

Licensing Sub-Committee

Tuesday 20 December 2016

10.00 am

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

Membership

Councillor Sunil Chopra
Councillor Sandra Rhule
Councillor Charlie Smith

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 12 December 2016



Licensing Sub-Committee

Tuesday 20 December 2016
10.00 am

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

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	ELECTION OF CHAIR	
	To elect a chair for this meeting.	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
5.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
6.	LICENSING ACT 2003: MCDONALDS, UNIT 16 BUTTERFLY WALK, DENMARK HILL, LONDON, SE5 8RW	1 - 39

Item No.	Title	Page No.
7.	LICENSING ACT 2003: LICENSING ACT 2003: BOLA 8 LTD T/A FAKTORY, GROUND AND FIRST FLOOR, 113C ELEPHANT ROAD, LONDON SE17 1LB	40 - 91
8.	LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE	92 - 97

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

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

Date: 12 December 2016

Item No. 6.	Classification: Open	Date: 20 December 2016	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London, SE5 8RW	
Ward(s) or groups affected:		Camberwell Green	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Manor Restaurants (UK) Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London SE5 8RW.
2. Notes:
 - The application seeks to vary the premises licence in respect of the premises known as: McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London, SE5 8RW 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 10 to 12 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 14 to 17 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 and Appendix D.
 - Paragraph 27 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix F.

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 McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London, SE5 8RW was issued on 7 July 2016 and allows the following licensable activities:
 - **Late night refreshment:**

Monday to Wednesday	between 23:00 and 00:00
Thursday	between 23:00 and 05:00 the following day
Friday and Saturday	between 23:00 and 05:00 the following day
Sunday	between 23:00 and 00:00

 - **Opening hours:**

Monday to Wednesday	between 06:00 and 00:00
Thursday	between 06:00 and 05:00 the following day
Friday and Saturday	between 05:00 and 05:00 the following day
Sunday	between 05:00 and 00:00.

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

The variation application

10. Manor Restaurants (UK) Limited 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 McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London, SE5 8RW.

11. The application is summarised as follows:

- To extend the provision of late night refreshment on Sundays to Wednesdays from 00:00 to 05:00.
 - To amend the opening hours of the restaurant to allow the premises to open 24 hour seven days per week.
12. 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

13. No designated premises supervisor (DPS) is required.

Representations from responsible authorities

14. This council's environmental protection team (EPT) have made comments for consideration by the licensing sub-committee. These comments have not been submitted as an objection to this application.
15. The Metropolitan Police Service (MPS) have submitted a representation in relation to the application.
16. The Metropolitan Police Service representation states the current closing times fall outside of the suggested closing times in the council's statement of licensing policy. The police state the application has given no reason to deviate from the policy. The police also state that the police crime and incident reporting system has been checked and in the last six months McDonald's restaurants in Southwark have 85 reports where an incident has been reported inside, outside or close to each venue. These reports may not be directly attributed to each restaurant but indicate that they are located in areas that have a crime and disorder problem.
17. The environmental protection team's comments state the requested hours of extension fall outside of the recommendation of the statement of licensing policy. EPT note that the licence holders are 'content to put measures in place to limit noise', shall be considered to include controls on deliveries, collections and waste disposal activities such that they occur during the hours of 08:00 to 20:00. EPT have no objection to the application but submit comments for clarity and for the consideration of the Licensing Committee.
18. Note: Takeaways are not subject to the Camberwell cumulative impact policy, and so the policy must not be taken into consideration when determining the application. Therefore there is a presumption to grant the application, pending consideration of any representations received.
19. Copies of the above representation and related correspondence are attached in Appendix C and Appendix D.

Representations from other persons

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

Conciliation

21. The applicant was sent one objection received from the police responsible authority. The applicant was advised to contact the police directly to facilitate conciliation of their objection. The police however maintain their objection that 'Every application should be treated on its own merits, however no exceptional circumstances have been shown with in the application to give reason to deviate from the policy'.

Operating history

22. The premises licence in respect of the premises was issued on 2 December 2009.
23. On 7 August 2013 a variation application was made to extend the opening hours and late night refreshment on Thursday, Friday and Saturday nights to 02:00 and Sunday nights to 00:00. Also to amend opening hours on Friday, Saturday and Sunday morning from an earlier times of 05:00, enabling the premises to remain open from 06:00 Thursdays until 00:00 on Sundays.
24. On 16 June 2016 a minor variation application was made to change the plans of the premises following a refurbishment of the restaurant.
25. Manor Restaurants (UK) Limited 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 McDonalds, Unit 16 Butterfly Walk, Denmark Hill, London, SE5 8RW.
26. A list of all night time visits to the premises by licensing officers is attached in Appendix E.

Map

27. A map of the area is attached to this report as Appendix E. The premises is identified at the centre of the map. For purposes of scale-only the circle on the map has a 100 metre radius. There are several licensed premises within this 100 metre radius.
 - **Co-op, 28 - 32 Denmark Hill, London SE5 8RZ** licensed for:
 - The sale of alcohol to be consumed off the premises on Monday to Sunday between 07:00 and 23:00
 - **The Tiger, 18 Camberwell Green, London SE5 7AA** licensed for:
 - The sale of alcohol to be consumed on and off the premises on Monday to Thursday between 09:00 and 01:30, on Friday and Saturday between 09:00 and 03:30 and on Sunday 09:00 and 00:30
 - The provision of films on Monday to Sunday between 12:00 and 00:00
 - The provision of live music on Monday to Thursday between 09:00 and 02:00, Friday and Saturday between 09:00 and 04:00 and on Sunday 09:00 and 01:00
 - The provision of recorded music on Monday to Sunday between 09:00 and 02:00, Friday and Saturday between 09:00 and 04:00 and on Sunday 09:00 and 01:00

- The provision of late night refreshment on Monday to Thursday between 09:00 and 01:30, Friday and Saturday between 09:00 and 02:30 and on Sunday between 09:00 and 00:30
- **Morrisons, Butterfly Walk, Denmark Hill, London SE5 8RW** licensed for:
 - The sale of alcohol to be consumed off the premises on Monday to Sunday between 06:00 and 23:00.

Southwark council saturation policy for Camberwell

28. Council assembly approved the introduction of a special policy for Camberwell 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.
29. 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.
30. 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.
31. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

32. 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.
33. 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.
34. Within Southwark’s statement of licensing policy, the premises are identified as being within the Camberwell District Town Centre Area. The premises are described as an outlet for food and non-alcoholic drink. The closing times recommended in the statement of licensing policy for a take-away in Camberwell district town centre are as follows:
- Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.
35. Takeaways are not subject to the Camberwell cumulative impact policy.

Resource implications

36. A fee of £315.00 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
 - 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 three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force: age verification policy and smaller measures for alcoholic drinks.
50. Members are also referred to the Home Office revised guidance on conditions.

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 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

61. Members are required to have regard to the Home Office revised 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	Police representation
Appendix D	Environmental protection team comments
Appendix E	List of night time visits to the premises by licensing officers
Appendix F	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Natasha O'Donoghue, Licensing Officer	
Version	Final	
Dated	7 December 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	8 December 2016	

Licensing Act 2003 Premises Licence

12



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

Premises licence number

852747

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
McDonalds Restaurant Ltd 16 Butterfly Walk Denmark Hill London SE5 8RW	
Ordnance survey map reference (if applicable), 176630532588	
Post town London	Post code SE5 8RW
Telephone number [REDACTED]	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Late Night Refreshment - Indoors

The opening hours of the premises	
For any non standard timings see Annex 2	
Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 05:00
Friday	05:00 - 05:00
Saturday	05:00 - 05:00
Sunday	05:00 - 00:00

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

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Late Night Refreshment - Indoors

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

Part 2

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

Manor Restaurants (UK) Limited



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

06039094

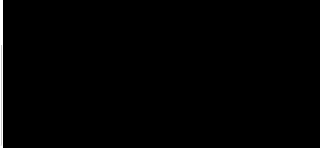
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

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.

Authority

Licence Issue date 07/07/2016



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

Annex 1 - Mandatory conditions

Annex 2 - Conditions consistent with the operating Schedule

288 A digital motion activation CCTV system where images are retained on a hard drive system shall be installed at the premises.

340 The CCTV equipment shall be of a standard suitable to record images of a proper quality; it will meet the industry standard and have Kalagate Certification.

341 As part of the CCTV system and alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene.

342 The CCTV system shall be regularly serviced by qualified maintenance technicians

343 Access to the CCTV system shall be provided to Police Officers at their request.

344 The CCTV policy implemented at the premises shall ensure compliance with Data Protection Legislation

345 Appropriate signage reflecting information regarding the CCTV installed shall be displayed at the premises.

346 All shift running managers shall be trained in safety and security.

347 Safety systems shall be in place to protect the safety of customers and staff at all times, these systems shall be regularly reviewed and updated where appropriate.

348 Inspections from McDonalds own safety and security teams shall be carried out to ensure that safety systems are being maintained.

349 All restaurant staff shall be provided with comprehensive safety training.

350 A 'NO OPEN ALCOHOL CONTAINERS' policy shall be implemented at the premises.

351 Emergency contact mobile telephone numbers shall be listed in the business manager's office.

352 Litter patrols concerning McDonalds packing and other litter from the premises shall be carried out within a certain radius of the restaurant.

353 All of McDonalds packing shall contain the 'BIN IT' symbol.

354 A 'REDUCING LITTER CAUSED BY FOOD ON THE GO' voluntary code of practice shall be adopted at the premises.

355 Doors at the premises shall be self-closing.

356 Customers shall be encouraged to be considerate to neighbours both when ordering food and on leaving the local area.

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

Annex 4 - Plans - Attached

Licence No. 852747

Plan No. EX/0214/001

Plan Date May 2016

APPENDIX B

The Lakes
Northampton
NN4 7SH
DX 712280 Northampton



Delivered: by post

London Borough Of Southwark
The Licensing Service
Regulatory Services
3rd Floor Hub 1
PO Box 64529
London
SE1P 5LX

SPECIAL DELIVERY

Your Ref

Our Ref

(PLEASE QUOTE ON ALL CORRESPONDENCE)

Date

31st October 2016

Dear Sirs

**MANOR RESTAURANTS (UK) LIMITED T/A MCDONALD'S
UNIT 16 BUTTERFLY WALK DENMARK HILL CAMBERWELL LONDON SE5 8RW
APPLICATION TO VARY A PREMISES LICENCE**

We act on behalf of Manor Restaurants (UK) Limited t/a McDonald's. Please find enclosed:-

1. Application to vary a Premises Licence;
2. Original Premises Licence and Premises Licence Summary;
3. Cheque in the sum of £315.00.

We should be grateful if you would acknowledge safe receipt.

Yours faithfully



**McDonald's Licensing Team at
SHOOSMITHS LLP**

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

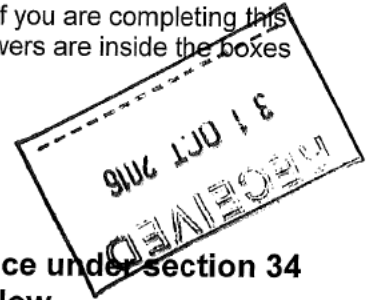
London Borough Of Southwark
Regulatory Services
3rd Floor Hub 1
PO Box 64529
London
SE1P 5LX

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.



XWe Manor Restaurants (UK) Limited
(Insert name(s) of applicant)

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

Premises licence number
852747

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description McDonald's Restaurants Unit 16 Butterfly Walk Denmark Hill	
Post town Camberwell	Post code SE5 8RW
Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 63,000.00

Part 2 - Applicant Details

Daytime contact telephone number		
E-mail address (optional)		
Current postal address if different from premises address	[REDACTED]	
Post town	London	Post code [REDACTED]

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)
 Yes No

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:

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
 The premises currently have a premises licence which allows the provision of late night refreshment on Sundays to Wednesdays from 23:00 to 00:00 and Thursdays to Saturdays from 23:00 to 05:00.
 The proposed variation is to extend the provision of late night refreshment on Sundays to Wednesdays from 00:00 to 05:00. In addition the application is also to amend the opening hours of the restaurant to allow the premises to open 24/7.

Part 4 - Operating Schedule

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for performing plays (please read guidance note 5)	
Thur					
Fri					
Sat				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for the exhibition of films (please read guidance note 5)	
Thur					
Fri					
Sat				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Both	<input type="checkbox"/>	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

Please give further details here (please read guidance note 4)

State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)

Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for the performance of live music (please read guidance note 5)	
Thur					
Fri					
Sat				Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur					
Fri					
Sat				Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 4)	Outdoors
Tue			Both		<input type="checkbox"/>
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	05:00	Please give further details here (please read guidance note 4) The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises.	Both	<input checked="" type="checkbox"/>
Tue	23:00	05:00			
Wed	23:00	05:00			
Thur	23:00	05:00			
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	05:00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

The premises will operate as an outlet of food and non-alcoholic drink and does not provide any adult entertainment or service that gives rise to a concern in respect of children

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	00:00	00:00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

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.

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 10)**

Please see attached Operating Schedule.

- b) The prevention of crime and disorder**

Please see attached Operating Schedule.

c) Public safety

Please see attached Operating Schedule.

d) The prevention of public nuisance

Please see attached Operating Schedule.

e) The protection of children from harm

Please see attached Operating Schedule.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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.

Operating Schedule

General

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonald's restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptacles.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

Prevention of Crime and Disorder

This restaurant is keen to work in partnership with the local police service to prevent crime and disorder.

CCTV

McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.

McDonald's operate digital motion activated CCTV systems where images are retained on a hard drive system. All CCTV equipment is of a standard suitable to record images of a proper quality, it meets the industry standard and has LGC Forensics or Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request.

Staffsafe

A Staffsafe™ system with both audio and visual monitoring capability will be installed in the restaurant, this system, can be activated by either fixed or mobile panic buttons. Once activated the system links the restaurant to an external monitoring centre capable of intervening to resolve crime and disorder issues and/or provide the appropriate advice or instruction to support and protect the restaurant's staff and customers.

At this restaurant all shift managers have safety and security training; including Maybo SIA accredited Conflict Management Training.

Public Safety

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

This restaurant has safety systems in place to protect the safety of customers and staff at all times (such as Staffsafe). We work with the local Environmental Health Office and local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is also subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff receive comprehensive safety training to ensure that safe working methods are adopted and all staff are trained on the restaurant's evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area.

Public Nuisance

Litter

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. McDonald's is committed to carry out litter patrols collecting both McDonald's packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable.

All of McDonald's packaging displays the "Bin It" symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website:
<http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml>

Noise

Where it is practical to do so we are content to put measures in place to limit noise. All McDonald's restaurant doors are self-closing and we try to encourage our customers to be considerate to our neighbours and to limit noise both when ordering their food and on leaving the local area.

The Protection of Children from Harm

McDonald's do not anticipate that unaccompanied children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

Part 5 - Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	31st October 2016
Capacity	Solicitor / Authorised Agent for the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature		
Date		
Capacity		
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) Shoosmiths LLP [REDACTED]		
Post town	[REDACTED]	Post code [REDACTED]
Telephone number (if any)	[REDACTED]	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]		

Notes for Guidance

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

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



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/2887/16
 Date: 29th November 2016

Dear Sir/Madam

McDonalds, 16 Butterfly Walk, London SE5 8RW

This application for a licence variation to a Restaurant/Take away licence was received by Southwark Council on the 20th October 2016.

The current application is for the following extension of hours

Opening Hours-	Sunday – Wednesday	24hrs
Late night refreshment -	Sunday – Wednesday	23.00hrs to 05.00hrs

The Venue currently has 24 hour opening 06.00hrs Thursday to 00.00 Sunday night. This was granted prior to the introduction of the current Statement of Licensing Policy.

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

The guidance suggests for this location being a District Town Centre and the venue being a restaurant the latest terminal hour is 0100hrs Friday and Saturday and Midnight Sunday to Thursday, therefore the premises current opening hours are very generous and in excess of the current policy.

Every application should be treated on its own merits, however no exceptional circumstances have been shown with in the application to give reason to deviate from the policy.

Camberwell is situated between various other town centres and attracts a contrasting customer base. Any increase in hours may lead to an increase of public nuisance and crime and disorder created by customers attracted to the longer hours traveling from other areas.

I have checked the police crime and incident reporting system and in the last six months McDonald's Restaurants on Southwark borough have 85 reports where an incident has been reported either inside outside or close to the venue. These reports may not be a directly attributed to each restaurant but indicate that they are located in areas that have a crime and disorder problem.

Submitted for consideration

PC Graham White 288MD
Southwark Police Licensing Unit

From: Fox, Roy

Sent: Monday, November 07, 2016 12:07 PM

To: Regen, Licensing

Cc: 'Elaine.Rayner@shoosmiths.co.uk'

Subject: McDonalds, Unit 16 Butterfly Walk, Denmark Hill, SE5

Re: Licensing Act 2003 - Application to Vary a Premises Licence dated 31/10/2016 - McDonalds, Unit 16 Butterfly Walk, Denmark Hill, SE5

This consultation response is in connection with the consideration of public nuisance arising from this application, which relates to the extension of licenced hours of an existing licence, ref. 852747, to include the hours of 00:00 to 05:00 from Sundays to Wednesdays.

The requested hours of extension fall outside of the recommendations of the Southwark Statement of Licensing Policy 2016/2020. However, these hours are already currently permitted for Thursdays to Saturdays (i.e. Sunday early hours) for this establishment, which are busier periods in which impacts and/or cumulative impacts are considered to be more likely. We have no records of any adverse public nuisance that has arisen since these extended hours commenced in mid-2013.

Additionally, following extensive public consultation by the Planning Department on the opening of these premises 24/7, which resulted in permission being granted in September 2016, no responses were received other than positive agreement to the proposals by the police and by EPT.

Consequently, I have no objection to the application. Note, however, that the statement in the operating schedule that the licence holders are 'content to put measures in place to limit noise', shall be considered to include controls on deliveries, collections and waste disposal activities such that they occur during the hours of 08:00 to 20:00 hours.

Regards,

Roy Fox

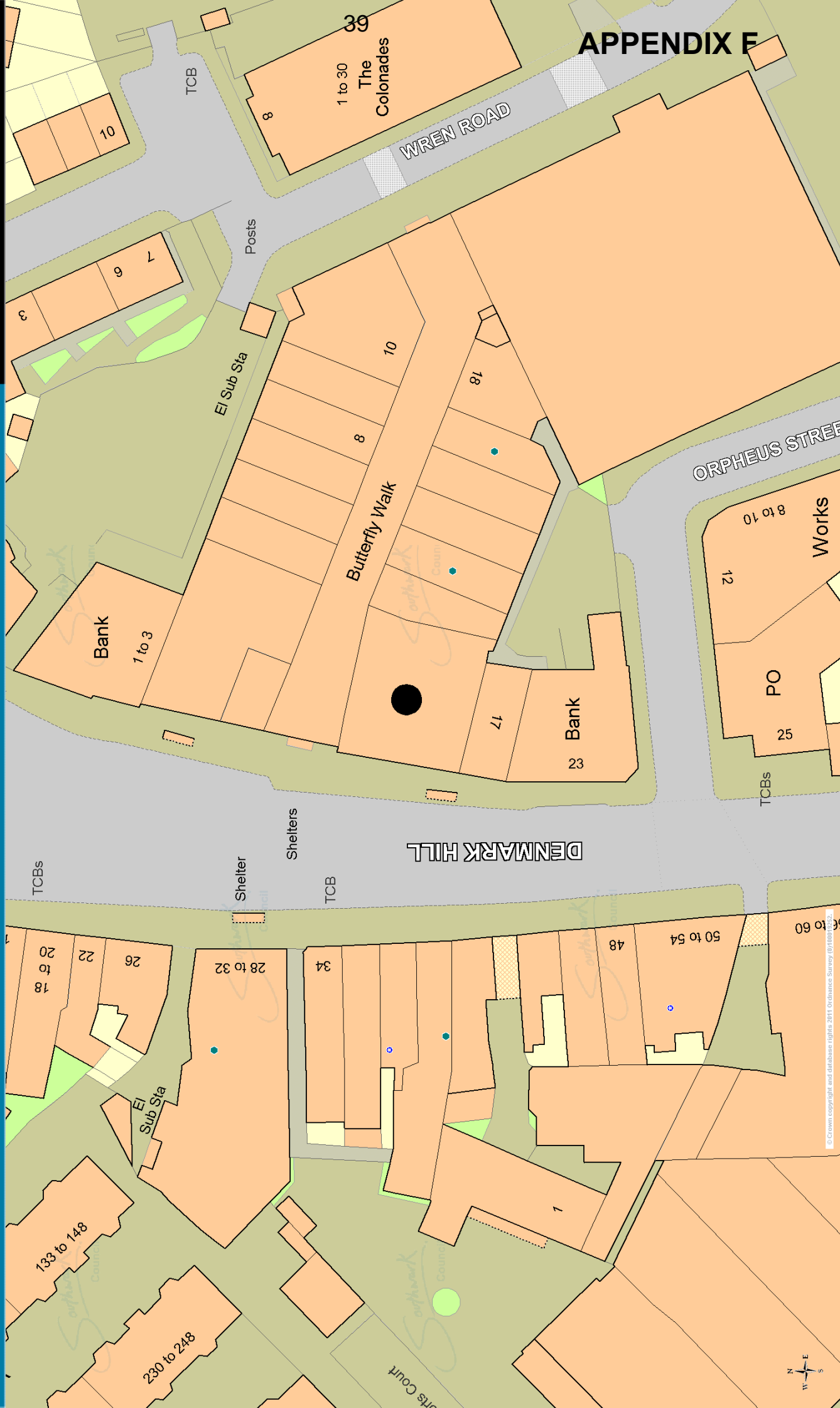
Principal Environmental Protection Officer

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

020 7525 2458

www.southwark.gov.uk

Date	Time	Officer	Notes
17/08/2013	18:37	Kristie Ashenden	H&S revisit. Fire exits obstructed by trolleys of hamburger buns. Fire doors kept propped open - advised manager of this and explained reasons for fire doors.
11/10/2013	19:39	Kristie Ashenden	H&S revisit
30/08/2014	22:15	Jayne Tear	Spoke to the manager [REDACTED], he had not seen the WSC Letter that had been sent out. I gave him a copy of the letter and asked if any one will be attending the meeting. He said that he will attend and that he will ask the manager in Walworth Road branch if he wants to attend also, as he may be interested. He said that he will email on Monday concerning this
12/11/2016	00:32	Richard Kalu	Blue Site Notice Check with [REDACTED]. Blue Site Notice on display no issues of concern noted.



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Item No. 7.	Classification: Open	Date: 20 December 2016	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Bola 8 Ltd T/A Factory, Ground and First Floor, 113C Elephant Road, London SE17 1LB	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Bola 8 Ltd T/A Factory, for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Bola 8 Ltd T/A Factory, Ground and First Floor, 113C Elephant Road, London SE17 1LB.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from a responsible authority and other persons and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the existing premises licence for consideration by the sub-committee. A copy of the premises licence is attached as Appendix B.
 - c) Paragraphs 12 to 15 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - d) Paragraphs 17 to 30 of this report deals with the representations received regarding the premises licence application. Copies of the representations from the responsible authorities are attached as Appendix C.
 - e) Paragraph 32 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix D.
 - f) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a 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

Premises history

8. The premises has an existing licence number 835450. A licence was first issued to the premises on Bola 8 Ltd on September 2011 and Unit 122 Elephant Lane, London SE1, they have been the operators to date. There have been no complaints received by the licensing team. There have been no temporary event notices (TENs) submitted.

The current licence

9. The current licence in respect of the premises known as Bola 8, Unit 122 Elephant Road, London SE7 1LB was issued on 5 September 2011. Unit 112 forms part of the new application. The licence permits the following licensable activities:
 - **Recorded music (indoors)**
Monday to Sunday from 11:00 to 06:00
 - **Anything of similar description to the above**
Monday to Sunday from 11:00 to 06:00
 - **Late night refreshment (indoors)**
Monday to Sunday from 23:00 to 05:00

- **The supply of alcohol (for consumption on the premises)**
Monday to Wednesday from 11:00 to 00:00
Thursday, Friday and Saturday from 11:00 to 03:00
- **Operating hours**
Monday to Sunday from 11:00 to 06:00.

10. The current premises licence is attached as Appendix B to the report.

11. The intention is to surrender the licence on grant of this application.

The premises licence application

12. On 28 October 2016, Bola 8 Ltd T/A Faktory applied to this Council for the grant of a new premises licence in respect of the premises known as Bola 8 Ltd T/A Faktory, Ground and First Floor, 113C Elephant Road, London SE17 1LB.

13. The premises plan compasses of the existing unit 122 which is on the first floor level and is expanding the licensable area by adding Unit 113C which is on the ground floor, there will be an interconnecting door between the two levels and the main entrance to the premises will be from 113C Elephant Lane. The premises is described as a late night bar and restaurant.

14. The application is summarised as follows:

- **Live music (indoors)**
Monday to Sunday from 11:30 to 02:00
- **Recorded music (indoors)**
Monday to Sunday from 11:00 to 05:00
- **Anything of similar description to the above**
Monday to Sunday from 11:00 to 05:00
- **Late night refreshment (indoors)**
Monday to Sunday from 23:00 to 05:00
- **The supply of alcohol (for consumption on the premises)**
Sunday to Wednesday from 11:00 to 02:30
Thursday, Friday and Saturday from 11:00 to 04:30
- **Operating hours**
Sunday to Wednesday from 11:00 to 05:00
Thursday, Friday and Saturday from 11:00 to 05:30.

15. The premises licence application form provides the applicant operating schedule. Parts E, F, H, I, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

16. The designated premises supervisor Ricardo Carzon Medina who has a personal licence issued by Croydon Council.

Representations from responsible authorities

17. Representations were submitted by the Metropolitan Police Service, environmental protection team (EPT), licensing (as a responsible authority), health and safety, trading standards, public health authority, and planning authority.
18. The police state that the venue is described as a late night bar and restaurant and the target market would be young professionals from the new residential developments close to the elephant and castle. The new application is looking to expand the licensed area. If granted police would like to see a condition that the old licence be surrendered.
19. The police have also submitted conditions to be considered for the promotion of the four licensing objectives, in particular the prevention of crime and disorder. A number of the conditions were discussed and have been offered as part of the operating schedule but the wording is crucial to negate ambiguity.
20. The EPT representation states that the application seeks to permit use of an additional floor and would recommend that the new licence does not take effect unless and until the current licence is surrendered. The premises appears not to have the benefit of planning consent for use as a nightclub and the EPT recommend that a condition is imposed on the licence prohibiting use for nightclub activities unless and until the licence holder obtains sui generis planning consent for use of the premises as a nightclub.
21. The EPT also state that new residential flats have recently been built nearby, and occupation will begin soon and recommend that a condition is imposed requiring entertainment noise from the premises to be inaudible at the façade of any residential premises after 23:00.
22. The licensing (as a responsible authority) representation states that the premises is situated in the Elephant and Castle major town centre area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for restaurants and cafes is 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday. The appropriate closing times for public houses, wine bars or other drinking establishments is 23:00 on Sunday to Thursday and 00:00 on Friday and Saturday.
23. The representation is also submitted with regards to crime and disorder and public nuisance as the later operation of the premises and people leaving the premises later at night would impact upon local residents.
24. Due to the limited information on the application form it seeks the applicant to provide the further information with regards to the accommodation limit and a written dispersal policy. It also request that the applicant considers amending the application to be in line with the opening hours recommended in the Southwark statement of licensing policy to promote the licensing objectives.

25. The health and safety representation seeks further information with regards to risk assessment and other health and safety issues and make recommendations where appropriate.
26. The trading standards representation welcomes the statements in the application to promote the four licensing objectives but for completeness and clarity have recommended additional conditions to address the potential for harm of selling alcohol to children and their well being.
27. The public health authority have concerns regarding the hours of alcohol sales requested and suggest an earlier finishing time for alcohol sales. They recommend that the end time for alcohol sales be changed to 23:00 on Sundays to Thursdays and 00:00 on Fridays and Saturdays, as per Southwark's statement of licensing policy.
28. The planning authority representation is made on the grounds of nuisance and that it is likely to result in criminal activity. The premises exits onto a narrow road where a large mixed use development has recently been completed. The immediate area is not well suited to quiet dispersal of patrons at 05:00 because of the side street nature of the road. The ground floor of the proposed premises is subject to a planning enforcement notice. The first requirement of the notice is to cease use of the property as a mixed use incorporating, a cafe snack bar, restaurant, bar and nightclub and any use including a bar or nightclub element.
29. Copies of the representations are attached as Appendix C.

Representations from other persons

30. There are no representations from other persons.

Conciliation

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

The local area

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

Public houses

- Charlie Chaplin, 26 New Kent Road, London SE1 (Monday to Saturday till 01.30 and Sunday till 23.30)
- Coronet, 28 New Kent Road, London SE1 (Monday to Wednesday till 03:30, Thursday, Friday and Saturday till 07:30)

Off licences

- Davish News, 30 New Kent Road, London SE1 (Monday to Sunday till 23:00).

Deregulation of entertainment

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

Southwark statement of licensing policy

35. Within the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises as follows:
- Restaurants and cafes: 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday
 - Public houses, wine bars or other drinking establishments is 23:00 on Sunday to Thursday and 00:00 on Friday and Saturday.
 - Hotel bars and guest houses: No restrictions for residents
 - Night Clubs: 01:00 on Monday to Thursday, 03:00 on Friday and Saturday and 00:00 on Sunday
 - Off Licences and alcohol sales in grocers and supermarkets: 00:00 daily
 - Takeaways: 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday
 - Cinema and Theatres: 02:00 daily
 - Vessels: 23:00 daily
 - Members Club: 02:00 daily.
36. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. 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.
37. 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

38. A fee of £190 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band B.

Consultation

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

Community impact statement

40. 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

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

Principles for making the determination

43. 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.
44. 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.
45. 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

46. 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.
47. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
48. 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.
49. 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.

50. 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

51. 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

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 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

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. 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.
60. 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.
61. 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

62. Members are required to have regard to the Home Office revised 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

63. 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	Kirty Read Tel: 020 7525 5748

APPENDICES

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

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	8 December 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		8 December 2016

Health Safety & Licensing Team, Southwark Council, Hub 2, 3rd Floor,
PO Box 65429, London, SE1P 5LX



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Bola 8 ltd T/A FAKTORY

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Ground and first floor 113C ELEPHANT ROAD			
Post town	London	Postcode	SE17 1LB

Telephone number at premises (if any)	02078662586
Non-domestic rateable value of premises	£12500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Bola 8 ltd T/A FAKTORY
Address Ground and first floor 113C ELEPHANT ROAD London SE17 1LB
Registered number (where applicable) 07162342
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited
Telephone number (if any)
E-mail address (optional) info@faktorylondon.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
09	12	2016

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

DD	MM	YYYY

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

LATE NIGHT BAR AND RESTAURANT

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

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

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

- | | |
|---|-------------------------------------|
| Provision of regulated entertainment | Please tick any that apply |
| a) plays (if ticking yes, fill in box A) | <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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	02:00	Please give further details here (please read guidance note 3) N/A		
Tue	11:00	02:00			
Wed	11:00	02:00	State any seasonal variations for the performance of live music (please read guidance note 4) N/A		
Thur	11:00	02:00			
Fri	11:00	02:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) N/A		
Sat	11:00	02:00			
Sun	11:00	02:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11:00	05:00	Please give further details here (please read guidance note 3) N/A		
Tue	11:00	05:00			
Wed	11:00	05:00	State any seasonal variations for the playing of recorded music (please read guidance note 4) N/A		
Thur	11:00	05:00			
Fri	11:00	05:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) N/A		
Sat	11:00	05:00			
Sun	11:00	05:00			

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing LIVE BANDS AND DJS		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	05:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	05:00	<u>Please give further details here</u> (please read guidance note 3) N/A		
Wed	11:00	05:00			
Thur	11:00	05:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) N/A		
Fri	11:00	05:00			
Sat	11:00	05:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) N/A		
Sun	11:00	05:00			


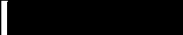

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	05:00	<u>Please give further details here</u> (please read guidance note 3) N/A		
Tue	23:00	05:00			
Wed	23:00	05:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) N/A		
Thur	23:00	05:00			
Fri	23:00	05:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) N/A		
Sat	23:00	05:00			
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A					
Mon	11:00	02:30						
Tue	11:00	02:30						
Wed	11:00	02:30						
Thur	11:00	04:30				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) N/A		
Fri	11:00	04:30						
Sat	11:00	04:30						
Sun	11:00	02:30						

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

Name RICARDO GARZON MEDINA	
Address 	
Postcode	
Personal licence number (if known)  PERS	
Issuing licensing authority (if known) CROYDON COUNCIL	

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) N/A
Day	Start	Finish	
Mon	11:00	05:00	
Tue	11:00	05:00	
Wed	11:00	05:00	
Thur	11:00	05:30	
Fri	11:00	05:30	
Sat	11:00	05:30	
Sun	11:00	05:00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) N/A

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

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

- FULL CCTV OF THE PREMISES RUNNING ON 31 DAYS RECORDING.
- APPROVED SIA SUPERVISORS AND STEWARDS TO USED AT THE END OF THE NIGH.
- TO DISPERSE CUSTOMERS FROM THE AREA INCLUDING CARS PARKED OUTSIDE AS MUCH AS POSSIBLE TO IMPROVE SAFETY AND REDUCE NUISANCE.
- NO SERCH, NO ENTRY.
- NO ID, NO ENTRY.
- FULL COOPERATION WITH PUB WATCH

b) The prevention of crime and disorder

- SIA APPROVED DOOR SUPERVISORS PRESENT AFTER 10PM ON ANY GIVEN DAY OF OPERATION.
- NO DRINKS OR GLASS BOTTLES ALLOWED OUTSIDE OF THE PREMISES
- BODY WORN CCTV TO BE USED BY A SECURITY
- ONLINE ID SCAN TO BE USED AT ALL TIME AFTER 10PM

c) Public safety

- NO UNDER 18's ALLOWED IN THE PREMISES AT NIGHT.
- ONLY A LICENSED CAB COMPANY TO BE USED FOR OUR CUSTOMERS.
- SECURITY STEWARDS AT CLOSING TIME USED TO DISPERSE CUSTOMERS FROM THE IMMEDIATE AREA.
- SMOKING AREA TO BE SUPERVISED BY SECURITY WHILE IN USE AT NIGHT • CLOSE COOPERATION WITH POLICE FORCES

d) The prevention of public nuisance

- SOUND LIMITERS SET UP BY A PROFESIONAL SOUND ENGINEER AND A REPORT TO BE PRODUCED AND KEPT IN RECORD.
- DOUBLE DOOR LOBBY TO BE USED IN THE FRONT TO REDUCE NOISE SCAPE..
- DOUBLE DOOR LOBBY FOR ACCESS TO THE SMOKING AREA TO REDUCE NOISE SCAPE.

e) The protection of children from harm

- CHILDREN NOT ALLOWED IN THE PREMISES AT NIGHT.
- DOOR SUPERVISORS AND MANAGEMENT TO ENFORCE AN AGE VERIFICATION SCHEME.

Checklist:

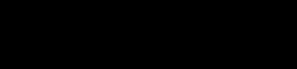
Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	26/10/16
Capacity	DPS/GM

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

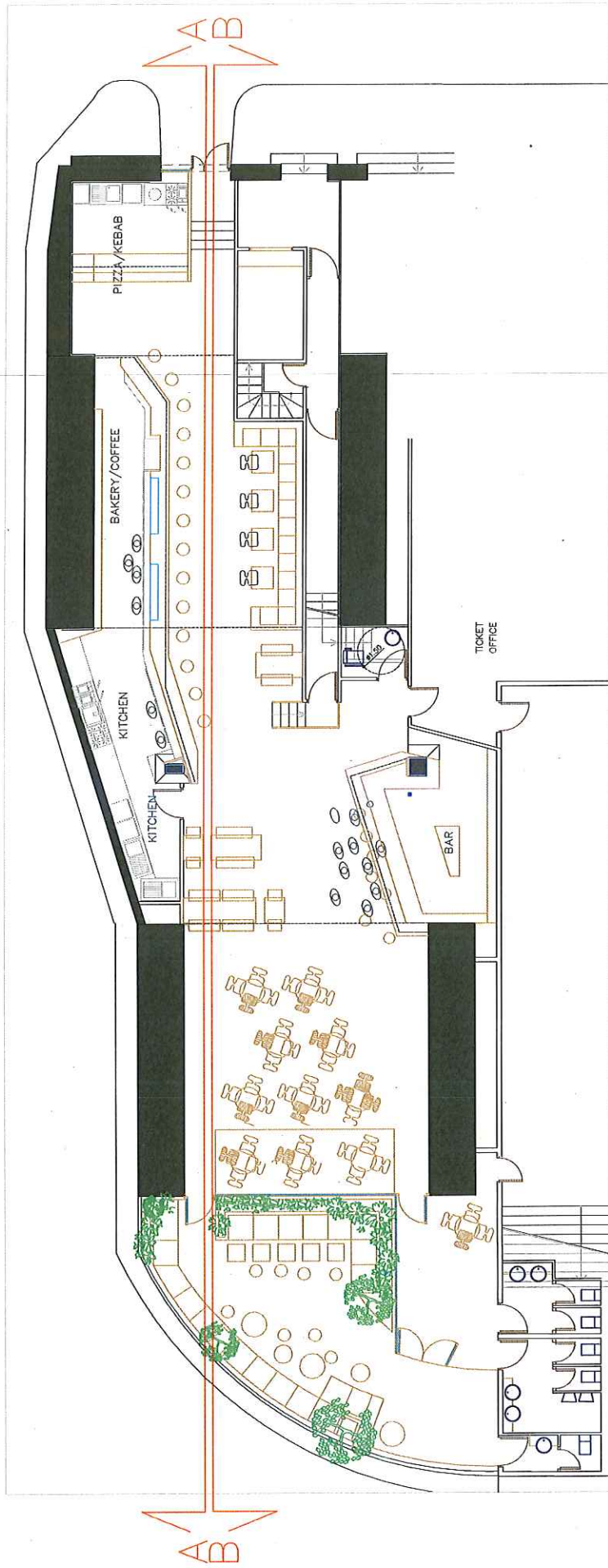
Notes for Guidance

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

Dear Responsible Authorities,

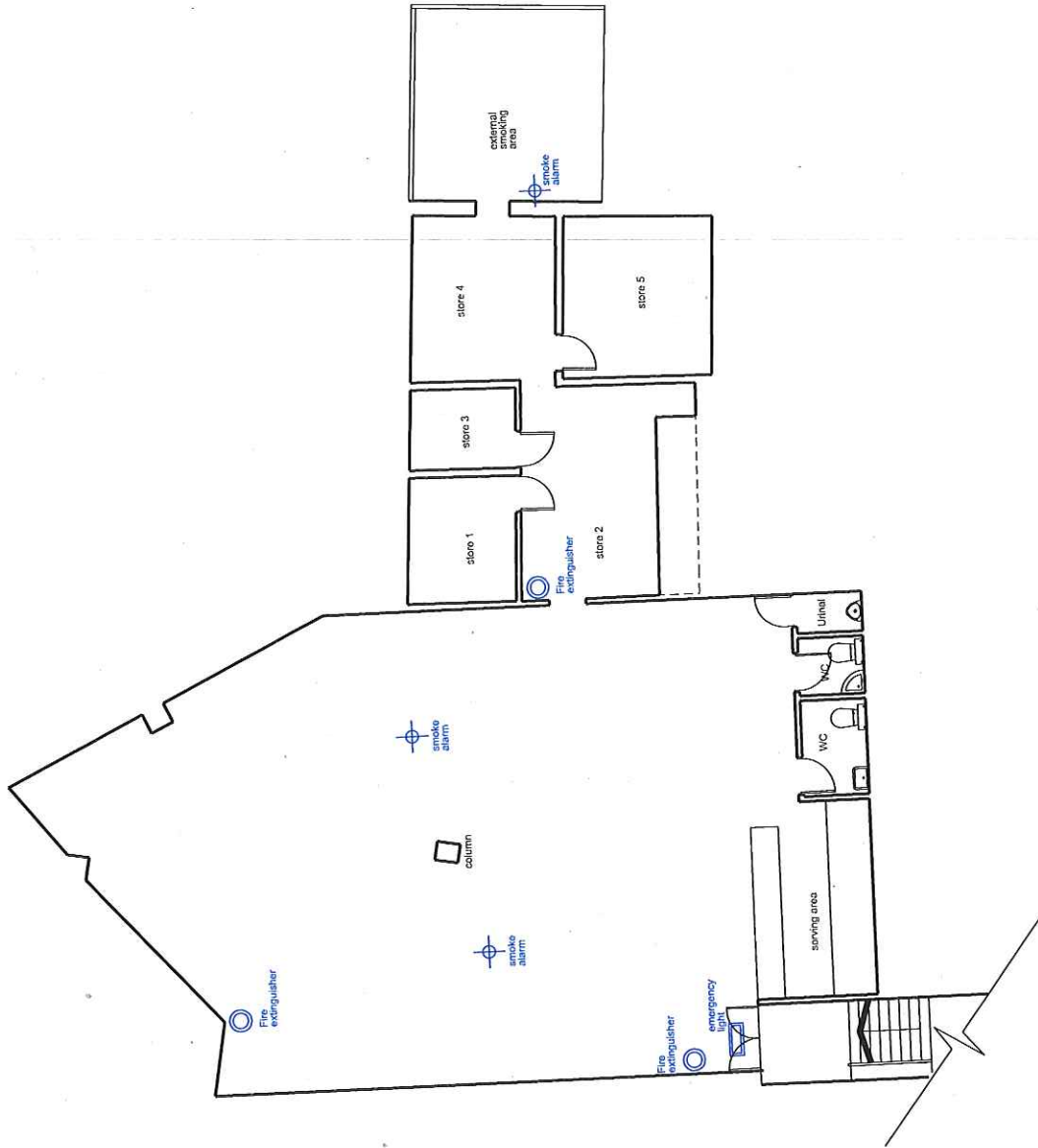
Please note that the applicant has amended their application to include the following conditions in the application in addition to those already stated in the application.

1. That suitable notices shall be displayed stating "No Drugs".
2. 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.
3. That all musicians and DJs must play electrically amplified music/audio/PA through a sound limiting device. The limiting device shall be maintained at levels set to the satisfaction of the Council's Noise Team.
4. That a notice be displayed at the premises giving the telephone numbers of local mini-cab firms.
5. That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required.
6. All children on the premises will be accompanied by a parent or responsible adult at all times
7. That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.
8. That staff will carry out regular checks when events take place to ensure that noise escaping from the premises does not disturb neighbours.
9. That music levels are to be significantly reduced thirty minutes before closing time.
10. Children to be supervised to ensure that they cannot drink any alcohol and are served soft drinks only
11. All SIA Staff are required to record their details, including SIA Badge number, in a booking on/off register.
12. That signs shall be displayed in the entrance foyer to the premises that state Drugs Free Zone, No Search No Entry and Management reserve the right to refuse entry.
13. That a computer based identification entry system is installed at the premises and that after 22:00 hours the details of all persons (including staff) shall be entered into the system prior to being permitted entry to the premises. Prior to this commencing a security check of the premises shall be carried out in respect of all areas and a record of the security check shall be made. Records of all security checks shall be kept at the premises and shall be made available to officers of the police or the council on request.



PROPOSED GROUND FLOOR PLAN B
1/75

PROJECT NO.	ARCH UNIT 122/113
DATE	15/05/2014
SCALE	1/75
NO.	01D
PROJECT NAME	PROPOSED GROUND FLOOR
ARCHITECT	S. NIETO
LOCATION	Elephant Road London SE17 1LB



Notes:	Revision:	Project: 122 Elephant Road, London SE17 1LB
		Drawing Title: Existing First Floor Level
Studio Oil Architects 30 Abchurch Lane London WC1E 7EQ T: +44(0)207 617 632 E: mail@studiooil.com		
Drawing Number: 1401_EX_01		
Scale: 1:100 @ A3		
Date: Jan 2014		
Status: <input checked="" type="checkbox"/> for information <input type="checkbox"/> for tender <input type="checkbox"/> for construction		
<small>This drawing is to be used in consultation with all relevant parties. It may be used for other purposes without the written consent of the author. The original drawing is the master file of any drawings. This drawing is copyright and cannot be copied or used in any way without the author's permission.</small>		

Licensing Act 2003 Premises Licence

72



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

Premises licence number

835450

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Bola 8 Ltd Unit 122 Elephant Road London SE17 1LB	
Ordnance survey map reference (if applicable), 178855532075	
Post town London	Post code SE17 1LB
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Recorded Music - Indoors Entertainment Similar to live/recorded music - Indoors Provisions Similar to making music and dancing - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 11:00 - 06:00
Tuesday 11:00 - 06:00
Wednesday 11:00 - 06:00
Thursday 11:00 - 06:00
Friday 11:00 - 06:00
Saturday 11:00 - 06:00
Sunday 11:00 - 06:00

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

Recorded Music - Indoors

Monday	11:00 - 06:00
Tuesday	11:00 - 06:00
Wednesday	11:00 - 06:00
Thursday	11:00 - 06:00
Friday	11:00 - 06:00
Saturday	11:00 - 06:00
Sunday	11:00 - 06:00

Entertainment Similar to live/recorded music - Indoors

Monday	11:00 - 06:00
Tuesday	11:00 - 06:00
Wednesday	11:00 - 06:00
Thursday	11:00 - 06:00
Friday	11:00 - 06:00
Saturday	11:00 - 06:00
Sunday	11:00 - 06:00

Provisions Similar to making music and dancing - Indoors

Monday	11:00 - 06:00
Tuesday	11:00 - 06:00
Wednesday	11:00 - 06:00
Thursday	11:00 - 06:00
Friday	11:00 - 06:00
Saturday	11:00 - 06:00
Sunday	11:00 - 06:00

Late Night Refreshment - Indoors

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

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 03:00
Saturday	11:00 - 03:00
Sunday	11:00 - 03:00

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

Bola 8 Ltd
Unit 122 Elephant Road
London
SE17 1LB
078 9158 7478

Registered number of holder, for example company number, charity number (where applicable)
07162342**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Maria Elena Mejia
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No. PERS 2994
Authority L.B Lambeth

Licence Issue date 15/09/2011



Community Safety Enforcement
Business Unit Manger
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

485 (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters 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.

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

487 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

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: ½ pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

4AA That the Challenge 25 scheme is used at the premises.

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 Council.

291 At least two (2) SIA registered door supervisors shall be employed at all times after 22.00hrs and the terminal hour that the premises are in use under this licence and 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.

293 That staff training is implemented.

303 The premises shall not be hired out to any external promoters.

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

312 Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette. Those leaving the premises should not be permitted to consume drinks whilst outside. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search

336 That a personal licence holder is on the premises and on duty at all times after 22.00 until the terminal hour permitted by the premises licence for the supply of intoxicating liquor.

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

Annex 4 - Plans - Attached

Licence No. 835450

Plan No. N/A

Plan Date August 2011



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

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

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

Our reference: MD/21/ 2840/16

Date: 23rd November 2016

Re:- Bola 8 Ltd, 113c & 122 Elephant Road SE17 1LB

Dear Sir/Madam

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

The venue is described as a late night bar and restaurant and police have had a pre application meeting with the proposed designated premises Supervisor (DPS) at which he described it as an upmarket cocktail bar with restaurant. The target market would be young professionals from the new residential developments close to the elephant and castle.

The venue currently holds a licence for part of the premises but is looking to expand the licensed area and as such has submitted an application for a new licence. If granted police would like to see a condition that the old licence be surrendered.

The current licence has a 06.00hrs terminal hour 7 days a week and the granting of the new application would see a reduction in the operation and the police welcome this.

The following conditions are to be considered for the promotion of the four licensing objectives, in particular the prevention of crime and disorder. A number of the conditions were discussed and have been offered as part of the operating schedule but the wording is crucial to negate ambiguity.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the licenced area and all areas used for licensable activities.

2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. That all staff involved in the sale of alcohol are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
4. That two SIA registered door supervisors will be engaged when the premises are in operation after 22.00hrs and will be employed at all times the licence is in operation until the end of business and all patrons have vacated the premises they will be engaged to monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict.
5. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
6. That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass
7. An ID scanning system to the reasonable satisfaction of Police be installed and maintained. 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 22.00hrs whilst the premises are in operation under the premises licence. All persons that enter the premises including staff, Patrons, DJ's and associated staff will be scanned and have their details recorded on the system. The details shall be stored and made available on request for a period of no less than 31 days.
8. Customers shall use no outside area on Elephant Road after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time.
9. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents

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

Yours Sincerely

PC Graham White 288 MD
Southwark Police Licensing Unit

From: Newman, Paul
Sent: Wednesday, November 23, 2016 2:22 PM
To: Regen, Licensing
Cc: 'info@faktorylondon.co.uk'; Tear, Jayne
Subject: RE: Bola 8 Ltd - First and Ground Floor 113c Elephant Road

Hi Sarah

Thank you for the copy of an application for a new premises licence by Bola 8 Limited at 113C Elephant Road.

I wish to object to the application on the grounds of prevention of public nuisance.

The application specifies the premises to be a restaurant and bar, and currently holds a premises licence which has later hours than those sought on this application. This application seeks to permit use of an additional floor.

- If the sub-committee are minded to grant this application, I would recommend that the new licence does not take effect unless and until the current licence is surrendered.

The application includes live band and music with DJ, alongside sales of alcohol. These activities could allow the premises to be used for nightclub activities, in addition to the stated uses. The premises appears not to have the benefit of planning consent for use as a nightclub.

- I would recommend that a condition is imposed on the licence prohibiting use for nightclub activities unless and until the licence holder obtains sui generis planning consent for use of the premises as a nightclub.

New residential flats have recently been built nearby, and occupation will begin soon.

- I would recommend that a condition is imposed requiring entertainment noise from the premises to be inaudible at the façade of any residential premises after 11 pm.

Kind regards

Paul Newman

Principal Environmental Health 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

visit: <http://beta.southwark.gov.uk/air-quality>



Please consider the environment - do you really need to print this email?

MEMO: Licensing Unit

To	Licensing Unit	Date	25 November 2016	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Bola 8 Ltd, Ground & First Floor, Railway Arches 113C, Elephant Road, London,
SE17 1LB – Application for a premises licence

I write with regards to the above application to vary the premises licence submitted by Bola 8 Ltd T/A FACTORY under the Licensing Act 2003, which seeks the following licensable activities:

- Live music (indoors) on Monday to Sunday from 11:00 to 02:00 the following day
- Recorded music (indoors) on Monday to Sunday from 11:00 to 05:00 the following day
- Anything of a similar description to live music, recorded music and performance of dance (indoors) on Monday to Sunday from 11:00 to 05:00 the following day
- Late night refreshment (indoors) on Monday to Sunday from 23:00 to 05:00 the following day
- Supply of alcohol (on the premises on Sunday to Wednesday from 11:00 to 02:30 the following day, and on Thursday to Saturday 11:00 to 04:30 the following day
- Overall opening times shall be on Monday to Sunday from 11:00 to 05:00 the following day

The premises is described as a '*Late night Bar and Restaurant*'

This premises is situated in the Elephant and Castle Major Town Centre area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for restaurants and cafes on Sunday to Thursday is 00:00 and on Friday and Saturday is 01:00. The appropriate closing times for public houses, wine bars or other drinking establishments on Sunday to Thursday is 23:00 and on Friday and Saturday 00:00

I therefore submit this representation with regards to crime and disorder and public nuisance as the later operation of the premises and of people leaving the premises later a night would impact upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises if it were allowed to open later and the possible impact of any rowdy and anti-social behaviour or crime and disorder.

Due to the limited information on the application form I ask the applicant to provide the following information

- That an accommodation limit of the premises is provided with details of how that will be controlled.
- To provide a written dispersal policy for the premises (depending on the accommodation limited).
- To consider amending the application in to be in line with the opening hours recommended in the licensing policy to promote the licensing objectives.

I therefore submit this representation and welcome any discussion with the applicant

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

MEMO: Licensing Unit

To	Licensing	Date	22 nd November 2016
Copies	Jayne Tear – Responsible Authority		
From	Farhad Chowdhury	Telephone	020 7525 0398
Email	Farhad.chowdhury@southwark.gov.uk		

Subject: Bola 8 Limited, T/A Faktory

I write in reference to the application made by Bola 8 Limited for a premises licence to be granted for ground floor and first floor, 113C Elephant Road London SE171LB.

I have read the application and would request further information or clarification on the following points and made some recommendations where appropriate:-

- 1) Comprehensive risk assessments to be done by a competent person.
All findings of the risk assessments shall be made available to this authority or the Police and London Fire and Emergency Planning Authority.
- 2) Stipulate how many smoking areas will be at the premises. The first floor smoking area marked on the plan shall **not** be used for smoking. This area has a low ceiling corridor leading to the smoking area, and in case of emergency persons cannot escape safely. The Fire officer has also advised you not to use it, yet officers recently observed your customers using this space.
- 3) Ensure the ground floor smoking area complies with The Smoke-free (Premises and Enforcement) Regulations 2006. Ensure the ceiling is not substantially enclosed.
- 4) Provide an NICEIC approved electrical inspection report of the premises, and portable appliances testing records for all portable electrical appliances.
- 5) An evacuation plan shall be provided in regards to the premises and shall detail steps to be taken should all or any part of the premises need to be evacuated. The evacuation procedure needs to be in writing and made available to the Council, Police or Fire officers on request.

- 6) In the event of failure of main lighting explain how you would allow patrons to leave the premises in a safe manner. Will there be emergency lighting in all areas, how will customers be managed during power failures.
- 7) All gas appliances and installations to be used on the premises must be inspected and tested by a competent person who must be a GAS SAFE registered engineer.
- 8) Please explain what the maximum capacity of the whole premises is including the first floor and ground floor, as it does not state in the application form.
- 9) Explain how you will control overcrowding within the premises.
- 10) Explain how many Fire Fighting Equipment you have within the premises.
- 11) Provide adequate method of heating and ventilation within the premises.
- 12) Provide suitable and sufficient WC's within the premises for both male and female customers including a disabled access WC, with a supply of hot and cold running water to the wash hand basin.

I therefore object to this application on grounds of public safety, until the matters above have been addressed properly.

Farhad Chowdhury
Principal Enforcement Officer

From: Masini, Bill
Sent: Monday, November 07, 2016 3:50 PM
To: Regen, Licensing
Cc: Tear, Jayne
Subject: Application for new licence - Bola 8 Ltd - Railway arches 113c & 122 Elephant Road SE17 1LB

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of the application for a premise licence for Bola 8 Ltd at Railway arches 113c & 122 Elephant Road SE17 1LB and respond accordingly under the Licensing objectives of The Protection of Children from harm.

Trading Standards note from the application the business to be “late night bar and restaurant “

Trading Standards note the requested hours for:

1. live music to be 11:00 to 02:00 - 7days a week
2. recorded music and “anything similar” to be 11:00 to 05:00 – 7days a week
3. late night refreshment to be 23:00 to 05:00 – 7days a week

4. supply of alcohol to be:

Monday 11:00- 02:30

Tuesday 11:00 – 02:30

Wednesday 11:00 – 02:30

Thursday 11:00 – 04:30

Friday 11:00 – 04:30

Saturday 11:00 – 04:30

Sunday 11:00 – 02:30

5. Opening hours to be 11:00 – 05:00 – 7 days a week

Trading Standards welcome the statements in the application to promote the four licensing objectives but for completeness and clarity would 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.
- Any children must be accompanied and supervised by a responsible adult.
- There shall be no children on the premise after 10pm.

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

Need clear practical consumer advice? Visit Consumer Direct at

www.direct.gov.uk/consumer

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Monday, November 21, 2016 2:51 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: RE: Bola 8 Ltd - Ground and First Floor Railway Arches 113C

To whom it may concern:

Re: Bola 8 Ltd, 113c & 112 Elephant Road, London SE17 1LB

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 and 02:30 on Sundays to Wednesdays and 11:00 – 04:30 on Thursdays to Saturdays. I have concerns regarding the hours of alcohol sales requested. I would suggest an earlier finishing time for 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. Moreover, Southwark's statement of licensing policy recommends a closing time for alcohol sales of 23:00 on Sundays to Thursdays and 00:00 on Fridays and Saturdays for this type of establishment in this location.

Recommendations

- I recommend that the end time for alcohol sales be changed to 23:00 on Sundays to Thursdays and 00:00 on Fridays and Saturdays, as per Southwark's statement of licensing policy

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

Carolyn Sharpe

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

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025

Public Health Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

**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: 856325**Our Ref:** 16-CE-01046**Contact:** Gavin Blackburn**Telephone:** 020 7525 7007**Fax:** 020 3357 3101**E-Mail:** planning.enquiries@southwark.gov.uk**Web Site:** <http://www.southwark.gov.uk>**Date:** 17/11/2016

Dear Sir/Madam

Premises Licensing re:

BOLA 8 LIMITED RAILWAY ARCHES 111C TO 122, ELEPHANT ROAD, LONDON, SE17 1LB

Summary description: New Application**Date Received:** 28/10/2016

The licence is objected to on grounds of nuisance and that it is likely to result in criminal activity.

The premises exits onto a narrow road where a large mixed use development has recently been completed. Whilst late night train service provision is increasing in terms of underground services. The immediate area is not well suited to quiet dispersal of patrons at 5:00am because of the side street nature of the road. There are other late night venues at the Walworth Road end of the road, but these are further away from residents and are long established adding a further late night venue on this road would be an over provision in a confined area that would result in disturbance in the early morning. The ground floor of the proposed premises is subject to a planning enforcement notice. The first requirement of the notice is to cease use of the property as a mixed use incorporating, a cafe snack bar, restaurant, bar and nightclub and any use including a bar or nightclub element.

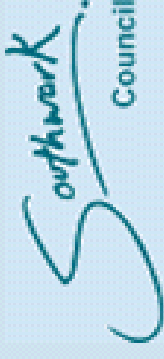
The hours of operation proposed, the security measures described, the reference to DJs within the application are indicative that use as a late night bar and nightclub is proposed. That use would clearly be in contravention of the planning enforcement notice and an offence under section 179 Town & Country Planning Act 1990. Whilst licensing and planning are separately regulatory systems regard to the prevention of crime objective of the licensing system cannot be sustained if a licence is granted that will plainly result in the commission of a criminal offence.

Yours faithfully

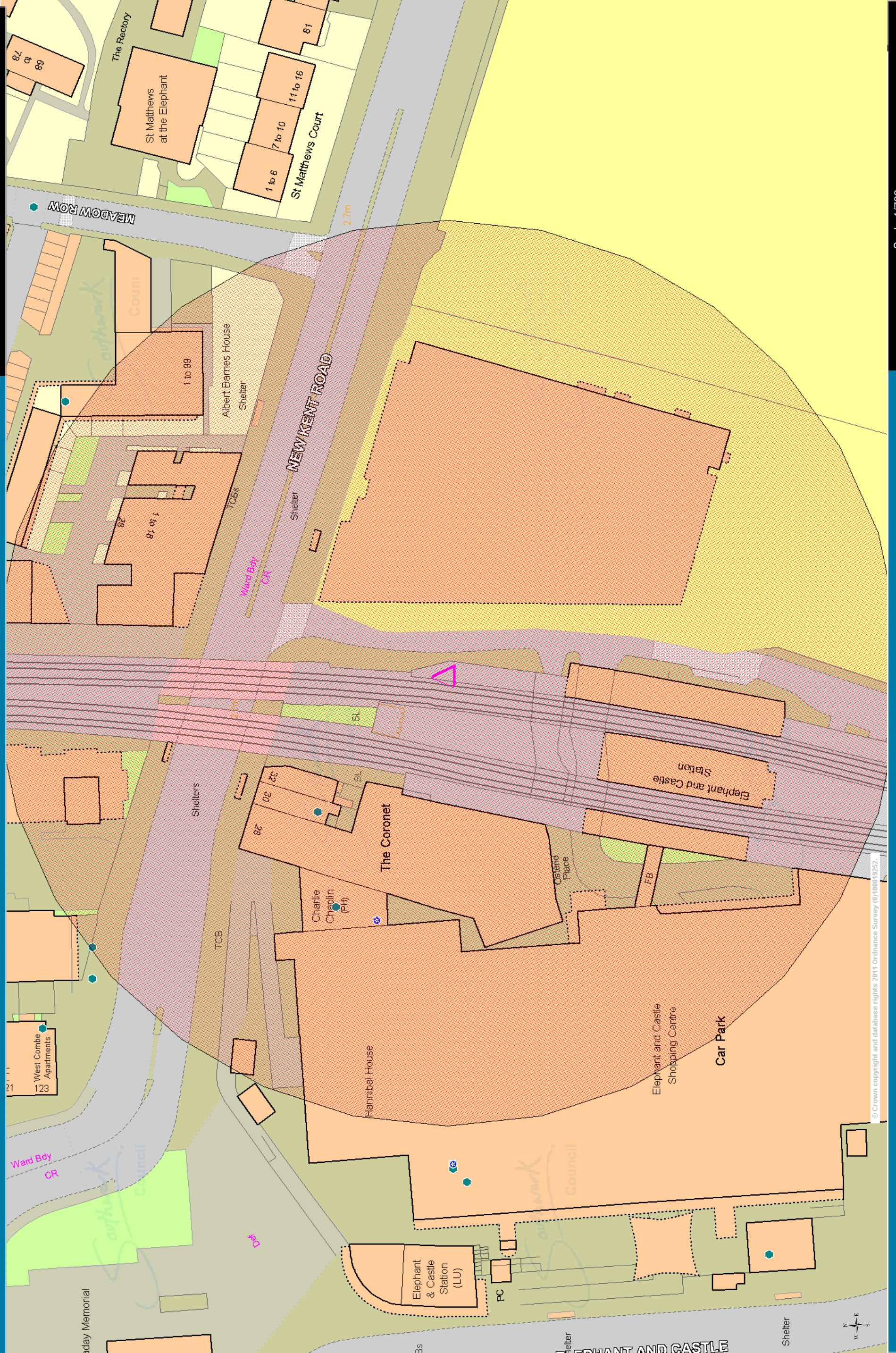
Gavin Blackburn

Senior Enforcement Officer

Bola 8 T/A Factory, 113c Elephant Road SE1



Date 5/12/2016



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Scale 1/789 dmills

Item No. 8.	Classification: Open	Date: 20 December 2016	Meeting Name: Licensing Sub-Committee
Report Title:		Licensing Act 2003: Application for a Personal Licence	
Ward(s) or groups affected:		None	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

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

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a licensing regime for the sale of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.
4. This new licensing regime became effective as of 24 November 2005. From this date, licensable activities under the Act can only be carried on under the appropriate combination of personal and premises licences, club premises certificates and temporary event notices.
5. Except for circumstances where the police raise representations, properly made applications will be granted.

KEY ISSUES FOR CONSIDERATION

The personal licence application process

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

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

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

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

The application under consideration

9. On the 21 November 2016, the applicant applied to this council under section 117 of the Licensing Act 2003 for a personal licence. The application was accompanied by the additional documentation and information outlined in paragraph seven above.
10. A copy of the application and the disclosure certificates are attached as Appendix A of the closed report.

Police notice of objection

11. On 21 November 2016 the Commissioner of Police for the Metropolis made objection in respect of the original application. A copy of the objection notice is attached as Appendix B of the closed report.

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

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

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

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

14. In carrying out its functions, a licensing authority must also have regard to:

- The Act itself
- The guidance to the Act issued under section 182 of the Act
- Secondary regulations issued under the Act
- The licensing authority's own statement of licensing policy
- The application
- Relevant representations.

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

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

16. The purpose of Southwark's licensing statement of policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering applications placed before it. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Resource implications

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

Consultation

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

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

Determination of application for grant of personal licence

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

Hearing procedures

24. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority

- If given permission by the committee, question any other party
- In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant:
 - To the particular application before the committee
 - The licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

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

25. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
26. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
27. The licensing sub-committee is entitled to consider other information not contained in this document if they are relevant, i.e. are properly attributable to the suitability of the applicant to hold a licence. Guidance is that the licensing authority will primarily focus on the direct impact of granting the personal licence to the applicant on members of the public, living, working or engaged in normal activity in the area concerned.
28. Members will be aware of the council's code of conduct that requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

Guidance

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office guidance Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, Hub 1, Floor 3, 160 Tooley Street, London SE1 2QH	Kirty Read 0207 525 5748

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Natasha O'Donoghue, Licensing Officer	
Version	Final	
Dated	7 December 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		7 December 2016

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