

## Licensing Sub-Committee

Wednesday 27 June 2018

10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Charlie Smith  
Councillor Ian Wingfield

### Reserves

Councillor Sandra Rhule

### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 19 June 2018



## Licensing Sub-Committee

Wednesday 27 June 2018  
10.00 am

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: JOSE, 104 BERMONDSEY STREET, LONDON SE1 3UB</b>	1 - 38
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b>	

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

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

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

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

Date: 19 June 2018

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 27 June 2018	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Jose, 104 Bermondsey Street, London SE1 3UB	
<b>Ward(s) or groups affected:</b>		London Bridge and West Bermondsey	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by TKPC2 Limited to fully vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Jose, 104 Bermondsey Street, London SE1 3UB.
2. Notes:
  - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Jose, 104 Bermondsey Street, London SE1 3UB, 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 outstanding representations submitted by local residents and is therefore referred to the sub-committee for determination.
  - Paragraph 7 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
  - Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix E.
  - Paragraphs 13 to 16 of this report deal with the representation submitted in respect of the application (a copy of the representation is attached in Appendix C with further correspondence appended in Appendix D).

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

Within Southwark, this council wholly administers the licensing responsibility.

4. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:

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

## **KEY ISSUES FOR CONSIDERATION**

### **The current premises licence**

7. The current premises licence issued in respect of the premises known as Jose – 104 Bermondsey Street, London, SE1 3UB was issued on 10 November 2017 and allows the following licensable activities:
- The sale by retail of alcohol (on sales only):
    - Monday to Saturday from 12:00 to 22:30
    - Sunday from 12:00 to 22:00.
  - Opening hours:
    - Monday to Thursday from 12:00 to 23:00
    - Friday and Saturday from 09:00 to 23:00
    - Sunday from 10:00 to 23:00
  - A copy of the existing premises licence is attached as Appendix A.

### **The variation application**

8. On 3 May 2018 TKPC2 Limited 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 Jose, 104 Bermondsey Street, London SE1 3UB.
9. The application for variation is described as follows:

- 'The application proposes to authorise changes to the licence layout plan and add the provision of off sales to regularise the supply of alcohol in the external area shown on the appended plan. There are no proposed changes to the existing permitted hours or conditions already endorsed on the licence...'
- The application is to include off sales for take-away alcohol and also for the use of the external *area* immediately in front of the premises. The hours of licensable activities, opening hours and conditions of the operating schedule are to remain unchanged.

10. A copy of the application is attached to this report as Appendix B.

### **Designated premises supervisor**

11. The current designated premises supervisor (DPS) under the existing premises licence is Arber I Dardani, who holds a personal licence with the London Borough of Hillingdon.

### **Representations from responsible authorities**

12. No representations have been made by the responsible authorities.

### **Representations from other persons**

13. One representation has been received by a local resident. The licensing authority believe the representation to be borderline in its validity, therefore it is referred to the licensing sub-committee for consideration. A copy of the representation is attached to this report as Appendix C.

14. The objector believes that the granting of the premises to be able to use the external area will add to exiting anti-social behaviour in the immediate vicinity, but have provided no supporting evidence to this effect. The objector has been written to multiple times in order to either resolve the representation or provide additional supporting documentation, but this has proved fruitless. The objector made it clear that there was an issue with refuse at the premises, but admits that this matter has since been resolved.

15. The objector believes that there is a 'curfew' in Bermondsey Street, requiring any premises with an external area to close the space by 21:00. The licensing authority have sought advice from Southwark highways licensing and found that no such curfew is in place. The objector has been advised to this point, and advised that the only formal advice from the council in relation to external areas is stated in the Southwark licensing policy 2016-2020:

- 224. Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents by customers outside of licensed premises. Consideration should be given to placing controls on:
  - The hours of operation of any licensed external area, requiring customers to return back into the premises at a specific time. In residential areas it is suggested that a closing time no later than 22.00 is appropriate.

## Conciliation

16. Copies of the original representation and subsequent communications have been provided to the applicant. The applicant wrote to the objector, via the licensing authority in order to address the concerns raised. The objector has been repeatedly offered opportunities to meet with the premises, but has not taken the offer. The objector has been offered multiple opportunities to strengthen their representation, but has failed to do so. The objector has already advised that they will not withdraw their representation; neither do they intend to attend the hearing. All communications between the licensing authority and the objector are available in Appendix D, in reverse chronological order.

## Operating history

17. The original premises licence was granted 15 April 2011. It was varied in August 2018 only to extend the hours of on sale of alcohol on Sundays from 18:00 to the current 22:00. The designated premises supervisor (DPS) was varied in November 2017; otherwise the licence has remained unchanged.
18. No temporary event Notice have ever been applied for at the premises.
19. No complaints have ever been received by the licensing authority in relation to the premises.

## Map

20. A map of the area is attached to this report as Appendix E. There are many licensed premises in the immediate vicinity:

### **Giddy Grocer, 80 Bermondsey Street, London SE1 3UD**, licensed for:

- The sale by retail of alcohol (on sales):
  - Monday to Sunday from 11:00 to 23:00.
- The sale by retail of alcohol (off sales):
  - Monday to Sunday from 11:00 to 22:30.
- The provision of regulated entertainment in the form of recorded music (indoors):
  - Monday to Saturday from 07:00 to 23:00
  - Sunday from 08:00 to 23:00.

### **The Fashion and Textile Museum, 83 Bermondsey Street, London SE1 3XF**, licensed for:

- The sale by retail of alcohol (on sales):
  - Monday to Sunday from 09:00 to 23:00.

- The provision of regulated entertainment in the form of live music, recorded music, performances of dance, plays, recorded music and films (all indoors):
  - Monday to Sunday from 09:00 to 23:00.

**B Street Deli, 88 Bermondsey Street, London SE1 3UB**, licensed for:

- The sale by retail of alcohol (on and off sales):
  - Monday to Sunday from 09:00 to 23:00.
- The provision of late night refreshment (indoors):
  - Monday to Sunday from 23:00 to 23:30.

**Tee'z Mini Market, 92 Bermondsey Street, London SE1 3UB**, licensed for:

- The sale by retail of alcohol (off sales only):
  - Monday to Saturday from 06:00 to 23:00
  - Sunday from 07:00 to 22:00.

**The Woolpack, 98 Bermondsey Street, London SE1 3UB**, licensed for:

- The sale by retail of alcohol (both on and off sales):
  - Monday to Wednesday from 11:00 to 23:00
  - Thursday from 11:00 to 23:30
  - Friday and Saturday from 11:00 to 00:00 (midnight)
  - Sunday from 11:00 to 22:30.
- The provision of late night refreshment (indoors):
  - Monday to Thursday from 23:00 to 23:30
  - Friday and Saturday from 23:00 to 00:00 (midnight).
- The provision of regulated entertainment in the form of live and recorded music (indoors):
  - Monday to Wednesday from 11:00 to 23:00
  - Thursday from 11:00 to 23:30
  - Friday and Saturday from 11:00 to 00:00 (midnight)
  - Sunday from 11:00 to 22:30.

**The Garrison, 99-101 Bermondsey Street, London SE1 3XB**, licensed for:

- The sale by retail of alcohol (on and off sales):
  - Monday to Thursday from 10:00 to 23:00
  - Friday and Saturday from 10:00 to 00:00 (midnight)
  - Sunday from 12:00 (midday) to 22:30.

- The provision of late night refreshment (indoors):
  - Monday to Thursday from 23:00 to 23:00
  - Friday and Saturday from 23:00 to 00:00 (midnight).

**Devan News, 107 Bermondsey Street, London SE1 3XB**, licensed for:

- The sale by retail of alcohol (off sales only):
  - Monday to Sunday from 06:00 to 23:00.

**Casse Croute, 109 Bermondsey Street, London SE1 3XB**, licensed for:

- The sale by retail of alcohol (off sales only):
  - Monday to Saturday from 12:00 (midday) to 22:30
  - Sunday from 12:00 (midday) to 18:00.

**Franco Manca, 124 Bermondsey Street, London SE1 3TX**, licensed for:

- The sale by retail of alcohol (both on and off sales):
  - Monday to Friday from 11:00 to 23:00
  - Friday and Saturday from 11:00 to 00:00 (midnight)
  - Sunday from 11:00 to 22:30.

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

21. Council assembly approved Southwark's statement of licensing policy 2016 -2020 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 of 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.
22. 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.

### **Cumulative impact zone (CIZ)**

23. The premises sits outside of a cumulative impact policy area but within a residential area.
24. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:
- Closing time for restaurants and cafes:
    - Monday to Sunday until 23:00.
  - Closing time for public houses, wine bars or other drinking establishments:
    - Monday to Sunday until 23:00.
  - Closing time for off licenses
    - Monday to Sunday until 23:00.

### **Resource implications**

25. A fee of £190.00 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**

26. Consultation has been carried out in respect of this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper twice (there was an error on the initial advert; however, this was republished within the specified time period to the satisfaction of the licensing authority). A similar notice exhibited at the premises for a period of 28 consecutive days. This was inspected by a licensing officer during the consultation period and found to be compliant.

### **Community impact statement**

27. 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**

28. The sub-committee is asked to determine the variation application for a premises licence under section 34 of the Licensing Act 2003.
29. The principles which sub-committee members must apply are set out below.

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

30. 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.
31. 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.
32. 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.
33. 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**

34. 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.
35. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.

36. 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.
37. 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.
38. 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 came into force: age verification policy and smaller measures for alcoholic drinks.
39. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

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

### **Hearing procedures**

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

- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
42. This matter relates to the determination of an application 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.

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

43. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
44. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
45. As a quasi-judicial body, the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
46. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
47. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
48. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
49. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the

application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.

50. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### Guidance

51. Members are required to have regard to the Home Office 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

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

### BACKGROUND DOCUMENTS

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

### APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copy of the representation (anonymised) submitted by the local resident
Appendix D	Copy of conciliatory communications
Appendix E	Map of the local area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	14 June 2018	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		15 June 2018

# Licensing Act 2003 Premises Licence



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

Premises licence number

860991

## Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Jose 104 Bermondsey Street London SE1 3UB  Ordnance survey map reference (if applicable), 179708533227	
<b>Post town</b> London	<b>Post code</b> SE1 3UB
<b>Telephone number</b> [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

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	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	10:00 - 23:00

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

Sale by retail of alcohol to be consumed on premises

**The times the licence authorises the carrying out of licensable activities**

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

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

Monday	12:00 - 22:30
Tuesday	12:00 - 22:30
Wednesday	12:00 - 22:30
Thursday	12:00 - 22:30
Friday	12:00 - 22:30
Saturday	12:00 - 22:30
Sunday	12:00 - 22:00

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

TKPC2 Ltd  
York House  
Empire Way  
Wembley  
Middlesex  
HA9 0FQ

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

06885569

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

Arber i Dardani

**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 Issue date 10/11/2017



Head of Regulatory Services  
Hub 1, 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 must ensure that staff on relevant premises

do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

given by that sub-paragraph rounded up to the nearest penny.

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

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

**Annex 2 - Conditions consistent with the operating Schedule**

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

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

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

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

**4AL** That a health and safety risk assessment shall be kept at the premises.

**135** That alcohol shall only be served to customers taking table meals at the premises.

**288** That a CCTV system shall be installed at the premises that shall be capable of recording clear images and shall be maintained in full working order at all times that the premises is in operation.

**293** That prior to the start of their employment all staff shall receive in house training in regards to the Licensing Act 2003. A record of the training including the name of the trainee, the trainer, the date of the training and details of the content of the training shall be signed by the trainee and trainer. The training record shall be made available to authorised officers on request.

**296** Only responsible drinks promotions will be allowed at the premises.

**307** That the maximum accommodation limit of the premises shall not exceed forty (40) persons.

**311** That clearly legible signage shall be prominently displayed both internally and externally at the premises to the satisfaction of the Licensing Authority requesting that patrons refrain from smoking immediately outside of the premises.

**316** That deliveries to the premises shall only take place after 07:00 hours.

**336** That a personal licence holder shall be on the premises at all times that the premises is in operation.

**340** That upon entry to the premises all patrons shall be informed of the approximate time that they are to be seated to receive a meal at the premises.

**341** That all front of house staff shall be trained to request that patrons refrain from smoking immediately outside of the premises and that a record of the training including the name of the trainee, the trainer, the date of the training and details of the content of the training shall be signed by the trainee and trainer. The training record shall be made available to authorised officers on request.

**342** That a service shall be offered to all patrons whereby patrons who have left the premises due to the lack of an available table, but who will return to the premises on the same day, will be informed of when a table is ready for them. All front of house staff shall be trained in the use of the service and a record of the training including the name of the trainee, the trainer, the date of the training and details of the content of the training shall be signed by the trainee and trainer. The training record shall be made available to authorised officers on request. All patrons shall be informed of the service at any time that tables are not immediately available to patrons.

**343** That a burglar alarm shall be installed at the premises and that the alarm sounder shall cease being audible twenty (20) minutes after being activated.

**344** That a health and safety policy shall be kept at the premises.

**345** That an accident book shall be kept at the premises.

**346** That a pest control contract shall be maintained at the premises.

**347** That prior to the start of their employment all staff shall receive in house training in regards to health and safety.

**348** That the general manager shall undertake first-aid training.

**349** That a fire alarm shall be installed at the premises capable of detecting both smoke and heat and a fire log book shall be kept at the premises. The details of all fire alarm tests shall be kept in the fire log book.

**350** That fire extinguishers and a fire blanket shall be kept at the premises.

**351** That a checklist shall be kept on the premises and completed on the opening and closing of the business each day in regards to food health and safety. A weekly cleaning schedule in regards to the premises shall be kept at the premises.

**352** That all alcohol shall only be accessible by members of staff.

**353** That an extraction system and grease filtration system shall be installed at the premises.

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

**Annex 4 - Plans - Attached**

Licence No. 860991

Plan No. 1

Plan Date 11 February 2011

03/05/2018

Business - Application to vary a premises licence under the Licensing Act 2003

Ref No. 1017139

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

	TKPC2 Ltd
Premises licence number	860991

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

£	32250
---	-------

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

Address Line 1	104 BERMONDSEY STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 3UB
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Part 2 - Applicant details

Daytime contact telephone number	██████████
Email address	██████████
Postal Address if different from premises address	
Town / City	
Postcode	

Do you want the premises licence to have effect as soon as possible?

Please tick	Yes
-------------	-----

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

(DD/MM/YYYY)	
--------------	--

Please describe briefly the nature of the proposed variation ( see guidance note 2 )

	<p>The application proposes to authorise changes to the licence layout plan and add the provision of off sales to regularise the supply of alcohol in the external area shown on the appended plan.</p> <p>There are no proposed changes to the existing permitted hours or conditions already endorsed on the licence.</p>
--	---

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number

Please select number from range	Less than 5000
---------------------------------	----------------

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply


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

--	--

Supply of alcohol (if ticking fill in box J)

	j) Supply of alcohol
--	----------------------

Will the supply of alcohol be for consumption ( Please read guidance note 9)

	Both
--	------

Standard days and timings for Supply of alcohol ( Please read guidance note 8 )

Day	Start	Finish
Mon	12:00	22:30

Tues	12:00	22:30
Wed	12:00	22:30
Thur	12:00	22:30
Fri	12:00	22:30
Sat	12:00	22:30
Sun	12:00	22:00

State any seasonal variations for the supply of alcohol ( Please read guidance 6 )

	no change
--	-----------

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 7 )

	no change
--	-----------

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 10 )

	-
--	---

Hours premises are open to the public ( standard timings Please read guidance note 8 )

Day	Start	Finish
Mon	12:00	23:00
Tues	12:00	23:00
Wed	12:00	23:00
Thur	12:00	23:00
Fri	09:00	23:00
Sat	09:00	23:00
Sun	10:00	23:00

State any seasonal variations ( Please read guidance note 6 )

	no change
--	-----------

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, ( Please read guidance note 7 )

	no change
--	-----------

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.

	-
--	---

I have uploaded relevant part of the previous premises licence (Please send a hard copy in the post)


Reason for not uploading the premises licence

	uploaded
--	----------

a) General - all four licensing objectives (b,c,d,e) ( Please read guidance note 11 )

	In respect of off-sales the following additional condition is proposed: Off sales shall be in sealed containers only save to patrons seated in an external area appropriately authorised for the use of tables and chairs on the highway.
--	--

b) the prevention of crime and disorder

	The additional condition proposed in (a) above and those already endorsed on the licence address the licensing objectives in respect of this variation.
--	---

c) public safety

	The additional condition proposed in (a) above and those already endorsed on the licence address the licensing objectives in respect of this variation.
--	---

d) the prevention of public nuisance

	The additional condition proposed in (a) above and those already endorsed on the licence address the licensing objectives in respect of this variation.
--	---

e) the protection of children from harm

	The additional condition proposed in (a) above and those already endorsed on the licence address the licensing objectives in respect of this variation.
--	---

If the plan of the premises are varying please upload a plan of the premises,

Upload proposed plans	<a href="#">plan-marked-up.pdf</a>
Upload existing plans	<a href="#">2-Plan.pdf</a>

## Checklist

	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.
--	---

I agree to the above statement

	I agree
PaymentDescription	██████████
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If completing on behalf of the applicant, please state in what capacity.

Full name	Thomas & Thomas
Date (DD/MM/YYYY)	03/05/2018
Capacity	Applicant's solicitors

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 14). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 15)

Contact name and address for correspondence	Jack Spiegler/Tilly Burton Thomas & Thomas Partners LLP 38a Monmouth Street London WC2H 9EP
Telephone No.	██████████
If you prefer us to correspond with you by e-mail, your email address (optional)	██████████

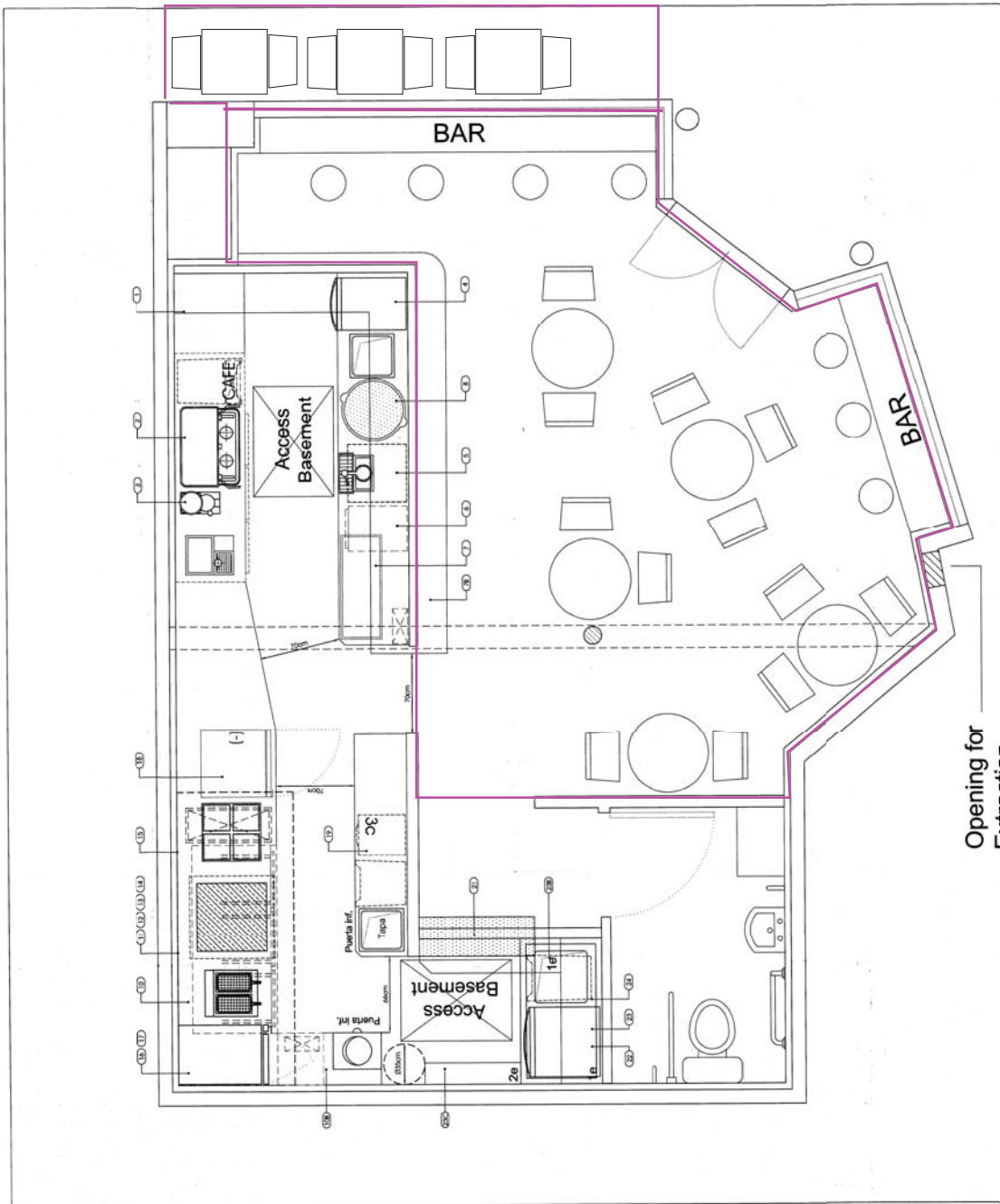
Please tick to indicate agreement

	I am a company or limited liability partnership
--	---

I agree to the above statement

	Yes
--	-----

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



POSIC.	CANT.	DESCRIPCION	FORMA
1	1	REFRIGERADOR FRIG. WALL COUNTER MUEBL MUEBL ESTEREOCUBIERTO	500 WxH
2	1	MOVIDOR DE CAJAS (NO SE CERRA) CANTINA (NO SE CERRA)	500 WxH
3	1	CORTE WALL (NO SE CERRA) MOVIDOR (NO SE CERRA)	77 Wx 81 (P/N-1)
4	1	GRAN CORTADOR	500 WxH
5	1	MEDIDOR DE AZÚCAR SOPORTE CERAM. (NO SE CERRA)	300 WxH
6	1	ICE MAKER	500 WxH
7	1	TRAMP (SOPORTE) BANCOS MUEBL MUEBL ESTEREOCUBIERTO	500 WxH
8	1	MOVIDOR DE MUEBL (NO SE CERRA) MUEBL MUEBL NEGRO	
9	1	GRAN WALL MUEBL MUEBL ESTEREOCUBIERTO CANTINA MUEBL MUEBL NEGRO	5 WxH (H)
10	1	MOVIDOR DE CAJAS MOVIDOR DE CAJAS	26.5 Wx 80 WxH
11	1	FRIGORIF. ELECTRICA	10 WxH (P/N-1)
12	1	FRIGORIF. HIBRIDO CHICKEN PAN FRIGORIF. HIBRIDO CHICKEN PAN	500 WxH
13	1	FRIGORIF. HIBRIDO CHICKEN PAN FRIGORIF. HIBRIDO CHICKEN PAN	
14	1	FRIGORIF. HIBRIDO CHICKEN PAN FRIGORIF. HIBRIDO CHICKEN PAN	
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22	1	FRIGORIF. HIBRIDO CHICKEN PAN FRIGORIF. HIBRIDO CHICKEN PAN	
23	1	FRIGORIF. HIBRIDO CHICKEN PAN FRIGORIF. HIBRIDO CHICKEN PAN	
24	1	FRIGORIF. HIBRIDO CHICKEN PAN FRIGORIF. HIBRIDO CHICKEN PAN	

CONFORME:

----- Licensable activities

FECHA:

PLANO DE PROYECTO

García & Casademont S.A. NO ALCERZA el uso de este plano para otros, ni para la instalación de ninguna de la maquinaria suministrada.

García & Casademont S.A. garantiza la precisión y exactitud de este plano-proyecto, reservándose el derecho de su uso y no autorizando su creación (o copia o fotocopia) sin el consentimiento expreso por el autor de los efectos.

DISEÑADOR:

ZON:

ACCESORIOS:

PROYECTO:

FECHA:

PROYECTO Nº 10163

A1 1:20

**GARCIA CASADEMONT**

La Esquina  
104 Brompton Street  
London

VERSIÓN Nº 4

Escala

Opening for  
Extraction

**Heron, Andrew**

---

**From:** Jerrom, Charlie  
**Sent:** 23 May 2018 14:20  
**To:** Heron, Andrew  
**Subject:** FW: Contact form for: Licensing Team

fyi

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

From: Jerrom, Charlie On Behalf Of Regen, Licensing  
Sent: Wednesday, May 23, 2018 2:05 PM  
To: Jerrom, Charlie  
Subject: FW: Contact form for: Licensing Team

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

From: [www.southwark.gov.uk](http://www.southwark.gov.uk) Website [<mailto:noreply@southwark.gov.uk>]  
Sent: Wednesday, May 23, 2018 1:10 PM  
To: Regen, Licensing  
Subject: Contact form for: Licensing Team

A visitor to the [www.southwark.gov.uk](http://www.southwark.gov.uk) website has used the Email Us facility to send you an email from a contact on a webpage.

Contact Name: Licensing Team

Page Name: How to lodge a representation Page Type: Content Page

Link: <http://www.southwark.gov.uk/admin/system/ShowEntity?entity=bridge%3A%2F%2Fsouthwark-internet%2Fmodules%2Fm.Content~%2F~%2F.Entry%2F2224>

Senders Email Address: [REDACTED]

Message:

Licence application 863181

Jose Tapas Bar

As residents of [REDACTED], we wish to object to this application. Firstly, I would remind you of the curfew of 21:00hrs existing for external drinking on Bermondsey Street. Off-sales and outside tables will encourage the already anti-social atmosphere in our street. Also, there is no room for tables and chairs on the pavement outside.

[REDACTED]

## APPENDIX D

**Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 12 June 2018 09:14  
**To:** Heron, Andrew  
**Subject:** Re: Licence application 863181

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Heron

Rubbish removal was not the core of our objection. We were pointing out that it was an issue that you had not considered and the management of the restaurants was lacking in this matter.

Our objection is that tables outside will cause more noise and smoking, and it is considerable now. The tables are generally left outside and smokers use the seats. Do the tables have to be removed if a licence is granted because this is not generally the case in the street. All this impacts the living room of our flat which is above Jose's.

We do not understand your point about the Garrison as they have never applied for street furniture as far as we are aware and surely any drinks at tables would be in open containers.

We are not withdrawing our objection but are now away on holiday until mid July and could not attend a hearing on 27 June. If the time of use was reduced as a condition to 9pm and not a voluntary action then we would withdraw our objection.

[REDACTED]

Sent from my iPhone

On 11 Jun 2018, at 17:25, Heron, Andrew <[Andrew.Heron@southwark.gov.uk](mailto:Andrew.Heron@southwark.gov.uk)> wrote:

Dear [REDACTED]

Thank you for your email.

Having spoken to the Applicant's legal representative, they had advised me that they were looking at dealing with issues regarding refuse (you had also told me that a Councillor had been involved); I am pleased to hear that it has now been resolved. As this appeared to be the core of your objection, are you now in a position to withdraw your representation?

The Garrison has a condition on their premises licence which states: "*8AF No drinks in open containers shall be permitted outside of the premises after 21:00*", which means that patrons cannot walk away from the premises with open containers after 21:00, or consume alcohol in the vicinity in open containers after that time. It does refer to street furniture and it does not render the use of external furniture as unusable after 21:00. Effectively, diners could continue to eat outside until 22:00 (under the Southwark Policy). Again, you continue to use the phrase "*curfew*" which simply does not exist.

I am concerned that you are using the application at 104 Bermondsey Street to voice general complaints against street furniture in the entirety of the street. If you have general issues with the

use of external street furniture, I would recommend that you either make a formal complaint using the link previously sent, or you discuss this matter with your Ward Councillor.

**Now, please kindly respond to my initial email and advise:**

- 1) Having considered the Applicant's response (and information regarding the (Southwark Licensing Policy), you withdraw your representation.
- 2) You would like to arrange a meeting with the Applicant to discuss matters further.
- 3) You wish for the application to proceed to a Hearing and will be attending on the 27<sup>th</sup> June.

Regards,

Andrew Heron  
Principal Licensing Officer  
London Borough of Southwark  
Regulatory Services – Environment & Leisure  
020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

<image003.png>

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**From:** [REDACTED]  
**Sent:** Monday, June 11, 2018 5:09 PM  
**To:** Heron, Andrew  
**Subject:** Re: Licence application 863181

Dear Mr Heron

Your remit is clearly very limited. Strangely since we last corresponded the issue of bins has been resolved.

However we would still like to know why the Garrison has a 9 o'clock curfew, which was agreed as a compromise with the local residences, in similar circumstances whereas you are suggesting 10 o'clock for Jose's. In reality, these curfews are always abused. This is a public nuisance issue.

[REDACTED]

Sent from my iPhone

On 11 Jun 2018, at 15:44, Heron, Andrew <[Andrew.Heron@southwark.gov.uk](mailto:Andrew.Heron@southwark.gov.uk)> wrote:

Dear [REDACTED]

Can you please respond to my email of 8<sup>th</sup> June. The written report for the Hearing is due tomorrow and at this time, I do not have anything from you to substantiate your representation.

I look forward to hearing from you at your earliest opportunity.

Regards,

Andrew Heron  
Principal Licensing Officer  
London Borough of Southwark  
Regulatory Services – Environment & Leisure  
020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

<image001.png>

---

**From:** Heron, Andrew  
**Sent:** Friday, June 08, 2018 1:44 PM  
**To:** [REDACTED]  
**Subject:** RE: Licence application 863181

Dear [REDACTED]

Thank you for your email.

Unfortunately, I am rather confused by the content. You appear to be using the licensing regime to address an ongoing issue with bins in the area; this is not the appropriate process to do so. Your initial representation stated *"Off-sales and outside tables will encourage the already anti-social atmosphere in our street"* – this is the part of your representation that is relevant to the licensing regime. As advised the validity of your representation is borderline, therefore you need to expand on the element that is relevant.

The period for consultation and the Hearing date is very clearly defined legislatively. We cannot delay a Sub-Committee decision based on general complaints of bins in the locality. You state in your latest email *"Clearly there is no "joined-up" workings within the Council"* – if you are unhappy with the services provided by Southwark Council, you should follow the formal corporate complaints procedure: <https://www.southwark.gov.uk/council-and-democracy/complaints-comments-and-compliments/making-a-complaint>

You are advised again that there is no existing 'curfew' in the area, there is only Southwark's Licensing Policy.

Can you please therefore respond to my initial enquiry and advise how you wish to proceed from here:

1) Having considered the Applicant's response, you withdraw your representation.

- 2) You would like to arrange a meeting with the Applicant to discuss matters further.
- 3) You wish for the application to proceed to a Hearing and will be attending on the 27<sup>th</sup> June. Please therefore provide supporting statements on your representation. You may wish to seek independent legal advice.

At this time, the Hearing is due to take place on 27<sup>th</sup> June. Based on the information you have provided so far, you are unlikely to affect the grant unless you can provide additional supporting (and relevant) information in relation to the four licensing objectives. For your information, these are:

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm

I look forward to hearing from you.

Regards,

Andrew Heron  
Principal Licensing Officer  
London Borough of Southwark  
Regulatory Services – Environment & Leisure  
020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

<image002.png>

---

**From:** [REDACTED]  
**Sent:** Tuesday, June 05, 2018 5:10 PM  
**To:** Heron, Andrew  
**Cc:** [REDACTED]  
**Subject:** Re: Licence application 863181

Dear Andrew

We were disappointed to be the only objectors to this application, but hardly surprised. An element of failure fatigue has permeated the residents of late, when it comes to the the rights those who live on the street versus those who work there and go home somewhere else. Clearly there is no "joined-up" workings within the Council. Has the environmental aspect of this licence been discussed? There is currently an issue under discussion between our local councillor and the Environment Dept, about commercial bins in Bermondsey Street being sited inappropriately since the new highway layout. Approaches to Jose's (amongst others) have been met with stubborn resistance to taking responsibility for their waste bins .It is interesting that Mr Nixon refers to the wider pavement area outside his premises now. As a responsible manager his first consideration should be taking

responsibility for his waste bins, now he is able to do so with no inconvenience to others.

We feel that this licence application decision should be delayed until the bin issue is resolved.

Following that, if Mr Nixon still wants tables and chairs, they should respect the existing curfew that other bars in the area operate, and move inside with drinks at 9pm.

Thank you

[REDACTED]

---

**From:** "Heron, Andrew" <[Andrew.Heron@southwark.gov.uk](mailto:Andrew.Heron@southwark.gov.uk)>

**To:** [REDACTED]

**Sent:** Tuesday, 5 June 2018, 13:31

**Subject:** FW: Licence application 863181

Dear [REDACTED]

Further to the application for a variation to Jose – 104 Bermondsey Street, I am in receipt of your representation. Please note that you are the only objector in this matter.

The Applicant has composed the attached response to your representation, please read and consider its content. If you would like us to arrange a meeting with the licence holder at the premises, please advise as this may negate a need for a Hearing.

As an objection has been received, the application will have to be considered at a Hearing. The date for this is 10:00 on Wednesday 27<sup>th</sup> June at the Council Offices on Tooley Street. As the only objector in this matter, you are expected to attend.

I am concerned that at this time, your representation is borderline in validity. Therefore, should the matter proceed to a Hearing, you will need to provide further supporting documentation to strengthen your representation. I see too that you state that there is at a "curfew of 21:00hrs existing for external drinking on Bermondsey Street". Please note that I have confirmed with the Southwark Highways Department (whom issue Street Furniture Permits) no such curfew exists. Further, the only formal advice from the Council in relation to external areas is stated in the Southwark Licensing Policy 2016-2020:

***224. Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents by customers outside of licensed premises. Consideration should be given to placing controls on:***

- ***The hours of operation of any licensed external area, requiring customers to return back into the premises at a specific time. In residential areas it is suggested that a closing time no later than 22.00 is appropriate.***

Once you have considered the content of the Applicant's response please advise how you wish to proceed.

- 1) Having considered the Applicant's response, you withdraw your representation.
- 2) You would like to arrange a meeting with the Applicant to discuss matters further.
- 3) You wish for the application to proceed to a Hearing and will be attending on the 27<sup>th</sup> June. Please therefore provide supporting statements on your representation. You may wish to seek independent legal advice.

I look forward to hearing from at you at your earliest opportunity.

Regards,

Andrew Heron  
Principal Licensing Officer  
London Borough of Southwark  
Regulatory Services – Environment & Leisure  
020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>  
<image002.png>

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**From:** Joe Nixon [REDACTED]  
**Sent:** Monday, June 04, 2018 2:13 PM  
**To:** Heron, Andrew  
**Cc:** Jack Spiegler  
**Subject:** Licence application 863181

*Dear Andrew,*

*I hope you are well and enjoying the early summer?*

*I am emailing you with regards to the objection we have had regarding Licence application 863181 for the outside seating at Jose Tapas.*

*We would like to reach out the the person that has rejected with the email below to try to resolve this matter without going to a committee hearing.*

*Would you please be kind enough to send my email to the objector in the hope we can agree on a suitable time for the space to be used until. Could you please copy Jack into the correspondence being sent.*

*Kind regards*

*Joe*

Dear Sir or Madam

Southwark Council have provided us with a copy of the content of your objection to our licence application. I would be most grateful for your consideration of this email, which I hope will help to address the concerns you have raised.

As you may know, we have proudly operated in your local community since 2011. We are committed to ensuring we operate professionally and responsibly alongside local residents. We were sorry to hear you had concerns about our proposals.

We are hoping to obtain permission for just 3 small tables and 6 chairs to be used by customers when the weather allows. We will ensure your concerns are communicated to staff, who will be briefed on comprehensive management procedures aimed at reducing the risk of any nuisance being caused by our customers using the external seating.

The council are currently undertaking improvement works to the highway and pavement. Although the existing pavement was large enough for the seating, the improvements will create even more room for the seating and unobstructed pedestrian access.

Finally, after carefully considering your concerns, we are prepared to impose a voluntary closure time of 10.00 pm in respect of the external area, which we hope helps.

Please do not hesitate to contact me if you would like to discuss our proposals further, or alternatively arrange a meeting at a time and place convenient to you.

Thank you and kind regards

Joe Nixon

**Joe Nixon**  
Operations Director, José Pizarro Group

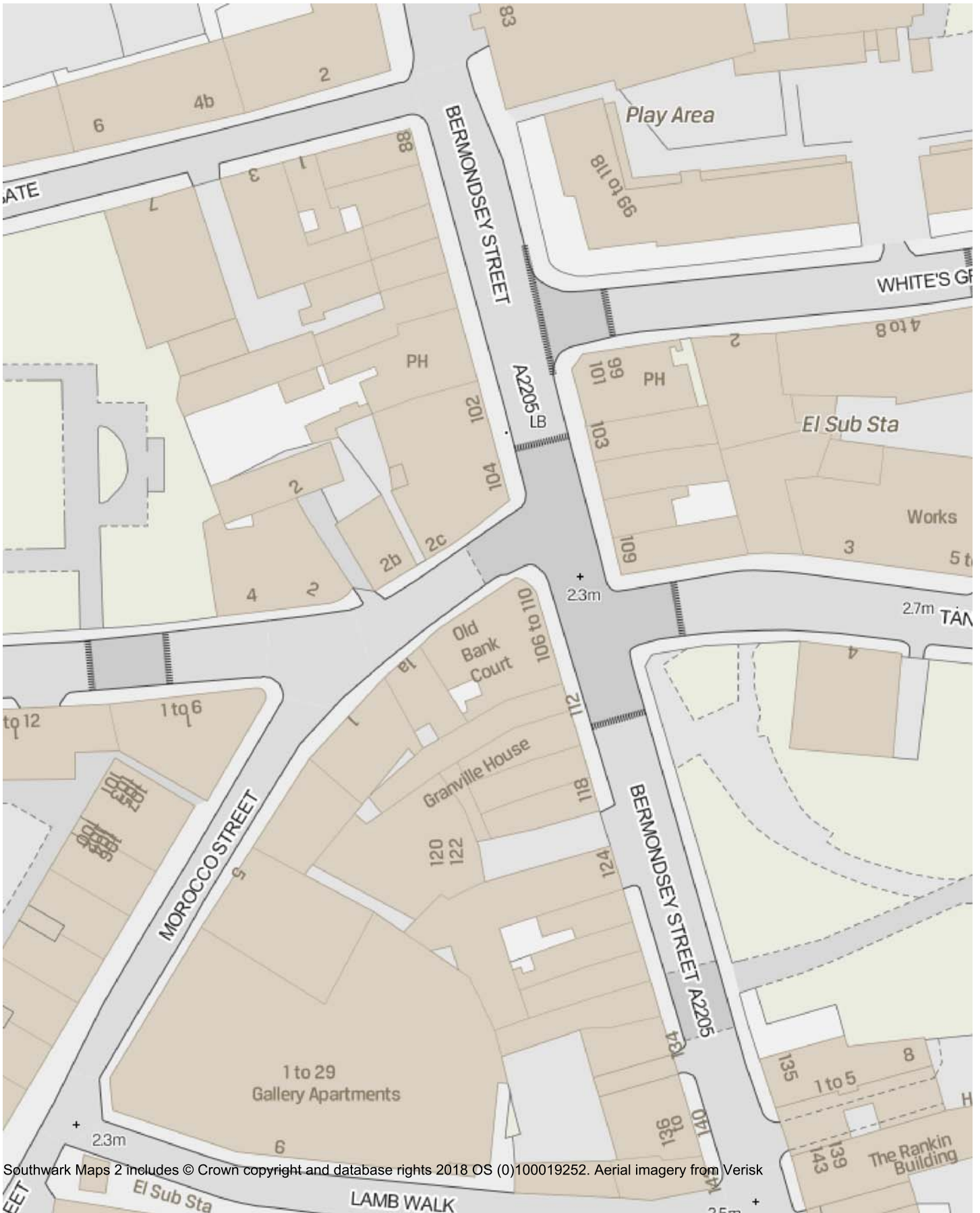


**A:** Unit 1 Kimber Court, 219 Long Lane, London SE1 4PB

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APPENDIX E



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11-Jun-2018

**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2018-19**

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