63	844951	14/06/2014	15/06/2014	12:00 -	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

				04:00									
64	845195	28/06/2014	29/06/2014	12:00 - 05:00	250	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
65	845199	05/07/2014	06/07/2014	22:00 - 05:00	250	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
66	847821	03/04/2015	03/04/2015	02:30 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
67	847822	05/04/2015	06/04/2015	23:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
68	848129	03/05/2015	04/05/2015	23:00 - 06:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
69	848486	24/05/2015	25/05/2015	23:00 - 03:30	150	Yes	Yes	Yes	Yes	Saija Kamarainen	No	Yes	Yes
70	848834	07/07/2015	08/07/2015	19:00 - 04:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
71	850292	20/11/2015	22/11/2015	22:00 - 05:00	250	Yes	Yes	Yes	Yes	Saija Kamarainen	No	Yes	Yes
72	850455	28/11/2015	29/11/2015	22:00 - 04:30	200	Yes	Yes	Yes	Yes	Saija Kamarainen	No	No	
73	850456	04/12/2015	06/12/2015	22:00 - 05:00	250	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
74	851554	25/03/2016	25/03/2016	22:30 - 05:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
75	851558	27/03/2016	28/03/2016	23:00 - 05:30	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
76	851896	01/05/2016	02/05/2016	23:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
77	852233	29/05/2016	30/05/2016	23:00 - 05:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	
78	855665	02/10/2016	03/10/2016	23:00 - 03:00	499	Yes	Yes	Yes	No	Saija Kamarainen	No	No	

Date	Time	Lead officer	Notes
09/11/2012	22:36 NTE Visit	Kristie Ashenden	Call on police radio re: overcrowding. We arrived on scene and there were anywhere from 500 youths in Rye Lane trying to gain access to the premises. An 18th b'day party had been booked for 300 guests on closed invite on Facebook, however it was leaked publicly on Facebook and several hundred people turned up. Spoke to DPS Michael Smith. He said he had a Jazz night planned on 1st floor. Stu made several announcements over the police van loudspeaker, advising people to leave the area. Michael Smith admitted that his security did not handle the situation well. Spoke to the parents of the girls whose 18th party it was. Inspector Mark Lavin from the police was overseeing everything. We went inside to check that the premises was not overcrowded – the party was on 2nd floor, with maybe 100 people? Not crowded at all. Very hot. 2nd room at the back very quiet, not many people at all... 12 doorstaff on this evening. Photos taken
09/11/2012	23:54 NTE Visit	Kristie Ashenden	on our way out PC Whythe searched a white male suspected of having cannabis
10/11/2012	00:00 NTE Visit	Kristie Ashenden	Inspector Lavin said no one else was allowed into the premises. We waited for the youths to disperse

02/12/2012	02:30 NTE Visit	Wesley McArthur	<p>As FRC and I approached the premises from Blenheim Grove we noted 2 security / steward staff by the passage way that leads to the premises from Rye Lane. One of the security staff was an IC3 male the other was an IC3 female. A number of people were entering and exiting the passage. I approached the security staff and asked if the premises were still open, the IC3 male stated that it was. I ID'd myself and asked to speak to the manager. I was led to the courtyard area to the front of the premises. The courtyard was very busy with approx' 25 people smoking, drinking and socialising. The pay desk and security hub was located in the courtyard. I spoke to the licensee &amp; DPS, Saija Kamarainen (SK). I asked SK what time the premises were going to shut, SK stated 'around 4am'. I asked if the 2nd floor was being used, SK confirmed that it was. I advised SK that under licence number 832624 (a copy of which I produced to her) that the premises should be shut by 02:00. SK stated that she had been granted a new licence allowing licensable activities until 06:00. I advised SK that the 6am licence should only be used once the works required by conditions on the licence had been complete. SK stated that the works required had taken place and invited me to inspect them. As the works required included soundproofing I explained that a member of the council's EPT would inspect the works at a later date. SK stated that the licence had been issued already. SK couldn't produce either of the licences issued in respect of the premises. A regular promotion ("Soul Train") was taking place on the first floor of the premises. The second floor had been hired for an external promotion. The third floor of the premises was not in use. Both the 1st and 2nd floors were very busy. I asked SK how she monitored capacities on each floor. SK stated that she used a wristband system whereby certain types of wristband admit entry to certain floors. Neither SK nor her security staff could provide current numbers of customers on either floor. I estimated that there were 250 people on the first floor and 200 on the second floor. I advised SK that counting devices should be used as follows: 1 for in, 1 for out on each floor, that the counters are colour coded for each floor so they cannot be mixed up, that only one person at a time is responsible for 1 set (pair) of counters on each floor. Breaches of the following conditions were noted: 156 – The staff log at the premises was not in use. 162 – Security inspections of the premises had been undertaken 288 – The time code on the CCTV was 27 minutes fast 290 – The hand held metal detector was not in use and had been left in the office 298 – There was no signage displayed re' the search policy at the premises. The anti drug signage was obscured by a door that was secured open. 312 – There was no evidence that persons re-entering the premises were being searched. 313 'c' – Customers were being allowed to drink in the courtyard 341 'a' &amp; 342 'b' – Not all north facing windows were closed. At least 1 north facing window contained a broken pane of glass. In addition to the above the below was noted in regards to the following conditions: 341 'b' – Floor standing fans were being used to cool the venue. With the amount of customers on each floor at the time of the inspection the level of cooling was barely acceptable; however in summer the current cooling arrangements will not be sufficient. 342 'd' – On the 2nd Floor sound attenuation was in place via a compressor. I spoke to a sound engineer who explained that the PA system on the 2nd floor had been hired in specifically for the event taking place and that he was in charge of the PA system and was working at the premises on that night only (he is not a</p>
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			<p>regular employee at the premises). The sound engineer stated that the soundcheck in regards to the PA system had taken place at 22:00 that night, but that the compressor had not been set in conjunction with any type of external reference. I advised the engineer that should he work there again that an external reference should be used when deciding the control settings of the compressor (or similar) in regards to PA systems installed at the premises. I noted drapes covering the north facing windows on both floors. I asked if the drapes were or had been made flame retardant or whether they had a suitable kite mark. SK stated that they were supplied by a theatre supplies company and had a relevant kite mark which she showed me. The kite mark / fabric information stated that the drapes were flame retardant in accordance with BS5438 pt 2. SK asked me to email her my suggestions / findings ASAP and to let her know the status of the licences issued in respect of the premises. Warning letter to follow and advisory email. NB Another licence (no. 837671) has been issued in regards to the premises. This licence allows licensable activities to take place at the premises until 06:00 on Friday &amp; Saturday. There is no provision in the licence that states that the work as required by the licence must be inspected by the local authority prior to the licence being used, or that the works must be completed to the satisfaction of the local authority. As I only had a copy of licence no. 832624 I suggest another inspection of the premises to verify adherence to the further conditions contained in licence no. 837671. BS5438 pt 2 is the correct standard that the drapery at the premises should meet.</p>
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02/12/2012	02:30 NTE Visit	Wesley McArthur	<p>As FRC and I approached the premises from Blenheim Grove we noted 2 security / steward staff by the passage way that leads to the premises from Rye Lane. One of the security staff was an IC3 male the other was an IC3 female. A number of people were entering and exiting the passage. I approached the security staff and asked if the premises were still open, the IC3 male stated that it was. I ID'd myself and asked to speak to the manager. I was led to the courtyard area to the front of the premises. The courtyard was very busy with approx' 25 people smoking, drinking and socialising. The pay desk and security hub was located in the courtyard. I spoke to the licensee &amp; DPS, Saija Kamarainen (SK). I asked SK what time the premises were going to shut, SK stated 'around 4am'. I asked if the 2nd floor was being used, SK confirmed that it was. I advised SK that under licence number 832624 (a copy of which I produced to her) that the premises should be shut by 02:00. SK stated that she had been granted a new licence allowing licensable activities until 06:00. I advised SK that the 6am licence should only be used once the works required by conditions on the licence had been complete. SK stated that the works required had taken place and invited me to inspect them. As the works required included soundproofing I explained that a member of the council's EPT would inspect the works at a later date. SK stated that the licence had been issued already. SK couldn't produce either of the licences issued in respect of the premises. A regular promotion ("Soul Train") was taking place on the first floor of the premises. The second floor had been hired for an external promotion. The third floor of the premises was not in use. Both the 1st and 2nd floors were very busy. I asked SK how she monitored capacities on each floor. SK stated that she used a wristband system whereby certain types of wristband admit entry to certain floors. Neither SK nor her security staff could provide current numbers of customers on either floor. I estimated that there were 250 people on the first floor and 200 on the second floor. I advised SK that counting devices should be used as follows: 1 for in, 1 for out on each floor, that the counters are colour coded for each floor so they cannot be mixed up, that only one person at a time is responsible for 1 set (pair) of counters on each floor. Breaches of the following conditions were noted: 156 – The staff log at the premises was not in use. 162 – Security inspections of the premises had not been undertaken. 288 – The time code on the CCTV was 27 minutes fast. 290 – The hand held metal detector was not in use and had been left in the office. 298 – There was no signage displayed re' the search policy at the premises. The anti drug signage was obscured by a door that was secured open. 312 – There was no evidence that persons re-entering the premises were being searched. 313 'c' – Customers were being allowed to drink in the courtyard. 341 'a' &amp; 342 'b' – Not all north facing windows were closed. At least 1 north facing window contained a broken pane of glass. In addition to the above the below was noted in regards to the following conditions: 341 'b' – Floor standing fans were being used to cool the venue. With the amount of customers on each floor at the time of the inspection the level of cooling was barely acceptable; however in summer the current cooling arrangements will not be sufficient. 342 'd' – On the 2nd Floor sound attenuation was in place via a compressor. I spoke to a sound engineer who explained that the PA system on the 2nd floor had been hired in specifically for the event taking place and that he was in charge of the PA system and was working at the premises on that night only (he is not a</p>
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			<p>regular employee at the premises). The sound engineer stated that the soundcheck in regards to the PA system had taken place at 22:00 that night, but that the compressor had not been set in conjunction with any type of external reference. I advised the engineer that should he work there again that an external reference should be used when deciding the control settings of the compressor (or similar) in regards to PA systems installed at the premises. I noted drapes covering the north facing windows on both floors. I asked if the drapes were or had been made flame retardant or whether they had a suitable kite mark. SK stated that they were supplied by a theatre supplies company and had a relevant kite mark which she showed me. The kite mark / fabric information stated that the drapes were flame retardant in accordance with BS5438 pt 2. SK asked me to email her my suggestions / findings ASAP and to let her know the status of the licences issued in respect of the premises. Warning letter to follow and advisory email. NB Another licence (no. 837671) has been issued in regards to the premises. This licence allows licensable activities to take place at the premises until 06:00 on Friday &amp; Saturday. There is no provision in the licence that states that the work as required by the licence must be inspected by the local authority prior to the licence being used, or that the works must be completed to the satisfaction of the local authority. As I only had a copy of licence no. 832624 I suggest another inspection of the premises to verify adherence to the further conditions contained in licence no. 837671.</p>
07/12/2012	21:10 NTE	Tracy McCarthy	At 21:10 hours CLF Gallery – stumbled across the back entrance whilst doing a recci for the churches. Setting up for a gig. Advised that the rear doors will be closed, being used to get equipment into the premises.

	Visit		
09/12/2012	02:25 NTE Visit	Roy Fielding	Met Sajja who was using the first floor. The room was very hot and there was no ventilation in the room. Sajja told us that someone is booked in for next year to sort the issue out. Farhad will be serving an improvement notice for the works to be carried out. All other floors were not being used. Sajja complained re last refuge who had a private party that was making a lot of noise. We investigated (see last refuge for report)
15/12/2012	01:20 NTE Visit	Roy Fielding	Met Mickey Smith and carried out revisit. Fully compliant except not using metal detectors during checks. Mickey showed us the detectors and instructed his door staff to use them. Will check again on Saturday.
22/12/2012	23:10 NTE Visit	Roy Fielding	Visited premises and met Mickey Smith. Mickey informed us it was a staff party on level 1 & 2. I asked him if I could take a photo of each of the sound limiters for Sarah which he agreed to. He also informed me that the premises would be closed until the 5th Jan. He also said that there was not a SLD on the 3rd floor as it is a theatre.
18/01/2013	22:30 NTE Visit	Roy Fielding	Met manager Kirsty and spoke re trade waste issue. Kirsty said that they have a contract with Biffa who collect at the rear of the premises on Thursdays. She said that they check at the front for glasses etc and would make more of an effort following the complaint.

08/02/2013	21:50 NTE Visit	Jayne Tear	<p>8/2/2013 21:50 JMT &amp; NVD-----From: Tear, JayneSent: 11 February 2013 19:15To: ██████████@met.pnn.police.uk'Cc: IAN CLEMENTS ██████████@met.police ██████████@met.police.uk'; Franklin, DavidSubject: RE: Thefts in Licensed PremisesDear Emma,I called both of the numbers below in Friday 8th February at 19:15/19:16hrs to see if the SNT may want to visit with me. I did not get areply so left a message.I visited the CLF Art Cafe (bussey bar) on the same night at 21:50hrsand spoke to Saija Kamerainen the DPS, With regards to your concernsbelow. There were 2 SIA door supervisors at front of house one insideand three more inside the courtyard at the time of my visit.Saija said that they pick up a lot of mobiles and lost belongings(which they have on site), she said that people just drop them andthey are found in the premises when they clear up later. She waswondering why the people that have lost their belongings don't contactthe club. Saija will be happy to meet with your officers to discuss.Maybe some of the people that have reported lost property to you maybe able to get it back.If the property is not lost and it is theft I can arrange to visittogether during the day with the licensee's if someone from your teamwould like to speak to them personally, if not maybe IanClements/Graham White and I can visit together. Please let me know andI will arrange.I then visited The Clock Tower (peckham palais) at 22:37hrs on thesame night for the same reasons, however it was closed. I will forwardthis to the team working next weekend,With kindest regardsJaynePrincipal Licensing Officer020 7525 0396-----From: ██████████@met.pnn.police.uk [mailto:██████████@met.pnn.police.uk]Sent: 08 February 2013 16:42To: ██████████@met.police.uk; ██████████@met.police.uk; Tear, JayneCc: Lakoja, Ninilola; ██████████@met.police.ukSubject: Thefts in Licensed PremisesJayne, Ian and Keith,Are you able to assist in any way with this?We are getting a lot of theft froms generating from the Peckham Palaisand the Bussey Bar.Are you able to speak with the managers re this. If not please can youprovide me with any details of the managers of the premises.We do not have this problem with any of the other licensed premises -there are clearly security issues at both venues.Let me know,Emma DickinsonPS 109 MDThe Lane SNTWork:- ██████████ Mobile:- ██████████ Email: ██████████@met.police.ukThe Lane Ward current priorities as set by our local residents are:Youth EngagementTackling Anti-Social BehaviourDisrupting the supply and consumption of Class A drugsTotal Policing is the Met's commitment to be on the streets and inyour communities to catch offenders, prevent crime and supportvictims. We are here for London, working with you to make our capitalsafer.Consider our environment - please do not print this email unlessabsolutely necessary.NOTICE - This email and any attachments may be confidential, subjectto copyright and/or legal privilege and are intended solely for theuse of the intended recipient. If you have received this email inerror, please notify the sender and delete it from your system. Toavoid incurring legal liabilities, you must not distribute or copy theinformation in this email without the permission of the sender. MPScommunication systems are monitored to the extent permitted by law.Consequently, any email and/or attachments may be read by monitoringstaff. Only specified personnel are authorised to conclude any</p>
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			<p>binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS). Find us at: Facebook: Facebook.com/metpoliceuk Twitter: @metpoliceuk</p>
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26/04/2013	23:15 NTE Visit	Tracy McCarthy	At 23:15 hours attended CLF – H&S re-visit to check on improvement notice. Whilst in attendance it was pointed out to Ms Saija Kamarainer that condition #352 was being breached 'No open containers of alcohol or any other drink shall be taken o/s of the premises' Saija said she will keep on top of it and advised her SIA supervisors. Verbal warning given.
11/05/2013	19:20 NTE Visit	Roy Fielding	Carried out poster check for a new application for the Bussey Building. Spoke to door staff re CLF. They explained that they were expecting around 100 people tonight.
24/08/2013	19:40 NTE Visit	Dave Swaby	27/ 8/2013 12:15 DDS Visit with Sarah Newman, the premises was in the process of closing. No actions taken.
24/05/2014	21:15 NTE Visit	Farhad Chowdhury	24/ 5/2014 21:15 FRC Basement A copeland road SE15. visited this premises by accident seen people taking in cases of alcohol. Met Sajia Kamarnien from CLF Arts cafe, says they have a TEN tonight Roy checked on his phone it came up as the REFUGE and not Basement A. Concerned about the low ceiling in the premises and lack of water and washing facilities, and no WC's also there is a lack of ventilation in the premises. Have a Vinyl 45's night tonight. says will apply for a licence soon, will be running as a record shop. Sajia home address is [REDACTED] Tens seen from 24/5/14 to 25/5/14 2200-0600hrs Carried out a Health and Safety Inspection left report. Advised to apply for licence.
25/05/2014	01:52 NTE Visit	Farhad Chowdhury	25/ 5/2014 1:52 FRC long queues outside on rye lane.
30/05/2014	19:58 NTE Visit	Kristie Ashenden	Basement A 133 Copeland Rd revisit for H&S. En route stopped @ Touch of Grace Beauty World on Blenheim Grove. Fake hair extensions everywhere, FRC advised to clean up & we will pass to enforcement. Basement bar closed, to revisit later

31/05/2014	01:01 NTE Visit	Kristie Ashenden	Big crowds outside, appear to be students. Once through security another queue of 30-40 people waiting to get through. We had a look at the basement bar with Martin Drogosz, who said he was the manager. Asked to see the TEN. He was unable to produce it, however we found it online. Martin said the capacity of CLF was 900 and the basement bar is limited to 150. We asked security for the number of people in the premises. The females at the entrance did not have clickers or metal detectors. When asked for numbers they looked at the guest list and 'estimated' it to be around 450 people, but there was no way of knowing for sure. They had no idea how many people were on the premises. Breach of condition 307 - no clickers at the premises. Asked for personal licences, 2 staff had them available. Breach of 162 - no security search records available. Breach of 303 - no 696 available. Breach of 307 - they don't know how many people on each floor, let alone how many in entire footprint of building. Breach of 313 - drinks consumed outside courtyard. Breach 344 - Asked to see refusals book, not available. Breach 350 - not aware of need for drugs box. Breach 354 - unable to provide dispersal policy. Breach 4A1 - no register produced. Breach 356 - no incident log. No confidence in management - as we were leaving there were a lot of people in the courtyard drinking.
14/06/2014	02:33 NTE Visit	Farhad Chowdhury	14/ 6/2014 2:33 FRC No queues outside all quiet
28/06/2014	22:05 NTE Visit	Farhad Chowdhury	Basement A is closed tonight. the footpath outside is badly broken and is a trip hazard needs to be repaired.
06/07/2014	02:14 NTE Visit	Kristie Ashenden	En route to CLF Art Cafe for a H&S revisit when we encountered 3 cars going through a red light on Old Kent Rd. Followed them in the van to Peckham and all 3 cars were pulled up. Cars full of Nigerians going to an event, police spoke to them and let them go.
06/07/2014	02:35 NTE Visit	Kristie Ashenden	Revisit with FRC and police. Courtyard is packed with people, must be at least 60-80 people outside - concerned about noise for residents as well as safe evacuation should there be an emergency. FRC took photos. Met with Micky Smith who said the basement was not open ATOV however rest of premises is.
19/07/2014	22:25 NTE Visit	Kristie Ashenden	Visit with FRC to check on outstanding works re: his representation. Door staff said there were 34 people in ATOV however there appeared to be more than that. FRC checked on basement work. At 22.54 went past D'Arma in alley from Blenheim Grove on way to Peckham Rye station. Decks & speakers set up, crowds gathered to blaring music. Takeway food shop, no licence. Report to DCM/JMT
28/09/2014	01:52 NTE Visit	Kristie Ashenden	Hot dog man + jerk chicken set up opposite premises. TCT NTE police to assist. Adam ended up seizing jerk chicken BBQ.

14/02/2015	01:25 NTE Visit	Kristie Ashenden	With Matt Bourne. Big queues outside CLF, however NTE police received a call from Mytribe that there are 60 people outside and they are unruly.
19/04/2015	00:59 NTE Visit	Farhad Chowdhury	19/ 4/2015 00:59 FRCEvelyn carried out a food hygiene inspection, looked at records. She asked what types of foods are sold. Sajia explained they have a pop up food stall selling vietnamese foods. It is opened from 12-8pm, noticed there were too many people in the outside smoking shelter brought it to the attention of Sajia to keep an eye if it get overcrowded to move people around.
24/04/2015	02:44 NTE Visit	Jayne Tear	02:44 25/4/2015 JMT & TMMCLF ART CAFÉ ( COMPLAIN FROM EPT) - Visited premises to carry out a noise assessment with regards to complaint from Sarah Newman. We walked all around peripheral of premises. Could not hear anything that would cause a nuisance from CLF, went to nearest flats and could hear noise but it was from people praying on the top floor of a flat. Entered premises and I'd ourselves We I'd ourselves to the SIA and then Mr Martin Drogosz the person in charge and the sound engineer Mr Max Lyons-Davenport. Mr Drogosz showed me his personal licence issued by Lewisham Council no. [REDACTED] EXPIRY DATE 27/1/22. I explained that there had been a noise complaint and I asked him to show me the S.Ls on each floor. He showed me the .S.L s and they all seemed to be working. Took Photo's of each for Sarah. I asked if there were any outside promoters working tonight and he said yes. He told me the promoters for each floor are as follows: Basement – Caught up 1st Floor – Lucid 2nd Floor - Digital City (possible breach of 303 – will need to check if venue hire been submitted to police) On the way out I noted that a woman with a plastic glass of what looked like lager/beer. I spoke pointed this out to Mr Drogosz and he immediately asked the SIA to remove the beer from the woman. ( breach of 381) I thanked them for their assistance and we left the premises at 03:34.T

09/05/2015	22:45 NTE Visit	Mark Orton	<p>Visited premises, full inspection, premises becoming busy atov. Contact at time of inspection was Saija Kamarainen DPS. SIA stewarding patrons well. ID's being checked and searches of person and bags etc being carried out. Courtyard area being used by patrons to smoke. Basement bar and record store no busy but music loud, some breakout but low level. Theatre being used as production unit as filming taking place (live broadcast) taking place in the building. All paperwork in order, refused sales log (I advised signing off each log if no refusals had taken place to show log was being used), SIA log up to date, incident log being utilised, CCTV in operation, reHire Agreement condition 303, premises does not "dry hire" and management is always present with in house security, condition does not state 696 agreement so not sure what benefit this holds. Several conditions relating to sound limiters throughout operating schedule is confusing, even though they are being utilised and there is a sound engineer on duty at times the licence is in use. I advised the sound engineer carries out an external sound check re condition 366 to monitor music/sound breakout during the evening due to current noise complaints despite sound insulation being installed in various parts of the building. This activity to be logged for inspection. In my opinion, a small reduction in music volume would not detract from the enjoyment of patrons but could have a big impact on local residents suffering disturbance as the music being played inside the premises was very loud for the size of the room the music was being played in. Ear plugs were available for staff and whilst carrying out inspection staff were entering the office to request ear plugs. Whilst leaving premises, it was noted that some of the windows could be heard vibrating suggesting that bass levels could be too high and depending on wind direction other music noise was also witnessed, unsure of whether it could be a nuisance level or not. Noted during inspection some of the conditions appeared to be contradictory and possibly redundant, will discuss with officer responsible. This has been brought up before with DM.</p>
23/05/2015	02:26 NTE Visit	Richard Kalu	<p>Visit to CLF Art Café with Sarah Newman. Premises was very busy and were observing the licensing conditions as per their licence. We completed a walk around of the premises on all the various floors and no issues were noted. I did however observe X4 patrons in the external courtyard drinking cans of beer which I believe is prohibited. Advised by management that these patrons had taken the alcohol out into this area earlier in the night and this was not detected by SIA staff. Advised management that they needed to take more robust action to stop patrons drinking in this area.</p>
13/06/2015	02:15 NTE Visit	Mark Orton	<p>Spoke with DPS re patrons drinking in courtyard beyond 02:00hrs. Noted 3 persons drinking from cans of beer, was informed that they had taken them into the courtyard before 02:00hrs and were just finishing them off. Witnessed SIA using wands and searching bags etc.</p>
19/06/2015	23:50 NTE Visit	Richard Kalu	<p>Visit to CLF Art Café with Adam Burtchet. SIA compliant at premises. Checked various floors no issues noted. Patrons being stopped by SIA staff from bring drinks into the courtyard area. CCTV in full operation and no compliance issues noted. Premises was extremely busy.</p>

04/09/2015	23:50 NTE Visit	Wesley McArthur	<p>4/ 9/2015 23:50 WJMAfter visiting McDonald's with Tracy McCarthy (TMM) we noted a large queue on Rye Lane leading to the entrance of the Bussey Building. There were approximately 110 people in the queue. I noted a D/S monitoring the queue towards the rear of the queue and 5 D/S's by the entrance on Rye Lane to the Bussey Building. The area was very busy in general with groups of youths and young people walking about and congregating in various areas down the length of Rye Lane and around Bellenden Road and Blenheim Grove. I noted that many of the people were drinking alcoholic drinks. Most of the groups of people were conversing loudly and all appeared to be in high spirits although I didn't note any ASB. We approached the entrance to the premises and I ID'd myself &amp; TMM to an IC3 D/S. I asked him what event was taking place and he stated that the band 'Odyssey' were playing at the premises that night. He stated that the queue TMM and I had observed was a ticket holder / guest-list queue, that the majority of people attending were ticket holders and that the premises were only accepting a limited number of customers who were paying on the door. The D/S lead us through the courtyard area to an office. Whilst walking through the courtyard area I observed that it was very packed with customers socialising and also customers getting searched / waiting to get searched. The sound level of people voices was quite loud in the courtyard. The D/S took us to the office where we met the premises manager, Mickey Smith (MS). MS confirmed that the event taking place that night was the band 'Odyssey' playing and that he was expecting a capacity crowd at the premises. MS stated that there hadn't been any problems at the premises so far that night. I asked how many D/S's were working at the premises that night and MS answered 18. I told MS that I'd seen people drinking in the queue and in the locale. MS stated that people were not allowed to bring any drinks into the premises and that any persons who appeared to be intoxicated would be turned away even if they were ticket holders. MS stated that so far, to his knowledge, they hadn't had to turn anyone away for being intoxicated. The window in the office overlooks the courtyard. The window was partially open. Customer's voices from the courtyard could clearly be heard in the office and I reminded MS of recent noise complaints. MS stated that noise dampening measures would be installed in the courtyard ASAP and that he was still waiting to find a suitable smoking shelter solution. I asked MS if the number of customers on each floor was being controlled (as required by the licence issued in respect of the premises). MS answered that D/S's were at the entrance to each floor at the premises and that they were using counting devices to ensure that the permitted number of persons per each floor wasn't exceeded. I asked MS if the premises were experiencing any problems since it (and the locale) had become very popular over the past year or so. MS stated that NOx sellers are a big problem that he is finding hard to combat. MS stated that he has rung the NTET number a few times when he has noticed NOx sellers in the area but the NTET line was not answered. MS stated that the NOx sellers are operating in large gangs and have recently been intimidating to himself and D/S's at the premises when they have tried to disperse the NOx sellers from the immediate vicinity of the premises / customer queues to the premises. MS stated that they sell NOx quite openly. I told MS that I will report this back to NTET / Licensing. MS stated that the NOx sellers are particularly active between 4am and 6am and that he would like to see a stronger</p>
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			<p>police presence in the area between these hours to deter NOx / drug sellers. I conducted a walk through of the premises. There were D/S's monitoring the numbers of customers on each level of the premises with counting devices. According to the counting devices no level was exceeding its permitted capacity. The premises were very busy on each level. Fans were in operation. The music was very loud on each level but SLDs appeared to be functioning. Toilets all in working order. Security were being through with their searches. No problems at the premises were noted.</p>
05/09/2015	00:04 NTE	Farhad Chowdhury	5/ 9/2015 00:04 FRC Long queues outside CLF arts cafe, lots of activity looking for BBQ's none set up yet, found a man with NitrousOxide maybe selling to people going to CLF. Adam Called NTE police and gave discription of the

	Visit		man and to visit and observe rye lane and seize the Nitrous Oxide.
05/09/2015	02:00 NTE Visit	Farhad Chowdhury	5/ 9/2015 2:00 FRC Still a queue outside no BBQ some people sitting on the pavement.
13/09/2015	01:40 NTE Visit	Jayne Tear	01:40 JMT & COT ON 13/9/2015 at Blenheim Grove SE15 - Parked appx 50yds from junction with rye lane near the church. All quiet in Blenheimgrove, however could hear shouting, laughing and screaming of patrons coming and going in and out of the CLF ART CAFÉ. The patrons were walking backwards and forwards across the road and congregating at the entrance observed for appx 15 minutes. Got out of the car to visit RYE EXPRESS and noticed empty beer cans and beer bottles strewn in various places on the pavement.
13/09/2015	02:10 NTE Visit	Jayne Tear	notes to follow
19/09/2015	01:15 NTE Visit	Richard Kalu	Request made by David Franklin to Visit. Premises visited with Farhad Chowdhury. Parked up at Bar Story. Lots of people milling about and drinking. On approach to CLF art cafe spotted a nitric oxide seller and called it into police. Quite a few people along the road singing and shouting. No noise breakout from the premises in the courtyard. They appeared to manage to contain the music levels to within the premises and there was minimal sound escape. The third floor was busy with people generally going in and out and a heavy presence of SIA staff who appeared to have received specific instructions to stop people taking drinks into the courtyard. Room was being used more as a clubroom than a theatre type room. Witnessed a number of drinks being confiscated from patrons before being allowed into the courtyard. When leaving the premises noted a number of discarded balloons (nitric oxide) discarded along the street.
19/09/2015	23:30 NTE Visit	Richard Kalu	Visit to premises with Farhad Chowdhury. Nitric Oxide seller was present and mixing in with patrons waiting to gain entry. Informed NTE police of a IC3 male with dreadlocks wearing a beanie hat with stone wash jeans and a furry type olive green jumper. Nitric oxide was approaching people and some people were being quite vocal that they did not want the balloons. Full complement of SIA staff on door who were carrying out searches and using wands.

04/10/2015	03:20 NTE Visit	Richard Kalu	<p>Full inspection carried out. Initially observed the front of premises from the vantage point of Blenheim Grove. X4 patrons on Blenheim Grove however no ASB issues were identified. X15 patrons at the front of the premises who were being controlled by SIA staff. No Nitric Oxide sellers or barbecue sellers observed in the immediate vicinity of the premises. There was evidence of nitric Oxide use at the front of the premises with discarded silver nitric oxide bottles on the floor. Full inspection carried out with the operator / DPS Saija Kamarainen and head of security Yazz (██████████). 3rd Floor (theatre) was not operational and we discussed the use of the third floor that it should only be operated as a theatre. I have been advised by Saija that she intended to go down the road of a variation of the licence. Saija advised that they wanted to support the theatre but when it was not busy it still needed to be operational and draw revenue and the only way to fully utilize this space was to use it as a venue room for the CLF Art Cafe main business. The licence is very complicated with repetition of wording of conditions which in some respects is not enforceable. Saija advised me that she has trouble understanding the licence in respect of what she should and should not be doing. I advised her that legally it was her responsibility and as a responsible operator to gain an understanding of the licence and to ensure that she was compliant. Security also confirmed that the licence is causing problems as it is very complicated to understand. I reiterated again that they needed to gain an understanding and if there were any issues with the understanding of the wording of the conditions to use this opportunity to discuss with me now. On my initial entry into the premises I noted that no patrons were drinking in the front courtyard of the premises. There was a very visible presence of SIA security at the entrance and in the front courtyard. I made comment and Saija volunteered that there had been issues about the wording on the licence conditions about the operation of the front courtyard. Saija advised me that to avoid confusion security had now been advised not to allow any patrons to enter the front courtyard with drinks past 01:30hrs which could clearly now be seen to be a measure which had been implemented. Sound Limiters checked and all fully operational. I went through the licence with Saija and the head of security and the breaches found relate to dispersal policy condition 354. No breach was witnessed in relation to 313 drinking in the front courtyard. SIA were using the metal wand detector. I witnessed SIA staff actively stopping patrons vacating any rooms with drinks which was encouraging and it was a zero tolerance approach to this i.e. one warning then the alcohol was being confiscated. The inspection took a long time however it's clear that some work needs to be done on the licence with a full variation to tidy up the licence. Signage was up and could clearly be seen. I have advised them that they could do with some more updated signage. CCTV was operational and no issues identified. I gave words of advice in relation to dispersal policy and have asked that this is done as a matter of priority. Also Saija has confirmed that staff will now be deployed to come out the premises at the end of the night and sweep up and pick up discarded litter in the immediate proximity to the premises which should hopefully address some of the complaints received by residents about litter. I asked about outside promoters and it appears that they do on occasion have external promoters. Saija confirmed that they do have a venue hire agreement arrangement in place and it may be worthwhile discussing with the police to see if</p>
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10/10/2015	22:02 NTE Visit	Wesley McArthur	10/10/2015 22:02 WJM Visit with Ken Dale (KD). Waist height barriers were in place heading south on Rye Lane from the entrance of the premises but there was nobody queuing to get in the premises. I saw 4 IC3 D/S's at the entrance (on Rye Lane) to the premises. We didn't observe any ASB in respect of the premises or groups of people congregating near the premises.
17/10/2015	00:35 NTE Visit	Farhad Chowdhury	17/10/2015 00:35 FRC hundreds of people in queues on rye lane waiting to go in. We looked for nitrous oxide sellers and BBQs nobody around today.
23/10/2015	22:34 NTE Visit	Farhad Chowdhury	23/10/2015 22:34 FRC all quiet some people are queuing up.
31/10/2015	22:55 NTE Visit	Wesley McArthur	31/10/2015 22:55 WJM Visit to the premises with Adam Burchett (AB). I saw 4 D/S's by the entrance to premises on Rye Lane. Waist height police barriers were in use heading south down Rye Lane from the entrance to the premises. There were approx' 15 people queuing to enter the premises behind the barriers. I didn't observe any ASB in the vicinity of CLF.
08/11/2015	02:23 NTE Visit	Farhad Chowdhury	8/11/2015 2:23 FRC hundreds of people outside in the smoking area and the space outside eye wax, some with drinks in their hands. Very crowded in the alleyway some staff were at the far end near staircase B. People had glasses and Beer cans in their hands, people noise and music audible outside. They have not carried out any noise control works yet. The head door man Ade, security could not manage the crowd they have no control. Ade told us when the DJ changes and set changes people come out and change rooms as they get bored and this causes the big crowd outside. After we advised him of the no drinks after 2am he took drinks off people's hands, still busy we left at 2:38hrs.

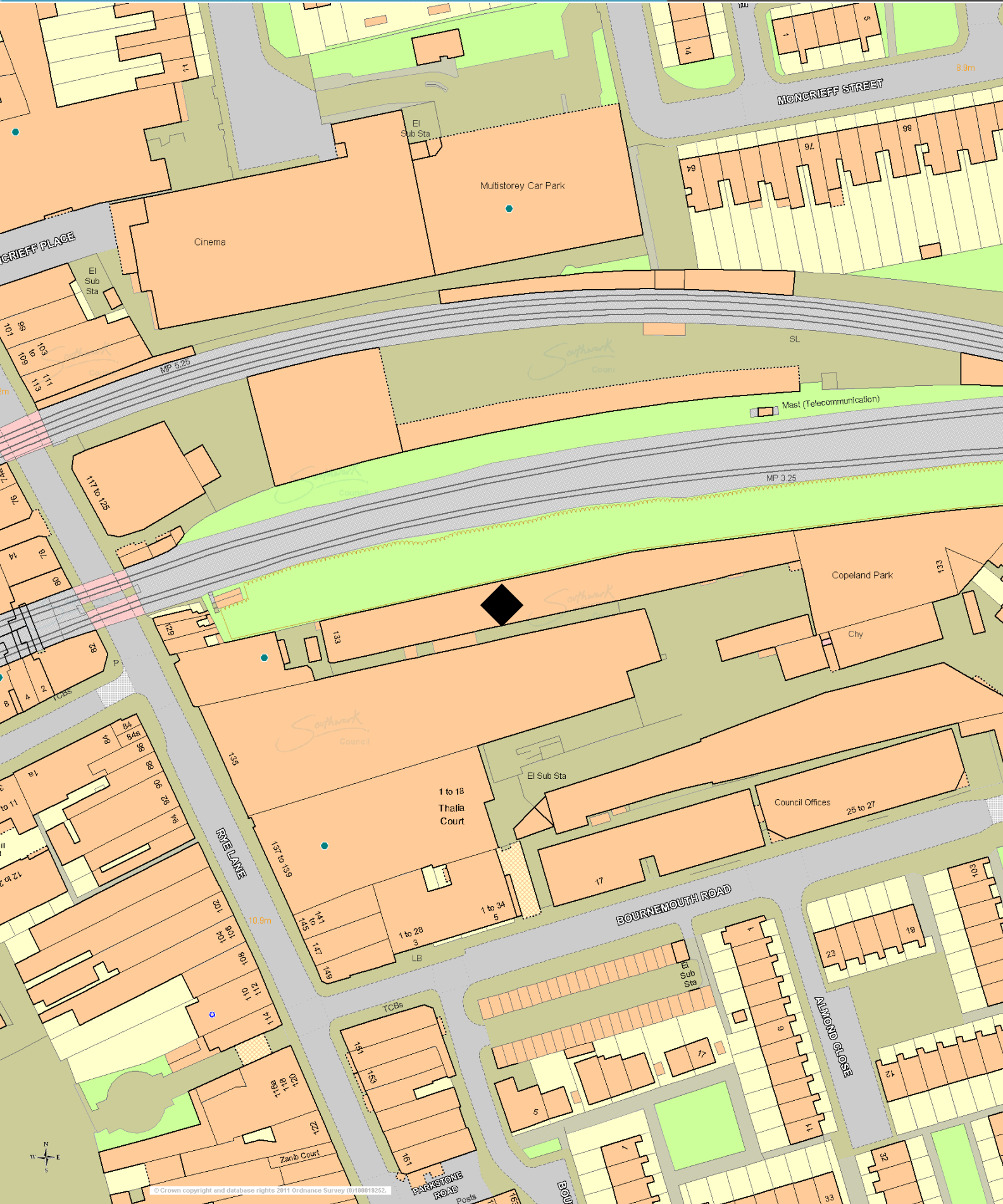
15/11/2015	02:55 NTE Visit	Richard Kalu	Visited premises with Sue Hunter. No ASB issues identified outside the premises. There was a lot of discarded litter and evidence of nitric oxide use at the front of the premises. Entered the front courtyard of the premises and noted that no patrons were drinking alcohol in the front courtyard. Discussed Acoustic measures which are due to be put in place in the front open courtyard. I have been advised that consideration is being given to increasing the height of a wall in the front courtyard. Whilst I am not an acoustic specialist I have had experience of noise related complaints and I could not see how this measure would reduce noise nuisance currently experienced by residents living in the immediate vicinity of the premises. This will however need to be assessed by EPT / noise officers to establish whether from the resident's property the associated noise breakout can be regarded as a statutory noise nuisance. Checked the various floors and SIA staff were not allowing patrons to vacate rooms with drinks. I also noted that the 3rd floor was not operational as a clubroom or a theatre. I did complete a very simple exercise on the 2nd floor with security and closed the doors of the clubroom that effectively cut out all noise escape from the clubroom. I note that outside each clubroom on a landing where there is waist height to ceiling height single panels of glass. I enquired whether they had ever thought about double-glazing as almost all of the noise was coming out the clubrooms and going straight out the window into the wider community. I do not think this has been looked into as of yet which I would imagine drastically reduce the noise escape as a whole for the whole building.
22/11/2015	01:50 NTE Visit	Farhad Chowdhury	22/11/2015 1:50 FRC open no queues, looking for nitrous oxide sellers, none found.
22/11/2015	22:12 NTE Visit	Farhad Chowdhury	21/11/2015 22:12 FRC queues opening not busy yet
05/12/2015	01:00 NTE Visit	Richard Kalu	Visit to premises with Sarah Newman. Entered the premises and discussed people noise and courtyard area with head door supervisor as management were dealing with an issue. 3rd floor not in operation drinks were not being taken out into the courtyard area. Sarah inspected the new Acoustic measures put in place in the front courtyard. We carried out some monitoring from the other side of the new acoustic built up area overlooking the courtyard and no music could be heard escaping from the premises. Discussed nitric oxide sellers and were advised that SIA staff are actively discouraging nitric oxide sellers from operating near their premises. Head of security has asked if there could be some police presence to deter the nitric oxide sellers.
02/01/2016	23:31 NTE Visit	Farhad Chowdhury	2/1/2016 23:31 FRC premises open, nobody in the queue very quiet.

27/02/2016	03:30 NTE Visit	Richard Kalu	Observations of premises in relation to front courtyard and no alcohol being consumed by patrons. Condition being adhered to and enforced by SIA staff at the premises. No nitric oxide sellers located outside the front of the premises.
28/02/2016	01:37 NTE Visit	Farhad Chowdhury	28/ 2/2016 1:37 FRC all quiet nobody outside
05/03/2016	01:30 NTE Visit	Richard Kalu	Compliance check with Farhad Chowdhury. No nitric oxide sellers were located at the front of the premises. SIA staff were visibly patrolling the line of patrons waiting to gain entry and advising patrons that they should refrain from buying nitric oxide.
06/03/2016	01:32 NTE Visit	Farhad Chowdhury	6/ 3/2016 1:32 FRC CLF arts cafe all quiet, no issues.
12/03/2016	22:45 NTE Visit	Farhad Chowdhury	12/ 3/2016 22:45 FRC All quiet, not many people in the queue, checked for BBQ none at the moment.
23/04/2016	03:20 NTE Visit	Richard Kalu	visit to CLF art cafe with John Uzodinma. X3 nitric oxide sellers located at the front of the premises. I identified myself to one of the sellers and advised him that I worked for licensing and that he needed to move on. I also advised him that the police were doing a sweep and that they faced confiscation of their nitric oxide and possible arrest. They all moved on and I confirmed that officers routine patrol Rye Lane. Also noted a barbecue seller across the road from CLF art cafe. Will update Adam Burchett in regards to this so that we can attempt to cease next week.
01/05/2016	01:15 NTE Visit	Richard Kalu	Visit to CLF Art Cafe. X5 SIA members of staff at entrance of the premises. We identified a barbecue seller who we have previously seen trading and who Adam has confiscated his barbecue across the road. Advised by Adam that he wanted to witness the barbecue seller. We parked up just on Blenheim Grove and observed the barbecue seller cooking and selling to members of the public. 01:26 Call to NTE Police advising them that we would need assistance later to confiscate the barbecue. Advised that they would be happy to assist later. We left having arranged to return back later in the night with NTE police assistance.
01/05/2016	03:10 NTE Visit	Richard Kalu	Visit with Adam Burchett and NTE Police. Barbecue confiscated. Adam to lead on potential prosecution. Witness statement to be provided to Adam Burchett upon request.

07/05/2016	03:15 NTE Visit	Richard Kalu	Visit to CLF art cafe with Sue Hunter. When we arrived I noted that on the corner of Blenheim Grove across the road from CLF ART Cafe there was a barbecue seller on the corner of Blenheim Grove. Upon closer inspection I noted that it was the same barbecue seller that had his barbecue drum lifted and confiscated by myself and Adam Burchett on the 1/05/2016 (previous weekend). Myself and Sue Hunter approached the barbecue seller and advised him that a van was coming in 10 min to pick up his van and that he needed to pack up and move on. We returned back to our car to observe the barbecue seller to ensure that he was packing up and moving on which he did. Whilst positioned at this location we observed a number of issues on Blenheim Grove that was cause for concern. There were at least 3 nitric oxide sellers as well as street drug dealers on the corner of Blenheim Grove. Call made to NTE Police requesting that they come down to Blenheim Grove to disrupt the criminal activity that was taking place. We were advised by NTE Police that they would visit the area shortly and concentrate their attention to Blenheim Grove / CLF Art Café.
07/05/2016	23:53 NTE Visit	Farhad Chowdhury	7/ 5/2016 23:53 FRC looking for BBQ's, No BBQ's no Nitrous Oxide sellers tonight.
21/05/2016	01:40 NTE Visit	Farhad Chowdhury	21/ 5/2016 1:40 FRC No BBQ's no Nitrous Oxide sellers outside.
22/05/2016	02:30 NTE Visit	Farhad Chowdhury	22/ 5/2016 2:30 FRC checked for nitrous oxide sellers none and no BBQ's
04/06/2016	02:40 NTE Visit	Richard Kalu	No barbecue seller located across the road from premise. Noted that there now appears to be increasing numbers of nitric oxide sellers located on across the road from CLF Art Café. Witnessed what appeared to be an exchange of money possibly for drugs on at least two occasions. Noted at least X7 members of the public with nitric oxide balloons around the general area of CLF Art café. Action: Update police in regards to the increase in nitric oxide sellers along rye lane with an emphasis that the nitric oxide sellers do seem to be concentrating their efforts around the CLF Art Café.
18/06/2016	01:50 NTE Visit	Richard Kalu	Myself and Ken Andrews while walking past the premises were stopped by the head of security who enquired about the barbecue seller who was usually pitched up on Blenheim Grove. Advised that there was an outbreak of food poisoning amongst some of the security staff that had purchased some food from the barbecue seller. Myself and Ken advised him that he and his staff should refrain from purchasing food from the barbecue sellers and discourage patrons as much as possible from doing so as well. Advice provided in relation to food hygiene by Ken Andrews. Discussed some of the activity which was occurring on Blenheim Grove and in close proximity to the CLF Art Café. Was advised that the police appear to be much more on top of things and are making more frequent sweeps of the area which is pushing away some of the desirable elements that seemed to use the area as a destination area to engage in

			criminalactivity.
02/07/2016	03:20 NTE Visit	Richard Kalu	Visit to premises with Adam Burtchet. As we were coming down Rye Lanewe spotted one of the persistent barbecue sellers and we approachedhim and advised him that he should not be setting up on Blenheim Groveas we would confiscate his barbecue drum.X2 Nitric Oxide sellers were milling around who appeared to be workingin partnership. X2 black males one with dreadlocks (6ft1 dark denimjeans white t-shirt and stone island jacket) and one with a bald head(5f 9 dark denim jeans white t shirt and dark blue jean jacket).Overheard part of a conversation with a customer and they were sayingthat they were about to sell out and they only had X2 cans left.CLF had full compliment of SIA staff at the entrance of the premisescarrying out ID checks and scans of the patrons wishing to gain entry.
11/09/2016	01:30 NTE Visit	Farhad Chowdhury	11/ 9/2016 1:30 FRCNo Nox sellers outside no queues outside CLF.
11/09/2016	02:35 NTE Visit	Farhad Chowdhury	11/ 9/2016 2:35 FRC no queues outside no Nox sellers seen allquiet outside.

Date 21/9/2016



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<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 7 November 2016	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Thomas A Becket, 320-322 Old Kent Road, London SE1 5UE	
<b>Ward(s) of group(s) affected</b>		East Walworth	
<b>From</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Paul Anthony Scarborough for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road SE1 5UE.
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 15 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted are attached to this report in Appendix B and Appendix C. A map showing the location of the premises is attached to this report as Appendix F.
  - 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 13 September 2016 Paul Anthony Scarbough applied to this council for the grant of a premises licence in respect of Thomas A Becket, 320-322 Old Kent Road, SE1 5UE. The premises is described as a pub at the corner of Old Kent Road and Albany Road.
9. The application and is summarised as follows:
- **The provision of Late Night Refreshment**
    - Sunday to Wednesday from 23:00 to 02:00 the following day
    - Thursday to Saturday from 23:00 to 04:00 the following day
  - **The supply of alcohol for on sales**
    - Sunday to Wednesday from 11:00 to 02:00 the following day
    - Thursday to Saturday from 11:00 to 04:00 the following day
  - **Opening hours**
    - Sunday to Wednesday from 11:00 to 02:00 the following day
    - Thursday to Saturday from 11:00 to 04:00 the following day
  - **Non standard timings as follows**
    - Late Night Refreshments: 23 December to and including 1 January in each year the opening time for late night refreshments for Thursday to

Saturday (inclusive) will be 23:00 to 05:00. Late night refreshments for all bank holidays will be from 23:00 to 05:00.

- Sale of Alcohol: 23 December to and including 1 January in each year the opening time for Sale of alcohol for Thursday to Saturday (inclusive) will be 11:00 to 06:00.
10. The proposed designated premises supervisor (DPS) of the premises is Claire Joy Steele. At the time of writing this report the intended DPS had not achieved a relevant qualification to apply for a personal licence.
  11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, 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 the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

### **Representations from responsible authorities**

12. Representations have been submitted by the Metropolitan Police Service, the council's public health directorate, the licensing responsible authority, the environmental protection team and trading standards team.
13. The Metropolitan Police Service's representation referred to this council's statement of licensing policy and noted that the proposed closing hours in respect of the premises fall outside of the closing hours suggested in the statement of licensing policy. The representation has suggested conditions that should be in place regardless of terminal hour and also conditions that should be in place if the terminal hour falls after midnight
14. The council's environmental protection team have made representation under the grounds of prevention of public nuisance that the hours applied for to 02:00 and 04:00 fall beyond the recommended hours for a pub within the Southwark statement of licensing policy of 23:00 for public houses and the premises is structurally connected to residential premises. The proposed conditions to prevent public nuisance are insufficient to address this concern and they ask for the recommended terminal hour of 23:00 to be imposed.
15. The public health directorate's representation has been submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation is concerned with the proposed hours for the sale of alcohol and states that that increased hours of alcohol sales are associated with increased alcohol consumption, alcohol related injuries and alcohol related harm. The representation requests an earlier end time in regards to the sale of alcohol of 23:00. Additionally, this application is for a premises located within a residential area. Southwark's statement of licensing policy advises that the closing time for such a premises should be 23:00 daily.
16. The council's licensing responsible authority has submitted representations in respect of the prevention of crime and disorder; the prevention of public nuisance, public safety and the protection of children from harm. The licensing responsible authority makes reference to the issues that lead to the revocation of the previous

premises licence, submits a copy of the notice of decision for that hearing, and requests reassurance that the previous licensees or management would have no control over the premises and the licensable activities that may take place at the premises asking if the applicant could provide a lease to show this at the committee hearing. The representation also recommends a closing time of 23:00 in line with the recommended closing times in the southwark statement of licensing policy.

17. The council's trading standards team as a responsible authority has submitted representations in respect of the protection of children from harm as the application does not address the issue of children on the premises and under age drinking is not fully addressed. Trading standards recommend that if the application is granted, a number of conditions are added to the licence.
18. Planning have responded stating that they have no objection as the application falls within lawful use with no restriction of hours.
19. Copies of the representations submitted by the responsible authorities and related correspondence are attached in Appendix B.

### **Representations from other persons**

20. There have been 18 representations from other persons, 17 objecting to the application and one in support.
21. The majority of the representations against are citing all four of the licensing objectives. They are also mostly local residents who have suffered with noise, disturbances and anti-social behaviour in the past from the premises and it's past patrons and also persons loitering in the immediate area whilst the premises was open.
22. The supporting representation states that noise problems from cars and rubbish continued after the premises was closed, however differentiates between users of the premises at night to those during the day and evening.
23. Copies of the representations submitted by other persons are attached as Appendix C.

### **Conciliation**

24. There has been no response to any of the representations at the time of the writing of this report to suggest that the applicant wishes to attempt conciliation.

### **Premises history**

25. This premises has previously held a licence and operated as a nightclub. The previous licence was revoked by the licensing sub-committee on 10 March 2015 following an expedited review submitted by the Metropolitan Police Service under serious crime and disorder. There were further representations regarding persistent breaches of the premises licence and antisocial behaviour associated with the premises. The notice of decision is attached as Appendix D.
26. The premises was listed as an asset of community value on 22 June 2015. This is a building or piece of land that is deemed to be of community value if, in the opinion of the council:

- An actual current main (non-ancillary) use of the building or land furthers the social interests or social wellbeing of the local community, and it is realistic to think that there can continue to be a main use of the building or land which will further the social interests or social wellbeing of the local community, although not necessarily in the same way, or
  - A main use of the building or land in the recent past furthered the social interests or social wellbeing of the local community and it is realistic to think that the building or land can be brought back into use in the future.
27. The licensee as of April 2012 was Mohammed Abdul Kashim. The DPS of this licence was Mohammed Abdul Kashim.
  28. On the 28 September 2012, the licence was then transferred to Thomas A Becket Leisure Investments Ltd, 1st Floor, 86 Whitechapel High Street, London, E1 7QX, the the DPS remaining as Mohammed Abdul Kashim.
  29. As of 1 September 2016, Abdul Kashim was listed as an owner of the property according to the Land Registry.
  30. On 4 December 2014, two temporary event notices (TENs) were served by Mr Mohammed Abdul Kashim (the DPS at the premises) in respect of events intended to be held at the Thomas A Becket, 320-322 Old Kent Road, London SE1 5U3.
  31. Both TENs received objections from the Metropolitan Police Service and were determined at a hearing of the licensing sub-committee.
  32. The TENs are summarised as follows:
    - TEN – 846929 giving notice of intended ‘private parties’ to include the retail sale of alcohol and the provision of regulated entertainment on
      - Wednesday 24 December from 05:30 to 10:00
      - Thursday 25 December from 05:30 to 10:00
      - Friday 26 December from 05:30 to 07:00
      - Saturday 27 December from 05:30 to 07:00
      - Sunday 28 December from 02:30 to 10:00
      - Monday 29 December 2014 from 05:30 to 10:00.
  33. The maximum number of people expected at any one time at the premises was 499. licensable activities were to take place on the premises only.
  34. The decision was made to serve a counter notice to prevent the use of the premises under the TEN 846929.
    - TEN – 846930 giving notice of intended ‘private parties’ to include the retail sale of alcohol and the provision of regulated entertainment on
      - Wednesday 31 December 2014 from 05:30 to 10:00
      - Thursday 1 January 2015 from 05:30 to 10:00
  35. The maximum number of people expected at any one time at the premises is 499. Licensable activities are to take place on the premises only.

36. The TEN for New Years Eve/Day was permitted with conditions taken from the premises licence imposed. The notice of decision regarding this TEN is attached as Appendix E.
37. On 5 August 2016 Paul Anthony Scarbough applied for a new premises licence in respect of this premises. The hours applied for were 11:00 until 02:00 the following day each day of the week and for Late Night Refreshment until 02:00 the following day each day of the week.
38. This application was withdrawn after discrepancies between the hours applied for and the hours advertised was noted.

### **Deregulation of entertainment**

39. 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 and recorded 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**

40. A map showing the location of the premises is attached to this report as Appendix F. The premises are identified at the centre of the map by a pink triangle. The following licensed premises are also shown on the map and have closing times as stated:
  - **Tesco Southwark (superstore), 107 Dunton Road, London SE1 5HG**
    - Opening hours: Monday to Saturday from 07:00 to 23:00 and Sunday 10:00 to 22:30
    - Sale of alcohol to be consumed off the premises Monday to Saturday from 07:00 to 23:00 and Sunday 10:00 to 22:30
  - **Super Pizza, 292 Old Kent Road, London SE1 5UE**
    - Opening hours Sunday to Thursday from 11:30 to 01:00 and Friday and Saturday from 11:30 to 02:00
    - Late night refreshment – indoors: Sunday to Thursday from 23:00 to 01:00 and Friday and Saturday from 23:00 to 02:00.

### **Southwark council statement of licensing policy**

41. 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.
42. 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.
43. Within Southwark’s statement of licensing policy, the premises are identified as being within a residential area. Relevant closing times recommended in the Statement of licensing policy for licensed premises in residential areas are as follows:
- Restaurants, pubs and wine bars: Monday to Sunday till 23:00
  - Night clubs (with Sui Generis planning classification) are not considered appropriate for residential areas.

### **Resource implications**

44. 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 B.

### **Consultation**

45. 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**

46. 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**

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

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

49. 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.
50. 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.
51. 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**

52. 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.
53. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
54. 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.
55. 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.
56. 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**

57. 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**

58. 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.
59. 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**

60. 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.
61. 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.
62. 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.
63. 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.

64. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

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

65. 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.
66. 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**

67. 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**

68. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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**

<b>Name</b>	<b>Title</b>
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Representations submitted by other persons
Appendix D	Notice of decision following review hearing
Appendix E	Notice of decision following temporary event notice hearing
Appendix F	Map of area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Mark Orton, Licensing Enforcement Officer	
<b>Version</b>	Final	
<b>Dated</b>	26 October 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	27 October 2016	

13/09/2016

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

Ref No. 681142

## 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

	Paul Anthony Scarborough
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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)

£	13500
	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	THOMAS A BECKET
Address Line 2	320-322 OLD KENT ROAD
Town	LONDON
County	
Post code	SE1 5UE
Ordnance survey map reference	
Description of the location	
Telephone number	

## Applicant Details

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

	An individual or individuals
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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
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Details of Individual Applicant

Personal Details

Title	Mr
If other, please specify	
Surname	Scarborough
Forenames	Paul Anthony
I am 18 years old or over	Yes

Current Address

Street number or Building name	██████████
Street Description	██████████
Town	LONDON
County	
Post code	██████

Contact Details

Daytime contact telephone number	██████████
Email Address	██████████████████

Do you wish to add a second individual applicant?

	No
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Operating Schedule

When do you want the premises licence to start?

	05/10/2016
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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 )

	The pub on the corner of Old Kent Road and Albany Road
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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


Provision of late night refreshment

	i) Late night refreshment
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Supply of alcohol

	j) Supply of alcohol
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I - Late Night Refreshment

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

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

	Supply of hot food and hot drinks on the premises.
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Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 6)

Day	Start	Finish
Mon	11:00	02:00
Tues	11:00	02:00
Wed	11:00	02:00
Thur	11:00	04:00
Fri	11:00	04:00
Sat	11:00	04:00
Sun	11:00	02:00

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

	23 December to and including 1 January in each year the opening time for late night refreshments for Thursday to Saturday (inclusive) will be 11:00 to 06:00. Late night refreshments for all bank holidays will be from 11:00 to 06:00.
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Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, ( Please read guidance note 5 )

	23 December to and including 1 January in each year the opening time for late night refreshments for Thursday to Saturday (inclusive) will be 11 am to 6 am. Late night refreshments for all bank holidays will be 11 am and 6 am.
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J - Supply of Alcohol

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

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

Day	Start	Finish
Mon	11:00	02:00
Tues	11:00	02:00
Wed	11:00	02:00
Thur	11:00	04:00
Fri	11:00	04:00
Sat	11:00	04:00

Sun	11:00	02:00
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State any seasonal variations for the supply of alcohol ( Please read guidance 4 )

	<p>23 December to and including 1 January in each year the opening time for late night refreshments for Thursday to Saturday (inclusive) will be 11 am to 6 am.</p> <p>Late night refreshments for all bank holidays will be 11 am and 6 am.</p>
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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 )

	<p>23 December to and including 1 January in each year the opening time for late night refreshments for Thursday to Saturday (inclusive) will be 11 am to 6 am.</p> <p>Late night refreshments for all bank holidays will be 11 am and 6 am.</p>
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Please upload the consent form completed by the proposed premises supervisor

	<a href="#">DPS-Consent.pdf</a>
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Premises Supervisor

Full name of proposed designated premises supervisor

First names	Claire Joy
Surname	Steele

Address of proposed designated premises supervisor

Street number or Building name	█
Street Description	██████████
Town	London
County	
Post code	██████

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number ( if known )	
Issuing authority ( if known )	

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
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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	11:00	02:00
Tues	11:00	02:00
Wed	11:00	02:00
Thur	11:00	04:00
Fri	11:00	04:00
Sat	11:00	04:00
Sun	11:00	02:00

State any seasonal variations ( Please read guidance note 4 )

	<p>23 December to and including 1 January in each year the opening time for late night refreshments for Thursday to Saturday (inclusive) will be 11:00 to 06:00.</p> <p>Late night refreshments for all bank holidays will be from 11:00 to 06:00.</p>
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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 )

	<p>23 December to and including 1 January in each year the opening time for late night refreshments for Thursday to Saturday (inclusive) will be 11:00 to 06:00.</p> <p>Late night refreshments for all bank holidays will be from 11:00 to 06:00.</p>
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M - Steps to promote four licencing objectives

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

	Zero tolerance to anti-social behaviour and ensuring no harm to children.
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b) the prevention of crime and disorder

	<p>1. A tamper proof CCTV system shall be installed at the locations marked, "CCTV Position" on the plan of the premises and shall be used to record during all hours that a licensable activity takes place on the premises.</p> <p>2. The CCTV equipment shall be maintained in good working order in accordance with the manufacturer's instructions.</p>
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	<p>3. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.</p> <p>4. The images recorded by the CCTV system shall be made available to authorised officer and/or police within 24 hours of any request.</p> <p>5. Effective and responsible management of the premises.</p> <p>6. Training and supervision of staff.</p> <p>7. Every incident of crime or disorder in the premises shall be reported to the police by the Designated Premises Supervisor or a nominated member of staff.</p> <p>8. The Designated Premises Supervisor and all members of staff shall ensure that all lawful and reasonable instructions and/or directions given by the police are complied with.</p>
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c) public safety

	<p>1. Before the premises are opened for the purposes authorised by the licence an inspection shall be carried out to ensure that the premises are safe for use.</p> <p>2. Emergency light and smoke detector system shall be installed at the locations marked, "emergency light" and "smoke detector" on the plan of the premises.</p> <p>3. Emergency Lighting will be tested in accordance with BS 5266 Part 1, 1999 Emergency Lighting. The results of the tests will be recorded in a logbook.</p> <p>4. The fire alarm detection system will be tested in accordance with BS 5839 Part 1 2002 Fire Detection and Fire Alarm Systems for buildings. The results of the tests will be recorded in a log book.</p> <p>5. All exits and escape routes to those exits (including external escape routes) from the premises shall be clearly marked, maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises.</p> <p>6. Firefighting equipment shall be provided throughout the premises at suitable locations and be appropriate to the risk to comply with BS 5306 Part 8, Selection and Installation of Portable Fire Extinguishers.</p> <p>7. Firefighting equipment shall be examined regularly by the manufacturer or other competent person and maintained and tested in accordance with BS 5306 Part 3, 2000.</p> <p>8. All members of staff will be familiar with the operation of the firefighting equipment.</p> <p>9. All staff shall be instructed and trained to ensure that they understand the fire precaution measures in the premises and the procedure and action to be taken in the event of fire</p> <p>10. The electrical installation will be inspected annually.</p> <p>11. Any gas boiler, calorifier or other gas appliance will be tested on a regular basis.</p>
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d) the prevention of public nuisance

	<p>1. There shall be displayed at the entrance to the premises a sign, which is clearly visible to members of the public visiting the premises containing details of the trading hours under the premises licence.</p> <p>2. There shall be displayed at the entrance to the premises a sign, which is clearly visible to members of the public visiting the premises, requesting the customers to respect the neighbours surrounding the premises and to behave in an orderly and courteous manner.</p>
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	<p>3. All staff shall be instructed and trained to ensure customers are discouraged from congregating outside the premises.</p> <p>4. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.</p> <p>5. The premises will only be open to the public between the hours as set in this application.</p> <p>6. All staff shall be instructed and trained to ensure no deliveries of stock are made to the premises between 22:00 and 08:00 on any day.</p> <p>7. All staff shall be instructed and trained to ensure that external illumination signs are switched off when the premises are closed for licensable activities.</p> <p>8. All staff shall be instructed and trained to ensure the sale or supply of alcohol is prohibited to any person who is intoxicated.</p>
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e) the protection of children from harm

	<p>1. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 18 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a citizen card supported by the Home Office, a photo driving licence, a passport or official HM Forces or EU ID card bearing photo and date of birth.</p> <p>2. A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.</p>
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Please upload a plan of the premises

	<a href="#">Floor-Plan.PDF</a>
--	--------------------------------

Please upload any additional information i.e. risk assessments

--	--

Checklist

	<p>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.</p>
--	---

Declaration

I agree to the above statement

	I agree
PaymentDescription	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
PaymentContactEmail	[REDACTED]

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.



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 2ER

Tel: 020 -7232 6756

SouthwarkLicensing@met.police.uk

Our reference: MD/21/2756/16

Date: 5th September 2016

Dear Sir/Madam

**Thomas A Becket, 320-322 Old Kent Road SE1 5BA**

This application was received by Southwark Council on the 8th August 2016 and falls within the period for the Southwark's New Licensing Policy 2016 to 2020.

This policy details a schedule of closing times for licensed premises depending on their geographical location and the business type.

The current application is for the following

Sale of Alcohol - 11.00hrs to 02.00hrs Mon to Sun  
Late night refreshments - 23.00hrs to 02.00hrs Thurs to Sun

No regulated entertainment has been applied for.

Using the guidance provided by the Policy, this premises is considered as a Public House, Wine Bar, or other drinking establishment and is situated in a residential area. The guidance suggests at this location the latest terminal hour is 23.00hrs daily.

It should be noted that the previous licence holder at the venue was the subject of a premises licence review, on the grounds of an unacceptable level of serious crime and disorder, and serious failings by the management in the reporting of serious incidents. The premises licence was revoked as a result.

I have not met with the new applicants or received any contact prior to the application being submitted, being mindful of the past operating history of the venue, I would expect some kind of contact re the previous problems associated with the premises.

The premises was owned by the previous licence holder and at this time I have had no confirmation of the sale of the building or seen copies of any lease or tenancy agreement. If the licence is granted it would be possible for the previous licence holders to start operating the premises by transferring the licence. We would like to see conditions placed on the licence excluding all previous management from the premises and see copies of any documents relating to its use.

The applicants have provided an operating schedule and Police welcome this however we feel that there are some further matters that need addressing. No SIA have been offered and with hours applied for this would be a minimum.

Using the guidance provided by Southwark's Licensing Policy this premises falls outside of the acceptable criteria. The applicants as far as I can see have not addressed this matter sufficiently and have not evidence the exceptional reasons why the licensing sub committee should deviate from their policy.

If consideration is given to the granting of a premises licence with hours of operation similar to those as per the application, a significant number of control measures would be required in order to address the promotion of the licensing objectives.

### **Should be place on the licence irrespective of the terminal hour**

1. The premises will install a CCTV system and maintain this system in good working order, the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to Officers of the Police and the Council
2. There shall be at least on member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the Police or other authorised officer.
3. That all staff concerned in the sale or supply of intoxicating liquor undergoes a recognised training scheme for such duties. Records of such training should be kept and made available for inspection, on request by Police or other authorised officer.
4. That all incidents of violence and or disorder that result in an injury to another will be reported to the Police as soon as practicable. The reasoning behind any delayed report will be recorder in the incident report book. This report book will be made available for inspection by any authorised officer from the Police or local authority.

### **If hours specified within the application or later than 00.00hrs are granted.**

5. That a Personal Licence holder is on the premises and on duty at all times after 22:00 when intoxicating liquor is supplied

6. The premise will employ a minimum of 4 SIA registered door supervisors, one of whom shall be female. They will be employed each night the premises are in operation under the premises licence and will be on duty to receive patrons at the stated opening time of 21:00. At least two will be provided with and will use electronic search wands in respect of the search of all persons who wish to enter the premises.
7. That you shall require any regular and external promoters or any other 3rd parties hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing unit and, once completed, you shall ensure that a copy of the agreement is provided to the central licensing unit as detailed on the form 696 and the local Police Licensing Unit a minimum of fourteen days prior to the date of hire.
8. An ID scanning system to the reasonable satisfaction of Police be installed and maintained at the premises. The system should be capable of sharing information about banned customers with other venues, identify the hologram of an ID and read both passports and ID cards, able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 22:00 when the premises are in operation under the premises licence and will be used to record the details of all persons entering the premises including staff, members of the public, performers and their assistants. Entry to the premises will not be permitted without the production of the relevant ID document and or the person's details are already stored on the system and they are identified using a biometric identification system.
9. At all times the premises is in operation under the premises licence there will be at least one member of staff trained to a satisfactory standard able to operate the ID scan system and able to retrieve data from the system on request of the Police or other authorised officer.
10. There will be no new entry or re entry to the premises after 00:30hrs on each night the premises are open to the public.

Submitted for consideration

**PC Graham White 288MD**  
Southwark Police Licensing Unit

**From:** Newman, Paul  
**Sent:** Wednesday, September 14, 2016 1:56 PM  
**To:** McCarthy, Debbie  
**Cc:** [REDACTED]  
**Subject:** RE: Consultation New premises Thomas a Becket LDO 11.10.2016

**Hi Debbie**

Thank you for your memo dated 14<sup>th</sup> September 2016 with copy for comment of the revised application for a premises licence at Thomas A Becket, 320-322 Old Kent Road, London, SE1 5UE.

I wish to object on behalf of the Environmental Health Responsible Authority to the application on the grounds of prevention of public nuisance, because;

The hours applied for are too late having regard to both the framework hours in the Statement of Licensing Policy and to the proximity of residential accommodation, particularly the residential accommodation located above in the same building;

The applicant wishes to provide;

- on sales of alcohol and Late Night Refreshment for consumption on the premises from 11.00 up until 02.00 Sunday to Wednesday and until 04.00 Thursday to Saturday, and
- alcohol and late night refreshment from 23.00 to 06.00 between 23<sup>rd</sup> December and 1<sup>st</sup> January.

Regulated entertainment has not been applied for.

The premises are located in a residential area as defined by the Statement of Licensing Policy Table 2, paragraph 153, on page 38.

According to the Statement, premises licences to permit pubs, wine bars, restaurants, and cafes are only considered appropriate in residential areas up until 23.00 hours.

This premises is located directly underneath residential accommodation in the same building consisting of flats and bedsits.

The building is known to have particular problems with flanking transmission of noise between the commercial premises and the residential premises above, and due to the conservation restrictions on altering the building, there appears not to be any practicable solution to effectively reduce sound transmission from the commercial property to the residential properties. The only mitigation available is therefore the operating hours.

The Statement says at section 149 (page 37), that these hours are not pre-determined, and that each application will be decided on its own merits.

At section 150, (also page 37), the Statement sets out matters that will be taken into consideration when deciding the merits of the application. Applicants for licences incorporating hours that fall outside of those set out in Table 2 (page 38) are expected to explain fully within their application, the arrangements intended to be put in place to ensure that the premises does not add to cumulative impact, including detailed measures specified in the operating schedule to mitigate against public nuisance.

Applicants are invited by section 150 to take the following matters into account when detailing the arrangements to avoid creating cumulative impact;

- The location of the premises and the character of the local area
- The proposed hours during which the licensable activities are proposed to take place
- The adequacy of the proposed control measures intended to promote the licensing objectives
- The availability of local public transport, and
- The proximity of the premises to other licensed premises of a similar nature and the hours of operation of those premises.

The operating schedule supplied to address the prevention of public nuisance contains some provisions that may assist with compliance with the Statement policy in section 150;

- All staff shall be instructed and trained to ensure customers are discouraged from congregating outside the premises
- All staff shall be instructed and trained to ensure the sale or supply of alcohol is prohibited to any person who is intoxicated.
- All staff shall be instructed and trained to ensure no deliveries of stock are made to the premises between 22:00 and 08:00 on any day.

There are some additional provisions relating to signage and refuse disposal.

These provisions are not adequate, because they do not sufficiently address the likely impact of operation of the premises after 23.00 on public nuisance in nearby residential properties, especially those in the same building, and therefore the applicant has not demonstrated that their application has sufficient merit to set aside the default position indicated by Table 2.

If the sub-committee is minded to grant this application, I would ask that;

- hours of operation are limited to 23.00 hours in line with the Licensing Authority's own policy.

I hope this is helpful, and please let me know if there are any further queries.

Kind regards

**Paul Newman, EHO**  
**Principal Environmental Protection Officer**

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only): Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 3551 | Fax: 020 7525 5705 | e mail: [Paul.Newman@southwark.gov.uk](mailto:Paul.Newman@southwark.gov.uk)  
 visit: [www.southwark.gov.uk](http://www.southwark.gov.uk)

## MEMO: Licensing Unit

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**To** Licensing Unit                      **Date** 5 September 2016

**Copies**

**From** Jayne Tear                      **Telephone** 020 7525 0396                      **Fax**

**Email** jayne.tear@southwark.gov.uk

---

**Subject** Re: Thomas A Becket, 320-322 Old Kent Road, London, SE1 5UE -

Application for a premises licence

I write with regards to the above application for the grant of a premises licence under the Licensing Act 2003 submitted by Paul Anthony Scarborough which seeks the following licensable activities:

- Provision of late night refreshment (indoors) on Thursday to Sunday from 23:00 to 02:00 the following day
- The supply of alcohol on the premises on Monday to Sunday from 11:00 to 02:00 the following day
- Overall opening times shall be from Monday to Sunday from 11:00 to 02:00 the following day

The seasonal variations asked for in the application are not clear; applies to late night refreshment only and generally refers to Christmas holidays not the actual days.

The premises is described as a '*Pub at the corner of Old Kent Road and Albany Road*' within the description on the operating schedule yet the hours and activities asked for within the application could suggest that the premises shall operate as a nightclub.

This premises is situated within **a residential area** and under the Southwark Statement of Licensing Policy the closing times recommended for public houses, wine bars or other drinking establishments is 23:00 hours daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area.

This premises has previously held a licence and operated as a nightclub. The previous licence was revoked by the licensing sub-committee on 10 March 2015 following an expedited review submitted by the Metropolitan Police under serious crime and disorder. There were further representations regarding persistent breaches of the premises licence and antisocial behaviour associated with the premises. A copy of the notice of decision from the review hearing is attached to this representation.

Although this application is submitted by a different person to the previous licensee, I am submitting this representation under the prevention of crime and disorder; the prevention of public nuisance, public safety and the protection of children from harm and to promote those licensing objectives I would want reassurance that the previous licensees or management would have no control over the premises and the licensable activities that may take place at the premises.

It would be useful if the applicant could provide a lease to show this at the committee hearing

Further to this if the licensing sub - committee are of a mind to grant the application I would request the following information and amendments to the operating schedule to promote the four licensing objectives:

- That the premises shall close at 23:00 and all licensable activities shall cease at least half an hour before the closing time.
- That the premises provide and accommodation limit and explain how that will be controlled
- That a written dispersal policy be provided
- That a challenge 25 age identification scheme be established at the premises

I therefore submit this representation and welcome any discussion with the applicant to address my concerns

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

Attached: Notice of Decision from 10 March 1015



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 10 MARCH 2015

#### LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON SE1 5UE

##### 1. Decision

The council's licensing sub-committee, having had regard to the application made under Section 53C by the Metropolitan Police for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London SE1 5UE and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

##### 2. Reasons

The reasons for this decision are as follows:

The thrust of the representation from the Metropolitan Police Service, the applicant for the review, concerned a serious assault that occurred at the premises on 7 February 2015 at around 02.50 where the victim was slashed in the side of the neck with a broken bottle by the suspect during an altercation. The victim received serious neck injuries and medical staff informed the police that it nearly hit a major artery, which could have proved fatal.

During the investigation it had been established that the premises were in breach of the premises licence conditions and this had hindered the investigation of the crime. The premises were found to be in breach of the following conditions: Condition 303 (696 risk assessment was not submitted to the police 14 days in advance of the event), Condition 308 (No entry or re-entry after 02.00) Condition 341 (ID scanning system to scan and store identification of patrons to be used to enter the premises was not being used to scan all customers and as a result the suspect's name and address, which would have been stored on the system was not). Furthermore, the premises had failed to preserve the crime scene, and failed to contact the emergency services and obstructed the police from entering. The police were only able to gain access once the ambulance service had arrived. The ambulance service had been called by a member of the public.

The police also referred to nine other incidents of violence that had taken place at the premises in the past year. The commonality of these incidents was that the parties involved were heavily intoxicated, demonstrating the fact that there was no responsible sale of alcohol policy at the premises. Concerning the promotion event risk assessment forms 696, these were consistently provided late, if at all. During October to November 2014, there were 12 events involving external promoters at the premises and only four of the form 696s were provided on time. The importance of these forms is to allow the police time to carry out the necessary research to be completed and any advice or recommendations from the police to be implemented.

The police advised that their position remained the same and that the licence should be revoked.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority supporting the review of the premises licence. The officer said that the premises had breached the licence conditions before and had also opened beyond the terminal hour granted in the licence. Specifically, the officer referred to nine incidents in 2014, of complaints of loud music, breaches of the premises licence conditions and opening hours in addition to advertising unlicensed events. The complaints also referred to public nuisance from people arguing in the street, sounding car horns and racing up and down the street in their cars, after leaving the premises. The licensing sub-committee were informed that further enforcement action was currently being considered. The officer recommended that the licence should be revoked.

The licensing sub-committee heard from other persons supporting the review, namely two local residents and an officer from the private sector housing enforcement team.

The officer from the private sector housing enforcement team advised the sub-committee that the premises at 320-322 Old Kent Road is owned by Mr Kashim Abdul, Mr Kazim Abdul and Mr Baian Abdul. They informed the sub-committee that here is a large high risk houses in multiple occupation (HMO) above the Thomas A Becket premises and that the freeholders have consistently breached the HMO licensing regime, under the Housing Act 2004. The officer advised that the freeholders had pleaded guilty in November 2013 to offences under the Housing Act 2004 and a further prosecution is ongoing in the magistrates' court. The officer had personally experienced aggressive behaviour from the freeholders on numerous occasions. The officer supported the police application and recommended that the licence be revoked.

The local residents advised that it had been a nightmare for at least two years, particularly at weekends when residents were experiencing loud arguments and fights, people urinating in public, loud noise caused by patrons leaving the premises, cars revving loudly and music being played loudly in cars after 4am, broken glass and rubbish being left all over the street and trespassing in the car park at Riddell Court. Since the licence had been suspended on 12 February 2015, the residents described that they were able to sleep and that the peace and quiet was blissful. Both residents stated that they felt intimidated in approaching the management of the premises.

The licensing sub-committee heard from the representatives of Thomas A Becket who advised that there was now a new management team in place who would concentrate on compliance with licensing conditions. They informed the sub-committee that premises were going to take a new direction, would be family orientated and focus on the provision of food and evening events. A new external security company would be put in place, 80% of staff would be replaced and the rest retrained. The representative referred to a management plan, which would reflect the future plan of the premises. They accepted that there was no excuse for the previous non-compliance of the licence and that the two proposed designated premises supervisors (DPS) were confident of turning the premises around by the security changes, the training of all staff, the refurbishment of the premises, good working relationships with the authorities and working closely with the community.

The sub-committee felt that it was clear that whilst there may be a change in management at the premises, the existing management team, Kazim Abdul, Kashim Abdul (and Baian Abdul) would remain the freehold owners of the premises. In a letter dated 22 December 2014 the licensing team received a letter from Thomas A Becket accepting the licensing breaches and gross mismanagement of the business. The letter advised that they intended to make right the misconduct by working with the licensing team and the police. They provisionally agreed that they would overhaul the current management staff, including Mr Kashim Abdul and that Mr Kazim Abdul and Gerrado Romero would assume management responsibilities for the premises. This never transpired, as evidenced by the fact that the premises was represented by Mr Kashim Abdul and Mr Kazim Abdul at the expedited review hearing on 12 February 2015, rather than the majority shareholder and the premises licence holder of Thomas A Becket Leisure Investments Ltd, Mr M. Chowdhury.

The licensing sub-committee also noted that there was no new management agreement with the new team and the premises licence holder. Furthermore, the two proposed DPSs had yet to pass the DPS exams thus, no variation of DPS applications have been submitted to date. The sub-committee felt that the new management team presented as a smoke screen for the old management team, which was compounded by wanting a continuation of the existing licence, despite the alleged new management direction. Particularly, despite the promise of having no external promoters at the premises, external promoters events remain advertised on social media.

In all the circumstances, the sub-committee felt that there is no alternative but to revoke the premises licence in order to fulfil the licensing objectives.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives and considered that its decision was appropriate and proportionate in order to address the licensing objectives.

### 3. **Appeal rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

In accordance with the Licensing Act and guidance issued in 2007, the interim steps agreed on 12 February 2015 must remain in effect until the time for appealing the review has expired and any appeal determined.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 10 March 2015

**From:** Sharpe, Carolyn **On Behalf Of** Public Health Licensing  
**Sent:** Wednesday, August 31, 2016 3:20 PM  
**To:** Regen, Licensing  
**Subject:** RE: New Premises Licence for Thomas A Becket

To whom it may concern:

**Re: 320-322 Old Kent Road, London SE1 5UE**

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

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

**General Comments**

The applicant requests a new licence for the sale of alcohol on the premises between the hours of 11:00 - 02:00 daily. I have concerns regarding the hours of alcohol sales requested. I would request an earlier end time of alcohol sales. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm.

Additionally, this application is for a premises located within a residential area. Southwark's Statement of Licensing Policy advises that the closing time for such a premises be 23:00 hours daily.

**Recommendations**

- I recommend that the end time of alcohol sales be changed to 23:00 for all days of the week

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

Yours faithfully,

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

**From:** Masini, Bill  
**Sent:** Wednesday, September 21, 2016 3:57 PM  
**To:** Regen, Licensing  
**Cc:** Tear, Jayne; Mills, Dorcas  
**Subject:** Application for new premise licence - Thomas A Beckett 320-322 Old Kent Road SE1 5UE

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of the application for a premise licence for Thomas A Beckett at 320-322 Old Kent Road Road SE1 5UE and respond accordingly under the Licensing objectives of The Protection of Children from harm.

It is noted the applicant seeks to supply alcohol until 4am. Firstly, the application fails to address the issue of children on the premise. Secondly, Trading standards are of the opinion that the objective of the protection of children from harm in relation to underage sales/drinking is not fully addressed. Trading Standards would therefore like to see the following conditions on the licence to address the potential for harm of selling alcohol to children and their well being.

- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- In all areas any children on the premise must be accompanied and supervised by a responsible adult.
- There shall be no children on the premise after 9pm.

Finally, Trading Standards would like to see the licensable hours to be in accordance with Southwark Council's current Licensing Policy.

**Bill Masini - Trading Standards Officer**

Southwark Council Trading Standards | Environment & Leisure

3rd Floor Hub 1, PO Box 64529 | London SE1P 5LX

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

Visit our web pages [www.southwark.gov.uk/TradingStandards](http://www.southwark.gov.uk/TradingStandards)

Need clear practical consumer advice? Visit Consumer Direct at [www.direct.gov.uk/consumer](http://www.direct.gov.uk/consumer)



**Chief executive's department**

Planning division

5th floor, hub 2

PO Box 64529

LONDON SE1P 5LX

EH & TS Licensing Unit  
Hub 2 3rd Floor Tooley Street

X

**Your Ref:** 855126**Our Ref:** 16-CE-00792**Contact:** Matthew Lambert**Telephone:** 020 7525 7451**Fax:** 020 3357 3101**E-Mail:** [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)**Web Site:** <http://www.southwark.gov.uk>**Date:** 15/08/2016

Dear Sir/Madam

**Premises Licensing re:**

THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON, SE1 5UE

**Summary description:** New Premises Licence for Late Night Refreshment indoors betw**Date Received:** 09/08/2016

No objection, the lawful planning use of the premises is as a pub (A4 Drinking Establishment) with no planning restrictions on the hours of use.

Yours faithfully

Matthew Lambert

Planning Enforcement Officer

**From:** [REDACTED]  
**Sent:** Monday, September 05, 2016 3:51 PM  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** APPLICATION #855126: THOMAS A BECKET 320-322 Old Kent Road SE1 5UE

Dear Sirs

We write regarding the New Premises and Sale of Alcohol licence application received by you from Paul Scarborough for the Thomas A Becket pub on the Old Kent Road.

We wish to express our strong objections to this application, an application which we think will have a negative impact on public safety, crime, disorder and nuisance in the area.

The extension of time to allow alcohol consumption and loud music until 2am (or possibly 4am, as stated in the paper copy of the application in the pub window, but not online) is likely to encourage and facilitate anti social behaviour in the area. As the Council is aware, there are already serious problems regarding noise, urination, drunkenness and general rowdiness in Burgess Park. This is causing distress and problems for local residents. An extension to the licensing hours of the Thomas A Becket, which is situated very close to the park entrance, is likely to make this even worse.

Moreover, if granted, the application would run counter to the Council's regeneration proposal for the area. We recently responded positively to your consultation document which envisaged mixed residential and commercial use on the Old Kent Road. A late night licence for Thomas A Becket (or indeed any other pubs or clubs in the relevant area) would undermine the desirability of the road and its environs as a place to live.

For the above reasons, we urge you to reject the application. If you require any further information or have any questions about the representations above, please do not hesitate to contact us. Our email addresses are provided.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Licensing Service  
c/o Southwark Environmental Health  
& Trading Standards  
3<sup>rd</sup> Floor Hub 2  
160 Tooley Street  
London SE1 5LX

[REDACTED]  
Camberwell  
London  
SE5 0HT

1<sup>st</sup> September 2016

Dear Sirs,

I am writing to oppose the Licence Application for the following premises.

Name of Applicant      **Paul Scarborough**  
  
Premise                      **Thomas a Beckett**  
                                    **320 Old Kent Road**  
                                    **London SE1 5UE**  
  
Date of Application      **22/08/2016**



The reasons for my opposition are as follows.

The noise from the Thomas A Beckett would be disruptive to us, as it has been in the past, when the premises was open. I live in Cobourg Road opposite Burgess Park where the music has been horrendous and given the applicants late night/morning opening hours it would be with out any shadow of a doubt cause problems for us.

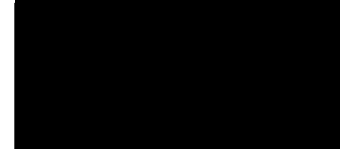
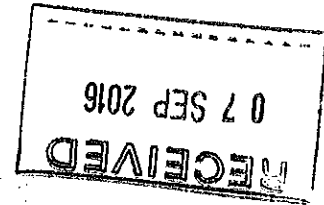
Myself and the residents of Cobourg Road are at the moment in consultation with Burgess Park Management about the anti-social behaviour in Burgess Park and late night revellers, if this Application is to be allowed to go ahead, once again, apart from the noise in the Thomas A Beckett, this will as usual spill out into the Park where the drinking and anti-social behaviour would continue.

Given what has happened previously ie the violence and anti social behaviour, I request that you refuse this Application.

Yours Faithfully

[REDACTED]

The Licensing Service  
 C/O Southwark Environmental Health and Trading Standards  
 3<sup>rd</sup> Floor Hub 2  
 160 Tooley Street  
 London  
 SE1 5LX  
 E-mail: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)



London SE5 ODS

Dear Sirs,

I am a local resident(s) of a flat next to the Thomas-a-Becket public house on Old Kent Road.

A licence application for the premises at 320 Old Kent Road to open as public house has been submitted and I wish to make representations to oppose a licence being granted on the grounds of:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm (we are next to Walworth Academy)
- Public safety

The problems that have been previously been experienced by residents when a late licence was granted include:

- Noise nuisance when people leave the public house
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- People having sex in our car park and public areas in the vicinity of our property
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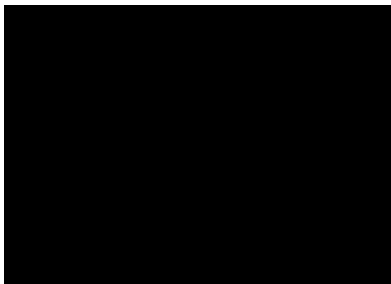
In addition, some residents moved and/or sold their properties due to feeling intimidated by the clientele and lack of support from the management / owners. This was exacerbated by reports of violent (almost to the point of fatality) behaviour regularly exhibited at the premises due to excessive drinking and drug taking that was not controlled by the licensee or appointed personnel.

I note that the new licence application proposes extended opening hours, akin to the previous hours. Due to the anti-social behaviour, noise issues, crime and public safety concerns that lead to stress of residents, this is a major concern. We are strongly against a licence being granted, particularly with the proposed opening hours.

To date, the owners of the premises have not changed. We have no confidence that the new licensee will be any different to the previous licensee, particularly in respect of being family-friendly or community oriented and this is supported by the proposed opening hours.

I would be grateful if you note my objections to this application and sincerely hope that the licence is not granted.

Yours faithfully



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London SES UDS

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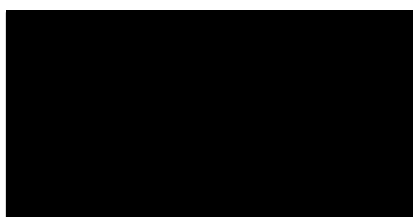
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London SE5 0DS

Dear Sirs,

I am [redacted] a local resident of a flat next to the Thomas-a-Becket public house on Old Kent Road.

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160 Tooley Street  
London  
SE1 5LX  
E-mail: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

Canterbury Court Residents Company Ltd  
Power Road Studios, 114 Power Road,  
London, W4 5PY

Dear Licensing Team

We write to you on behalf of tenants, owners and directors of Riddell Court, a residential property adjacent to Thomas-A-Becket pub on the Old Kent Road. We wish to oppose the proposed licence for the premises to serve alcohol and to open extended hours.

The premises previously operated under similar arrangements to that which is currently proposed and this led to numerous issues with regards to public nuisance, crime and disorder and public safety. We received multiple complaints from residents / owners of Riddell Court, and had to increase service charges to ensure that health hazards were dealt with.

The proposed opening and alcohol supply hours are not family-friendly and have the potential to cause disturbance to local residents. We therefore request that you deny the licence, particularly due to the unsocial hours requested and the subsequent issues this may cause.

Yours faithfully



Company Secretary.

The Licensing Service  
 C/O Southwark Environmental Health and Trading Standards  
 3<sup>rd</sup> Floor Hub 2  
 160 Tooley Street  
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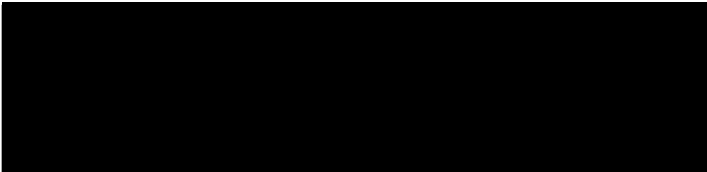
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Yours faithfully

A large black rectangular redaction box covering the signature area of the letter.

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██████████  
 ████████████████████  
 ████████████  
 London  
 SE5 0DS

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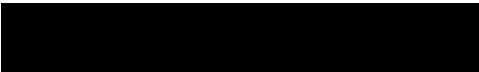
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 London SE5 0DS

Dear Sirs,

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██████████  
██████████████████  
  
████████████████████  
██████████████████

London  
SE5 0DS

**From:** [REDACTED]  
**Sent:** Thursday, September 15, 2016 5:09 PM  
**To:** Regen, Licensing  
**Subject:** Thomas A Becket (320 Old Kent Road)

To whom it may concern

In one sentence I'd like to oppose the licence currently under application for the Thomas A Beckett pub at 320 Old Kent Road on the grounds of the historic violence, crime, inebriation and lack of order generated by its late hours patrons. A pub is one thing but a pub open until 4am is only going to return to the dangerous and unsightly environment that caused the pub to lose its licence in the first place.

I would like to oppose a license being granted on the grounds of:

1. The prevention of crime and disorder
  - a. Historic trespassing into the car park of Riddell court – Regular occurrences of urination and defecation
  - b. Drugs being taken in the premises and the car park of our building – Even to the point of dirty needles being dropped
  - c. Damage to the property and cars in our car park from people leaving late at night
2. The prevention of public nuisance
  - a. Noise when people leave the public house - Noisy conversations/arguments/swearing/fighting in the car park
  - b. Loud music from cars parked up waiting for others to leave the premises at all hours and taxi drivers sounding their horns to pass
  - c. People having sex in our car park and public areas in the vicinity of our property
  - d. People double parking in our car park
3. Safety of Children attending Walworth Academy
  - a. Litter being left behind, including:
    - i. Broken bottles
    - ii. Used condoms
    - iii. Syringes

Previous residents have actually moved or sold their properties based on the intimidating clientele and apparent lack of interest in resolving this from the management. To date, the owners of the premises have not changed, and they have requested extended opening hours. We have no confidence that the new licensee will be any different to the previous licensee, particularly in respect of being family-friendly or community oriented, and this is supported by the proposed opening hours (which extend to up to 4am from Thursday to Saturday and 2am on every other day of the week).

We moved to this area based on the apparent rise in young families and couples so when we heard about the pub being re-opened we had hopes of it being an asset to the neighbourhood but the combination of late closing and likely return of former patrons with the same landlord we're concerned that normal service will resume.

Yours faithfully,

A solid black rectangular redaction box covering the signature area.

11

**From:** [REDACTED]  
**Sent:** Wednesday, September 21, 2016 10:31 AM  
**To:** Regen, Licensing  
**Subject:** Thomas A Beckett licensing application - representations

Dear Sir/Madam,

I am writing as I am a tenant in [REDACTED] Albany Road, London SE5 0DS and have been prompted for representations to the Licensing Service regarding the application to reopen the **Thomas A Beckett pub**.

Firstly, I note representations were requested by 19 September 2016. I have just returned from holiday so was unable to respond in the given timeframe. Nevertheless I am hoping the contents of this email will still be considered before a decision is made.

I would like the decision maker(s) to be aware that **I cannot object strongly enough to the pub being reopened** by the same owner and I am stunned by their audacity to even make an application given the history violent incidents on the premises. Since the pub was forced to close the area has been far safer and more pleasant for local residents and visitors to the Old Kent Road end of Burgess Park.

While the pub was open I and other residents had to endure:

- Constant noise throughout the night from:
  - Music from the club (above agreed limits)
  - Punters leaving late at night (noisy conversations/arguments/fighting)
  - Sirens from emergency services responding to fights in the bar
  - Loud music from cars waiting in Shorncliffe Road
  - Taxis attempting to navigate a maze of waiting cars
- People trespassing in the carpark to the rear of Riddell Court to urinate, damage property, buy/sell/take drugs
- Bottles/glasses being broken in the street and carpark

I believe the current owner of the pub to be a general threat to public safety and community cohesion. The pub did nothing for the benefit of the local community and; if anything, created issues that the area is far better off without.

Given the general Old Kent Road area has been earmarked for regeneration it would be mindless to allow the Thomas A Beckett to reopen before it changes ownership.

Many thanks for your time,

[REDACTED]

12

**From:** [REDACTED]  
**Sent:** Wednesday, September 14, 2016 1:08 PM  
**To:** Regen, Licensing  
**Subject:** Thomas A becket (320 Old kent road)

Dear sirs,

[REDACTED] recently bought a flat next to the Thomas-a-Becket public house on Old Kent road.

I am aware that a license application for the premises at 320 Old kent road to re-open as a public house has been submitted and I would like to make representations to oppose a license being granted on the grounds of:

1. The prevention of crime and disorder
2. The prevention of public nuisance
3. The protection of children from harm (we are next to Walworth Academy)
4. Public safety

I have also recently been made aware that the problems previously experienced by residents when a late licence was granted include some of the below:

1. Noise nuisance when people leave the public house
2. Trespass into the car park at the back of Riddell court
3. Litter being left behind, including broken bottles, flyers, used condoms and syringes
4. People urinating in our car park
5. People having sex in our car park and public areas in the vicinity of our property
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7. Loud music from cars parked up waiting for others to leave the premises at all hours
8. Cars double parked in Shorncliffe road, so that taxi drivers had to sound their horns to pass.

In addition, some residents moved and/or sold their properties due to feeling intimidated by the clientele and lack of support from the management/owners. This was exacerbated by reports of violent (almost to the point of fatality) behavior regularly exhibited at the premises due to excessive drinking and drug taking that was not controlled by the licensee or appointed personnel.

To date, the owners of the premises have not changed, and they have requested extended opening hours. We have no confidence that the new licensee will be any different to the previous licensee, particularly in respect of being family-friendly or community oriented, and this is supported by the proposed opening ours (which extend to up to 4am from Thursday to Saturday and 2am on every other day of the week).

My husband and I have been living quite happily in the area for the last year, and have been feeling positive about the great improvement we've seen so far in Bermondsey/Camberwell, including the development of Burgess park and new young families moving in the area. We are also looking forward to start a family soon, and I just can't conceive to be able to raise a young child in an environment like the one described above.

I would be very grateful if you note my objections to this application and sincerely hope that the license is not granted.

Yours faithfully,

██████████

The Licensing Service  
C/O Southwark Environmental Health and Trading Standards  
3<sup>rd</sup> Floor Hub 2  
160 Tooley Street  
London  
SE1 5LX  
E-mail: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

[REDACTED]  
[REDACTED]  
London SE5 0DS

Dear Licensing Team

We are local residents of a flat adjacent to the Thomas-A-Becket (situated at 320 Old Kent Road) and strongly oppose a licence being granted for this premises to serve alcohol and to open extended hours.

The previous licence was revoked in March 2014. At that hearing it was clear that any subsequent licence application would be subject to stringent requirements and was unlikely to be granted to the current owners or their associates. To my knowledge, the owners of the premises have not changed.

We wish to make representations to oppose a licence being granted in respect of the following:

- The prevention of crime and disorder

As you will be aware, the licensing law plays a key role in both preventing and controlling alcohol related crime and anti-social behaviour by ensuring, amongst other things that the premises is well-managed and hours of operation of the premises are regulated. Essentially, the current owner of the premises did not respect this and it is why the previous licence was revoked and they are no longer able to trade. We have no confidence that the most recent licence applicant has any further insight into these issues and the significant crime and disorder that is likely to prevail if they operate under an alcohol licence at the proposed extended hours.

In the previous hearing, there were examples of various crimes that had been reported to the police; some extremely serious. These examples were just the tip of the iceberg as they were the crimes that were reported on the premises, and not the glassing of a girl in our car park, or the regular assaults and abuse experienced by ambulance staff or the fights between patrons. Many petty crimes were not reported at all to avoid adding to the already substantial workload of the police.

Due to these events, some residents moved and/or sold their properties as a result of feeling intimidated by patrons of the Thomas-A-Becket and lack of support from the management/owners. This was exacerbated by reports of violent behaviour regularly

exhibited at the premises due to excessive drinking that was not controlled by the licensee or appointed personnel. In some cases the victims almost died.

The documents that we would expect to be available for this application to even be considered are:

- a) A crime prevention strategy document
- b) A risk assessment that states potential consequences of extended operating hours combined with alcohol licence, including risk to local property and people and how these will be mitigated (not just risk on the premises).

- The prevention of public nuisance

The extended hours pose an issue for local residents due to noise nuisance from patrons leaving or arriving at the premises at unsocial hours. A late alcohol licence inevitably leads to drunk patrons leaving a premises with impaired judgement and lack of inhibition. In turn, problems we have previously experienced and have no desire to be repeated are:

- Trespass into the car park at the rear of Riddell Court
- Litter being left, including broken bottles, flyers and syringes
- People urinating in our car park
- People vomiting in our car park and neighbouring vicinity
- People having sex in our car park and public areas in the vicinity of our property
- Noisy conversations / arguments / swearing / fighting in the car park, near residents windows
- Loud music from cars parked up waiting for others to leave the premises at all hours
- Cars double parked in Shornecliffe Road so that other drivers have to sound their horns to pass

Equally, the bass from music at the premises and noise from patrons gathering in external areas of the premises, e.g. garden, smoking area, front of property etc. could be heard by local residents.

At a minimum, we would expect the licence application decision to be based on documented strategy to prevent recurrence of such issues, particularly any noise after 10pm on any night of the week. It is also important that an acoustic consultant's report is completed in order for the applicant to be able to mitigate further noise pollution from the premises and to address

- The protection of children from harm

There are children resident in the flats and we are also next to Walworth Academy. Children should not be exposed to any moral, psychological or physical harm from activities resulting from intoxication at the premises. This would include exposure to expletives, fighting and sexual activity of patrons; broken glass, discarded syringes and litter as a consequence of patrons frequenting the local vicinity; noxious smells (from public urination and marijuana smoking); gang-related activity and inappropriate flyers advertising events at the venue.

- Public safety

There is limited public transport in the early hours of the morning which confounds the problem of late opening and late alcohol licensing; people are more likely to drive

(potentially under the influence of alcohol / drugs) thus causing a danger to themselves and the public.

We would not feel safe leaving or entering our own property with intoxicated people around who have the potential to have been drinking alcohol for up to 17 hours!

Due to the nature of our jobs in healthcare, we need to ensure that we are able to sleep at night in order to be able to function safely for the benefit of patients and the public. There is a danger of this being jeopardised if this licence application is granted as we are likely to experience sleep deprivation and stress.

We would be grateful if you note our objections to this application and sincerely hope that the licence is not granted.

Yours faithfully

████████████████████

14

The Licensing Service  
 C/O Southwark Environmental Health and Trading Standards  
 3<sup>rd</sup> Floor Hub 2  
 160 Tooley Street  
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 SE1 5LX  
 E-mail: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

████████████████████  
 ████████████████████  
 London SE5 0DS

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In addition, some residents moved and/or sold their properties due to feeling intimidated by the clientele and lack of support from the management / owners. This was exacerbated by reports of violent (almost to the point of fatality) behaviour regularly exhibited at the premises due to excessive drinking and drug taking that was not controlled by the licensee or appointed personnel.

I note that the new licence application proposes extended opening hours, akin to the previous hours. Due to the anti-social behaviour, noise issues, crime and public safety concerns that

lead to stress of residents, this is a major concern. We are strongly against a licence being granted, particularly with the proposed opening hours.

To date, the owners of the premises have not changed. We have no confidence that the new licensee will be any different to the previous licensee, particularly in respect of being family-friendly or community oriented and this is supported by the proposed opening hours.

I should be grateful if you would note my objections to this application and sincerely hope that the licence is not granted.

Yours faithfully

A solid black rectangular redaction box covering the signature area.

The Licensing Service  
 C/O Southwark Environmental Health and Trading Standards  
 3<sup>rd</sup> Floor Hub 2  
 160 Tooley Street  
 London  
 SE1 5LX  
 e-mail:licensing@southwark.gov.uk

  
 London SE5 0DS

Dear Sirs,

We are a local residents of flat next to the Thomas-a-Becket public house on Old Kent Road.

A licence application for the premises at 320 Old Kent Road to open as public house has been submitted and we wish to make representations to oppose a licence being granted on the grounds of:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm (we are parents of children age 5 and 7; we are next to Walworth Academy)
- Public safety

The problems that have been previously experienced by residents when a late licence was granted include:

- Noise nuisance when people leave the public house
- Trespass in to the car park at the rear of Riddell Court
- Litter being left, including broken bottles, flyers, used condoms and syringes
- People urinating in our car park
- People having sex in our car park and public areas in the vicinity of our property
- Noisy conversations / arguments / swearing / fighting in the car park, near residents windows
- Loud music from cars parked up waiting for others to leave the premises at all hours
- Cars double parked in Shorncliffe Road so that taxi drivers have to sound their horns to pass

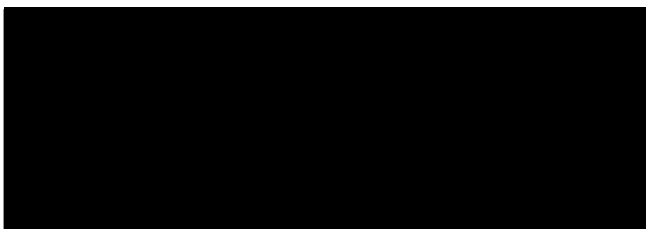
In addition, some residents moved and/or sold their properties due to feeling intimidated by the clientele and lack of support from the management/owners. This was exacerbated by reports of violent (almost to the point of fatality) behaviour regularly exhibited at the premises due to excessive drinking and drug taking that was not controlled by the licensee or appointed personnel.

We noted that the new licence application proposes extended opening hours, akin to the previous hours. Due to anti-social behaviour, noise issues, crime and public safety concerns that lead to stress of residents, this is a major concern. We are strongly against a licence being granted, particularly with the proposed opening hours.

To date, the owners of the premises have not changed. We have no confidence that the new licensee will be any different to the previous licensee, particularly in respect of being family friendly or community oriented and this is supported by the proposed opening hours.

I would be grateful if you note our objections to this application and sincerely hope that the licence is not granted.

Yours faithfully



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

From: [REDACTED]  
Sent: Tuesday, October 04, 2016 6:44 AM  
To: Regen, Licensing  
Subject: Thomas a Becket hours

As the owner of a flat at Riddell Court I should like to register my dismay at any increase in the licensing hours. We have already been disturbed by cars parking illegally in our car park in the early morning playing loud music waiting for people to come out of the pub. This is a residential area not the west end. The shops close. So should the pub!

Irene Gosney

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, October 04, 2016 7:16 PM  
**To:** Regen, Licensing  
**Subject:** Thomas a Becket licence proposal

Dear Sir

I propose that the application submitted for the extended opening hours of Thomas a Becket pub, Old Kent road be rejected .

The extended hours will cause distress to myself and the many residents of [REDACTED] due to the consumption of alcohol which will result in anti social behaviour eg. vomiting and urinating in the car park, shouting and aggressive behaviour.

The pub is also situated next to a school , I feel that children should not be exposed to the threat of intoxicated people whom many will fear.

Kind regards

[REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, October 04, 2016 5:32 PM  
**To:** Regen, Licensing  
**Subject:** Thomas a Beckett opening hours

[REDACTED]

I wish to protest about the extended opening hours being proposed by the Thomas a Beckett pub. I believe it will cause severe aggravation to residents at [REDACTED] .

Yours faithfully,

[REDACTED]

18 support

The Licensing Service  
c/o Southwark Environmental Health and Trading Standards  
3<sup>rd</sup> Floor Hub 2  
160 Tooley Street  
London  
SE1 5LX

[REDACTED]  
[REDACTED]  
London  
SE5 0DS

Dear Sir or Madam

I am a local resident of a flat next to the Thomas-a-Becket public house on Old Kent Road.

A licence application for the premises at 320 Old Kent Road to re-open as a public house has been submitted and I wish to support the application.

I understand that you have had some letters from other residents of Riddell Court citing various reasons for opposing the application. I would like to say that the complaints that have been listed were not caused entirely by the previous time that Thomas-a-Becket was open as a public house.

There is and always has been a noise nuisance on Shorncliffe Road. It is a popular place for taxi drivers to park while awaiting fares. These vehicles often rev up/ sound their horns etc and leave litter on the street. Our carpark is often used by fly-tippers which leaves an unsightly mess. None of this has ceased since the Thomas-a-Becket has been closed.

When the public house closed last year I was disappointed, and greatly regret not writing in support then. The Thomas-a-Becket is an historical, well-known landmark on one of the main routes into central London. And when it was open in the day, it provided a nice, friendly venue for families and community members to socialise and to take visitors. There are very few places in that area where one can go for a drink and a nice meal in comfortable surroundings.

I note that the applicants have applied for a licence until 2.00am. I realise that a different clientele is attracted to the venue at different times, but I feel that if I am drawn to the place in the daytime and early evening, then I have to have some consideration for the people who are drawn to it at a different time of day.

I am aware that there were problems with the licence last year, but that this is a different licensee, so I would like to support this application. I would be

grateful if you would note my observations and I sincerely hope that the licence is granted.

Yours faithfully



10<sup>th</sup> September 2016



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 10 MARCH 2015

#### LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON SE1 5UE

##### 1. Decision

The council's licensing sub-committee, having had regard to the application made under Section 53C by the Metropolitan Police for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London SE1 5UE and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

##### 2. Reasons

The reasons for this decision are as follows:

The thrust of the representation from the Metropolitan Police Service, the applicant for the review, concerned a serious assault that occurred at the premises on 7 February 2015 at around 02.50 where the victim was slashed in the side of the neck with a broken bottle by the suspect during an altercation. The victim received serious neck injuries and medical staff informed the police that it nearly hit a major artery, which could have proved fatal.

During the investigation it had been established that the premises were in breach of the premises licence conditions and this had hindered the investigation of the crime. The premises were found to be in breach of the following conditions: Condition 303 (696 risk assessment was not submitted to the police 14 days in advance of the event), Condition 308 (No entry or re-entry after 02.00) Condition 341 (ID scanning system to scan and store identification of patrons to be used to enter the premises was not being used to scan all customers and as a result the suspect's name and address, which would have been stored on the system was not). Furthermore, the premises had failed to preserve the crime scene, and failed to contact the emergency services and obstructed the police from entering. The police were only able to gain access once the ambulance service had arrived. The ambulance service had been called by a member of the public.

The police also referred to nine other incidents of violence that had taken place at the premises in the past year. The commonality of these incidents was that the parties involved were heavily intoxicated, demonstrating the fact that there was no responsible sale of alcohol policy at the premises. Concerning the promotion event risk assessment forms 696, these were consistently provided late, if at all. During October to November 2014, there were 12 events involving external promoters at the premises and only four of the form 696s were provided on time. The importance of these forms is to allow the police time to carry out the necessary research to be completed and any advice or recommendations from the police to be implemented.

The police advised that their position remained the same and that the licence should be revoked.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority supporting the review of the premises licence. The officer said that the premises had breached the licence conditions before and had also opened beyond the terminal hour granted in the licence. Specifically, the officer referred to nine incidents in 2014, of complaints of loud music, breaches of the premises licence conditions and opening hours in addition to advertising unlicensed events. The complaints also referred to public nuisance from people arguing in the street, sounding car horns and racing up and down the street in their cars, after leaving the premises. The licensing sub-committee were informed that further enforcement action was currently being considered. The officer recommended that the licence should be revoked.

The licensing sub-committee heard from other persons supporting the review, namely two local residents and an officer from the private sector housing enforcement team.

The officer from the private sector housing enforcement team advised the sub-committee that the premises at 320-322 Old Kent Road is owned by Mr Kashim Abdul, Mr Kazim Abdul and Mr Baian Abdul. They informed the sub-committee that here is a large high risk houses in multiple occupation (HMO) above the Thomas A Becket premises and that the freeholders have consistently breached the HMO licensing regime, under the Housing Act 2004. The officer advised that the freeholders had pleaded guilty in November 2013 to offences under the Housing Act 2004 and a further prosecution is ongoing in the magistrates' court. The officer had personally experienced aggressive behaviour from the freeholders on numerous occasions. The officer supported the police application and recommended that the licence be revoked.

The local residents advised that it had been a nightmare for at least two years, particularly at weekends when residents were experiencing loud arguments and fights, people urinating in public, loud noise caused by patrons leaving the premises, cars revving loudly and music being played loudly in cars after 4am, broken glass and rubbish being left all over the street and trespassing in the car park at Riddell Court. Since the licence had been suspended on 12 February 2015, the residents described that they were able to sleep and that the peace and quiet was blissful. Both residents stated that they felt intimidated in approaching the management of the premises.

The licensing sub-committee heard from the representatives of Thomas A Becket who advised that there was now a new management team in place who would concentrate on compliance with licensing conditions. They informed the sub-committee that premises were going to take a new direction, would be family orientated and focus on the provision of food and evening events. A new external security company would be put in place, 80% of staff would be replaced and the rest retrained. The representative referred to a management plan, which would reflect the future plan of the premises. They accepted that there was no excuse for the previous non-compliance of the licence and that the two proposed designated premises supervisors (DPS) were confident of turning the premises around by the security changes, the training of all staff, the refurbishment of the premises, good working relationships with the authorities and working closely with the community.

The sub-committee felt that it was clear that whilst there may be a change in management at the premises, the existing management team, Kazim Abdul, Kashim Abdul (and Baian Abdul) would remain the freehold owners of the premises. In a letter dated 22 December 2014 the licensing team received a letter from Thomas A Becket accepting the licensing breaches and gross mismanagement of the business. The letter advised that they intended to make right the misconduct by working with the licensing team and the police. They provisionally agreed that they would overhaul the current management staff, including Mr Kashim Abdul and that Mr Kazim Abdul and Gerrado Romero would assume management responsibilities for the premises. This never transpired, as evidenced by the fact that the premises was represented by Mr Kashim Abdul and Mr Kazim Abdul at the expedited review hearing on 12 February 2015, rather than the majority shareholder and the premises licence holder of Thomas A Becket Leisure Investments Ltd, Mr M. Chowdhury.

The licensing sub-committee also noted that there was no new management agreement with the new team and the premises licence holder. Furthermore, the two proposed DPSs had yet to pass the DPS exams thus, no variation of DPS applications have been submitted to date. The sub-committee felt that the new management team presented as a smoke screen for the old management team, which was compounded by wanting a continuation of the existing licence, despite the alleged new management direction. Particularly, despite the promise of having no external promoters at the premises, external promoters events remain advertised on social media.

In all the circumstances, the sub-committee felt that there is no alternative but to revoke the premises licence in order to fulfil the licensing objectives.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives and considered that its decision was appropriate and proportionate in order to address the licensing objectives.

### 3. **Appeal rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

In accordance with the Licensing Act and guidance issued in 2007, the interim steps agreed on 12 February 2015 must remain in effect until the time for appealing the review has expired and any appeal determined.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 10 March 2015

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 12 DECEMBER 2014****LICENSING ACT 2003: THOMAS A BECKET, 320-322 OLD KENT ROAD, LONDON, SE1 5U3 -  
TEMPORARY EVENT NOTICE****1. Decision**

That a counter notice not be issued subject to a notice of statement of conditions (listed below) under Section 105 of the Licensing Act 2003 in respect of the Temporary Event Notice given by Mr Mohammed Abdul Kashim in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London, SE1 5U3 for the retail sale of alcohol and the provision of regulated entertainment on Wednesday 31 December 2014 from 05.30 to 10.00 and on Thursday 1 January 2015 from 05.30 to 10.00.

**2. Statement of conditions**

1. That before the premises license can take effect a sound limiting device shall be installed and using a qualified sound engineer shall set maximum volume and bass levels to ensure that any music, speech or song from licensed entertainment is not audible in the residential premises above or will cause a public nuisance in the vicinity of the premises.
2. That the sound limiting device be maintained at the set level there-after.
3. That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment that the sound limiters be re-set, using a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises or will cause a public nuisance in the vicinity of the premises.
4. That all speakers for the broadcast of sound shall be isolated from the structure of the premises by anti-vibration mountings or mats.
5. That any additional amplification equipment imported on to the premises by third parties be connected to and use the sound limited circuit wherever possible.
6. That no additional front-of-house amplification shall be imported onto the premises by third parties.

7. Live music performers may bring backline amplification onto the premises subject to the following limitations:
  - Guitar amplifiers: no more than one speaker cabinet per performer, containing no more than two speakers of up to 12" diameter.
  - Bass and keyboard amplifiers: no more than one speaker cabinet per performer, containing no more than one speaker of diameter 15", or no more than two speakers of diameter 12", or no more than 4 speakers of diameter up to 10".
8. That loud acoustic instruments (for example brass, drums, pipes, etc.) shall be muted or muffled.
9. That there shall be no more than 6 persons permitted on the frontage to smoke between 07.00 and 22.00. Smokers shall use the rear smoking area at all other times.
10. That external waste handling, collections, deliveries (including performer's equipment) and the cleaning of external areas shall only occur between the hours of 07.00 and 22.00.
11. That all exit doors for patrons will be fitted with clearly legible, noticeable signs requesting that patrons leave quietly.
12. That the premises will operate a cab ordering service for patrons and permit them to wait inside the premises until they are picked up.
13. That when licensed entertainment is taking place all doors, lobby doors and windows shall remain closed (except for access or egress).
14. That before the premises license can take effect the applicant shall submit details of the noise insulation and containment proposed for the premises, for approval by the licensing authority, and shall have undertaken all the approved works.
15. That before the premises license can take effect all entrance doors and acoustic lobby doors shall be fitted with self-closers (in accordance with BS 6459 Pt. 1 1984), flexible seals and brushes.

### **3. Reasons**

This was a Temporary Event Notice (TEN) given by Mr Mohammed Abdul Kashim the premises user, in respect of the premises known as Thomas A Becket, 320-322 Old Kent Road, London, SE1 5U3.

The licensing sub-committee heard evidence from the premises user who advised that the TEN application had been made to bring them in line with immediate competitors, all of whom would be open until 10.00. In addition, there would be appropriate transport available, which would not ordinarily be at 05.30. They assured the sub-committee that they would be complying with all the usual conditions on their licence and would not open beyond their allocated extended hours. They stated that they would close at 10.00 and reopen at lunchtime. Concerning the works detailed in the notice of decision dated 8 August 2014, the premises user stated that these were 80% complete and were awaiting an inspection by the environmental protection team.

The licensing sub-committee heard evidence from the Metropolitan Police Service who advised that they had concerns that the TEN would increase alcohol related crime. They referred incidents of alcohol related crime that took place over the Christmas and New Year period in 2013/14. Furthermore, the police made reference to an additional five occasions during 2013/14 when the premises were found to be operating beyond their terminal hour including, the issue of Section 19 closure notices on 16 September 2014 and 2 November 2014.

The licensing sub-committee noted that because the works detailed in the notice of decision dated 8 August 2014 had not been completed, no new licence had been issued and the premises user was operating under the licence dated 28 September 2012. However, the sub-committee considered the reasons for the decision on 8 August 2014. Whilst no representations had been received from the environmental protection team, the sub-committee were concerned not only with the potential for alcohol related crime and disorder but also public nuisance, in particular noise nuisance. Since the premises user has advised that 80% of the works have been completed, this sub-committee agree not to issue a counter notice if all of the works are implemented, inspected and signed off in advance of the event.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

#### **4. Appeal rights**

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made 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. No appeal may be brought later than five working days before the day on which the event begins.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 12 December 2014



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