

Licensing Sub-Committee

Thursday 21 March 2019

10.00 am

Room G06 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Margy Newens

Reserves

Councillor Adele Morris

INFORMATION FOR MEMBERS OF THE PUBLIC

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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 March 2019



Licensing Sub-Committee

Thursday 21 March 2019
10.00 am
Room G06 - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: CHANDNI RESTAURANT, 134A THURLOW PARK ROAD, LONDON SE21 8HN	1 - 48
6.	LICENSING ACT 2003: 28 PECKHAM RYE, LONDON SE15 4JR	49 - 90
ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.		
PART B - CLOSED BUSINESS		

Item No.

Title

Page No.

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: 12 March 2019

Item No. 5.	Classification: Open	Date: 21 March 2019	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Chandni Restaurant, 134a Thurlow Park Road, London SE21 8HN	
Ward(s) or groups affected:		Dulwich Wood	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Chandni Restaurant Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Chandni Restaurant, 134a Thurlow Park Road, London SE21 8HN.
2. Notes:
 - The application seeks to vary the premises licence held under current legislation in respect of the premises known as Chandni Restaurant, 134a Thurlow Park Road, London SE21 8HN under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting.
 - Paragraph 8 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
 - Paragraphs 9 to 13 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix E.
 - Paragraphs 15 to 25 of this report deal with the representations submitted in respect of the application by the responsible authorities and local resident and are attached in Appendices C and D.

BACKGROUND INFORMATION

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

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

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence was issued on 7 September 2006 to Chandni Restaurant Limited which traded as Chandni Restaurant, 134a Thurlow Park Road, London SE21 8HN. The licence permits the following:
- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday: 12:00 to 00:00
 - The provision of late night refreshment (indoors):
 - Monday to Sunday: 23:00 to 00:00
 - Opening hours:
 - Monday to Sunday: 12:00 to 00:00.
 - A copy of the existing premises licence is attached as Appendix A.

The variation application

9. On the 13 December 2018 Chandni Restaurant Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises trading as Chandni Restaurant, 134a Thurlow Park Road, London, SE21 8HN.
10. This application is dated 13 December 2018 but received at the licensing authority on 10 January 2019.
11. The variation licensing application was initially due to be determined at Licensing Sub - Committee on the 1 March 2019. On the 21 February 2019 the applicant contacted the licensing department to request postponement of the licensing sub

committee hearing due to exceptional circumstances. This request was agreed and all interested parties were informed that the revised Licensing Sub – Committee hearing date would be the 21 March 2019.

12. The application for variation is described as:
 - Extension of permitted hours in respect of the sale of alcohol, late night refreshment (Indoors) and opening times.
13. The application seeks to vary the following hours on the current premises licence:
 - The sale by retail of alcohol (Indoors):
 - Friday and Saturday: 12:00 to 02:30
 - The provision of late night refreshment (indoors):
 - Friday and Saturday: 23:00 to 02:30
 - Opening hours:
 - Friday and Saturday: 12:00 to 02:30.
 - A copy of the application is attached to this report as Appendix B.

Designated Premises Supervisor

14. The designated premises supervisor (DPS) under the existing premises licence is Mohammad Nizamul Hoque holding a personal licence with the London Borough of Lambeth.

Representations from responsible authorities

15. The Metropolitan Police (licensing division) have made a representation. They state that the premises are situated in a residential area. The current operating hours are Monday to Friday 12:00 to 00.00 which is generous as the Southwark council licensing policy states the terminal hours should be 23:00 for a restaurant in a residential area.
16. The Metropolitan Police Service state policy hours are in place to assist in the complying with the licensing objectives and although the applicant has offered some additional conditions I cannot see any reason to deviate from the policy and with this in mind we object to the granting of this licence.
17. This council's public health department have made representation against the application. Public health state that this premises is located close to a populated residential area. The increased noise from more individuals consuming alcohol after 23:00 in the local area could have an impact on the sleep of residents living around this premises.
18. Additionally public health state that the applicant already benefits from generous hours, which exceed the recommended times set out in Southwark's statement of licensing policy for restaurants. Public health recommend that the application is refused.

19. Licensing as a responsible authority object to the application. Their representation is based on the Southwark statement of licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance. They advise that this premise is situated within a residential area and under the Southwark statement of licensing policy 2016 - 2020 the appropriate closing times for restaurants; cafes, public houses, wine bars or other drinking establishments on Monday to Sunday is 23:00 and this application seeks hours in excess of that which is deemed appropriate for a residential area.
20. Licensing as a responsible authority also raised concerns that in the application there was no time left between the last sale of alcohol 'on sales' and the closing time when patrons should be leaving the premises. They advise that this can lead to conflict between staff and customers who have purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the same time of closing which can lead to antisocial behaviour problems when patron have left the premises.
21. Licensing as a responsible authority state should the licensing sub committee be of a mind to grant the variation hours outside of the hours deemed appropriate within the policy they would recommend the following:
 - That the sales of alcohol cease at least half an hour before the closing time (To be conditioned).
 - That an accommodation limit for the premises be set. (To be conditioned)
 - That a written dispersal policy for the premises be provided. (To be conditioned)
 - That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal. (To be conditioned)

Representations from other persons

22. A representation was received from the Dulwich Society.
23. The Dulwich Society representation states that they believe that an extension of opening hours until 02:30 on Fridays and Saturdays by a licensed restaurant which plays music and has a busy take-away trade, is likely to result in increasing (rather than preventing) both nuisance and crime and disorder in what is a largely residential area.
24. The Dulwich Society representations also states that the extension sought to opening hours might be appropriate for a bar or night club served by good public transport in a part of Southwark with an already busy night time economy (as per recommended closing times for such establishments in Southwark's statement of licensing policy) but is not appropriate for this location.
25. Additionally, the Dulwich Society representation states that If this application is granted, it could be the thin end of the wedge, with other similar establishments using it as a precedent for seeking similar extensions.

Conciliation

26. All representations were sent to the Applicant on 8 February 2019, with contact details for the responsible authorities. At the point of the report going to publication, no representations have been withdrawn following conciliation discussion.

Operating history

27. The current premises licence was issued on 7 September 2006. The premises licence has remained unchanged in that time with Mohammad Nizamul Hoque still detailed on the licence as the Designated Premises Supervisor.
28. Since the current premises licence was granted no temporary event notices (TENs) have been applied for this premises.
29. There is no history of complaints regarding the premises, since this current licence was issued.

Map

30. A map of the area is attached to this report as Appendix E. There are no other licensed premises located in the immediate vicinity:

Southwark council statement of licensing policy

31. 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 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.
32. 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.
33. This premises is outside of a cumulative impact policy area and within a residential area. Under the Southwark Statement of Licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises indicated:
- Restaurants and cafes: 23:00 daily
 - Public houses, wine bars or other drinking establishments: 23:00
 - Night clubs (with sui generis planning classification) are not considered appropriate for this area.

Resource implications

34. 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

35. 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

36. 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

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

Principles for making the determination

39. 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.

40. 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.
41. 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.
42. 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

43. 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.
44. The four licensing objectives are
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
45. 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.
46. 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.
47. 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.
48. Members are also referred to the Home Office guidance on conditions.

Reasons

49. 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

50. 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.
51. 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

52. 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.
53. 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.

54. 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.
55. 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.
56. 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.
57. 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.
58. 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

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

Strategic Director of Finance and Governance

60. 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 representations from responsible authorities
Appendix D	Representations from other person (Dulwich Society)
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Ian Smith, Strategic Director of Environment and Leisure	
Report Author	Richard Kalu, Principal Licensing Officer	
Version	Final	
Dated	25 February 2019	
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	25 February 2019	

Appendix A

Licensing Act 2003

Premises Licence

Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

10208

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Chandni Restaurant 134a Thurlow Park Road London SE21 8HN	
Ordnance survey map reference (if applicable), 173059 532726	
Post town London	Post code SE21 8HN
Telephone number 0208 761 9738	

Where the licence is time limited the dates

Licensable activities authorised by the licence
LR Late Night Refreshment
RA 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 00:00
Tuesday	12:00 00:00
Wednesday	12:00 00:00
Thursday	12:00 00:00
Friday	12:00 00:00
Saturday	12:00 00:00
Sunday	12:00 00:00

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

The times the licence authorises the carrying out of licensable activities
For any non standard timings see Annex 2

Late Night Refreshment	Monday	23:00	00:00
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Late Night Refreshment	Tuesday	23:00	00:00
Late Night Refreshment	Wednesday	23:00	00:00
Late Night Refreshment	Thursday	23:00	00:00
Late Night Refreshment	Friday	23:00	00:00
Late Night Refreshment	Saturday	23:00	00:00
Late Night Refreshment	Sunday	23:00	00:00
Sale by retail of alcohol to be consumed on premises	Monday	12:00	00:00
Sale by retail of alcohol to be consumed on premises	Tuesday	12:00	00:00
Sale by retail of alcohol to be consumed on premises	Wednesday	12:00	00:00
Sale by retail of alcohol to be consumed on premises	Thursday	12:00	00:00
Sale by retail of alcohol to be consumed on premises	Friday	12:00	00:00
Sale by retail of alcohol to be consumed on premises	Saturday	12:00	00:00
Sale by retail of alcohol to be consumed on premises	Sunday	12:00	00:00

Part 2

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



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



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

MOHAMMAD NIZAMUL HOQUE



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 code 

Licence Issue date 7 September 2006

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Environmental Health and
Trading Standards Manager
Chaplin Centre
Thurlow Street
London SE17 2DG
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

1000 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

1001 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence

Annex 2 - Conditions consistent with the operating Schedule

6014 Plastic or toughened glass shall be used for the service of drinks

9001 That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council

9101 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

9501 A size capacity limit for the premises will be set

9502 Crime prevention notices will be displayed

9503 Patrons will be prevented from removing open alcohol containers from the premises

9504 An adequate refuse storage and disposal system shall be maintained

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

Annex 4 - Plans - Attached

Licence No.	10208
Plan No.	No number given
Plan Date	Aug 2003

Appendix B

Application to vary a premises licence under the Licensing Act 2003

RECEIVED
20 JAN 2019

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.

We CHANDNI RESTAURANT
(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	10208
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Part 1 -- Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
134 ^A THURLOW PARK ROAD			
Post town	LONDON	Postcode	SE21 8TN

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

Part 2 -- Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

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

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

²⁾ WE WOULD LIKE TO EXTEND THE HOURS FOR SALE OF LATE NIGHT REFRESHMENTS AND ALCOHOL TO BE CONSUMED ON THE PREMISES TO 23.00 PM - 02.30 AM.

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

Part 4 Operating Schedule

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

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

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

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

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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>		
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 (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Wed					
Thur			<u>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 7)</u>		
Fri					
Sat					
Sun					

F.

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	12.00	00.00	RECORDED MUSIC WILL BE PLAYED FROM A LAPTOP WHILST CUSTOMERS ARE DINING AND DRINKING.		
Tue	12.00	00.00			
Wed	12.00	00.00	State any seasonal variations for the playing of recorded music (please read guidance note 6) ON NEW YEAR EVE AN EXTENSION TO OPENING HOURS WILL BE NEEDED IF IT DOESNT FALL ON A FRIDAY OR SATURDAY - AN EXTENSION TO 03.00AM WILL BE NEEDED.		
Thur	12.00	00.00			
Fri	12.00	02.30	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 7)		
Sat	12.00	02.30			
Sun	12.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			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 (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	00.00	Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23.00	00.00			
Fri	23.00	02.30	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 7)		
Sat	23.00	02.30			
Sun	23.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption - please tick (please read guidance note 9)	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 6) 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 7)		
Mon	12-00	00-00			
Tue	12-00	00-00			
Wed	12-00	00-00			
Thur	12-00	00-00			
Fri	12-00	02-30			
Sat	12-00	02-30			
Sun	12-00	00-00			

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 10).

THERE WILL BE NO PORNOGRAPHY SHOWN, NO ADULT DRINKING AND NO GAMBLING MACHINES, NOR WILL THERE BE ANY ADULT ENTERTAINMENT.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	12.00	00.00	
Tue	12.00	00.00	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 7)
Wed	12.00	00.00	
Thur	12.00	00.00	
Fri	12.00	02.30	
Sat	12.00	02.30	
Sun	12.00	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.

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

Please tick as appropriate

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 11)

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP: Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to: A, no selling of alcohol to underage people. B, no drunk and disorderly behaviour on the premises area. C, vigilance in preventing the use and sale of illegal drugs at the retail area. D, no violent and anti-social behaviour. E, no any harm to children.

A Designated premises supervisor will be on site to ensure the day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorise each sale - Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers. - CCTV system installed with face recognition recording at all times whilst customers are present. As a licensed premises we know that it is necessary to operate our business with a purpose of promoting these objectives. We promise to support these objectives through our operating schedules and other measures including staff training and qualifications, policies, and strategic partnerships with other agencies.

b)The prevention of crime and disorder

There will be 2 SIA staff on site from 22:00 hrs on Friday and Saturday, they will detail their name, date and time of arrival in a dedicated book which will be available to the police and authorised council officers. Cctv will be in operation at all times premises is open to the public. Cctv will operational and able to record for 31 days. Cctv system will be linked to an external hard-drive, footage will be immediately available to police or authorised council officers. Cctv will be capable of full facial recognition of patrons entering and exiting the premises. All incidents of crime and disorder will immediately reported to the police and detailed in a incident report book which will be made available to police and authorised council authorities.

c)Public safety

Before premises opens and is operational management will check to ensure the premises is health and safety compliant. A first aider will always be on site. SIA will manage patron's disposal from the premises, they will be on site until all patrons have left the vicinity. We will have a taxi firm linked with our premises to ensure all patrons are getting home safe if they haven't made adequate means of getting home. All parts of the premises and all fittings and apparatus, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d)The prevention of public nuisance

At regular intervals, management will monitor the external parts of the premises in regards to noise escape. All incidents of noise will be detailed in an incident report book which will be made available to any authorised officer. No drinks will be allowed outside after 22:00 hrs which will be enforced by SIA. Posters telling customers to leave quietly and respect neighbours will be placed on the doors as customers exit. If customers are ordering taxis/awaiting a lift they will kept in the premises until their mode of transport has arrived this is to ensure noise is kept in the building and not outside. Customers will be asked not to stand around loudly talking in the street outside the premises, smoking area is at the back and not in public view.

e)The protection of children from harm

No children under the age of 17 will be allowed in the premises after 22:00 hrs unaccompanied with an adult. An age check will be put in place by evidence of a current passport or photo driving license. Challenge 21 and challenge 25 will be enforced to ensure no one underage is drinking on the premises, Challenge 21 and Challenge 25 posters will be displayed in the premises.

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.

I HAVE NOT ENCLOSED IT AS IT HAS BEEN LOST. A DUPLICATE HAS BEEN PAID FOR.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	[REDACTED]
Date	13/12/18
Capacity	DIRECTOR

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

Signature	[REDACTED]
Date	[REDACTED]
Capacity	[REDACTED]

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

[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



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/21/19/19

Date: 31/01/2019

Dear Sir/Madam

Re:- Chandni Raja 134A Thurlow Park Road SE21 8HN

Police are in possession of an application from the above for a Major variation to their premises licence. The application describes the operation as continuing to be a restaurant with the following extended hours

Opening Hours	
Mon -Thurs	12.00hrs – 00.00hrs
Fri-Sat	12.00hrs---02.30hrs
Sun	12.00hrs---00.00hrs

Sale of alcohol on	
Mon –Thurs	12.00hrs – 00.00hrs
Fri-Sat	12.00hrs—02.30hrs
Sun	12.00hrs---00.00hrs

Late Night Refreshment	
Mon-Thurs	23.00hrs--00.00hrs
Fri-Sat	23.00hrs—02.30hrs
Sun	23.00hrs—00.00hrs

The premises are situated in a residential area. The current operating hours are Mon-Fri 12.00hrs-00.00hrs which is generous as the Southwark Council Policy states the terminal hours should be 2300hours for a restaurant in a residential area. The

policy hours are in place to assist in the complying with the Licensing objectives and although the applicant has offered some additional conditions I cannot see any reason to deviate from the policy and with this in mind we object to the granting of this licence.

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

Yours Sincerely

PC Mark Lynch 246MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

From: Public Health Licensing
Sent: Friday, February 01, 2019 3:28 PM
To: Regen, Licensing
Cc: Shapo, Leidon; Tear, Jayne; Moore, Ray; Public Health Licensing
Subject: RE: Chandni Raja, 134a Thurlow Park Road, SE21 8HN

To whom it may concern:

RE: Chandni Raja, 134a Thurlow Park Road, SE21 8HN

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

This representation is made in respect of the following licencing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm

General Comments

The application requests a major variation to add Late night refreshments on Friday and Saturday and extend the opening hours and the sale of alcohol on the premises on Friday and Saturday.

The current granted hours are:

Currently granted hours	Opening Hours	Sale of alcohol on the premises	Late night refreshments
Monday - Sunday	12:00 – 00:00	12:00 – 00:00	23:00 – 00:00

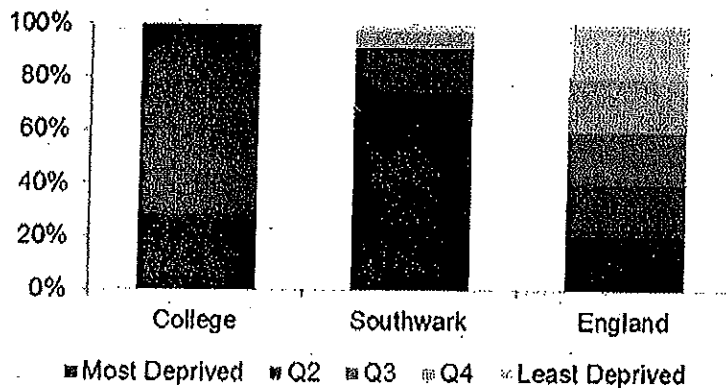
The requested changes to the hours are:

Requested hours	Opening Hours	Sale of alcohol on the premises	Late night refreshments
Friday and Sunday	12:00 – 02:30	12:00 – 02:30	23:00 – 02:30

Concerns relating to this application

College is a ward with pockets of high deprivation. Figure 1 shows that 28% of residents are in the most deprived quintile and 72% are in the 3rd most deprived quintile. Furthermore 20% of working age adults in College are claiming out-of-work benefits (above the London average of 8% as of 2016).

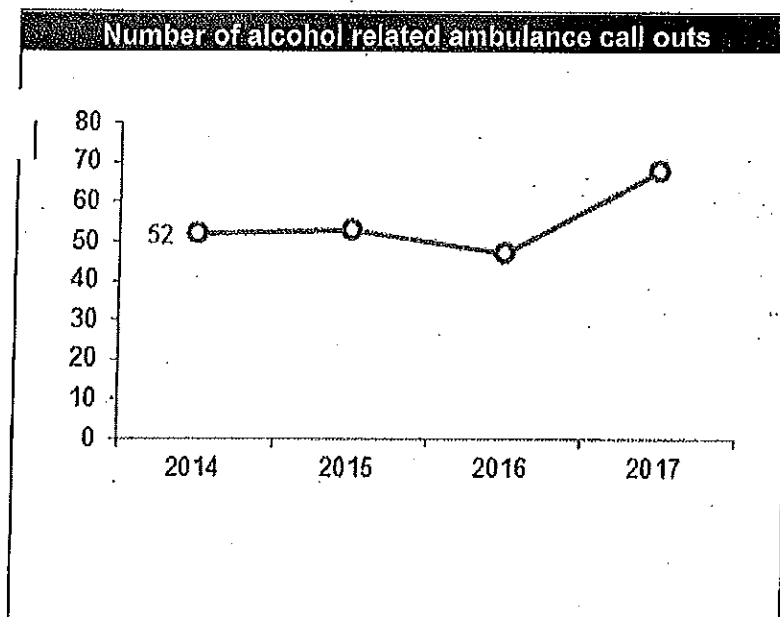
Figure. 1 – proportion of population in each deprivation quintile



This premises is located close to a populated residential area. The increased noise from more individuals consuming alcohol after 23:00 in the local area could have an impact on the sleep of residents living around this premises. A WHO report (2011) has found that fragmented sleep can result in short and long term health implications including; cognitive dysfunction, abnormal growth hormone release, increase of diastolic BP and increased risk of accidents. Certain groups of people are more vulnerable to noise including children, chronically ill and elderly people and shift workers (for more information see the evidence review attached).

Finally, although College has a low ambulance call-out rate (2% of Southwark call-outs from 2016 - 2018), this is increasing, as shown in Figure 2. Furthermore, recent studies have found that for each additional 1-hour extension to the opening times of premises selling alcohol, there was a 16% increase in violent crime, and a 34% increase in alcohol-related injuries.

Figure. 2 – Trend of alcohol related ambulance call outs in the College Ward



Finally, the applicant already benefits from generous hours, which exceed the recommended times set out in the Southwark's Statement of Licensing Policy for restaurants.

Recommendations

Tanking in to account all of the above, I recommend this application be rejected in its current state.

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

Yours sincerely,

Clizia Deidda

on behalf of Professor Kevin Fenton, Director of Place and Wellbeing (incorporating the role of Director of Public Health)

Clizia Deidda

Public Health Policy Officer (Mental Health, Substance Misuse & Healthcare) | Public Health Division

Place and Wellbeing Department | London Borough of Southwark


160 Tooley Street | London SE1P 5LX

T: 0207 525 7707 | M: 07710 179 570

E: Clizia.deidda@southwark.gov.uk

www.southwark.gov.uk



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

Buying alcohol at later times is associated with drinking excessive amounts of alcohol, which in turn increases the likelihood of harm to the drinker and others.

There is evidence of this from a number of scientific studies from high-income countries across the last 3 decades. Extending the terminal hour of alcohol sales has increased alcohol-related harm (Smith 1988a, b; Smith 1990; Ragnarsdottir et al. 2002). Recently it was shown that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). Within the UK, extensions of the hours of alcohol sales have been associated with increased per capita consumption of beer, increases in the number of alcohol-related diagnoses in hospitals, and increases in violent crime (Bruce 1980; Duffy & De Moira 1996). Within London, increases in alcohol-related overnight attendances to the ED and alcohol-related admission rates were associated with the 2005 implementation of the 2003 Act. The increases included a rise in the number of alcohol-related attendances as a consequence of injury and assault (Newton et al. 2007).

In light of this evidence, several scientific reviews have concluded that restricting the hours of alcohol sales is an effective strategy for reducing excessive alcohol consumption and related harms (Grover & Bozzo 1999; Stockwell & Gruenewald 2004; Smith 1988; Popova et al. 2009). A number of international bodies, including the World Health Organisation, have recommended the control of hours of alcohol sales as a means to reduce alcohol misuse and alcohol-related harms. We in the Public Health team at Southwark Council are heeding this advice by recommending stronger policies to reduce alcohol misuse and alcohol-related harm. Indeed, stronger policies have been associated with a reduced likelihood of youth drinking and youth binge drinking (Xuan et al. 2015), and binge drinking in the general population (Xuan et al. 2015). One of our recommendations is that the hours of alcohol sales be restricted. We are seeking a terminal hour of 0000 for all off-licenses.

I would like some restriction on high-strength beers, lagers, and ciders, given that many purchasers of these drinks are alcohol misusers, and that one of these drinks exceeds the NHS's Safer Drinking Guidelines:

The NHS's Safer Drinking Guidelines state that males should not regularly drink more than 3-4 units of alcohol, and that females should not regularly drink more than 2-3 units. We decided to ask for the 5% because:

- One 330mL bottle of 5% beer/lager/cider contains 1.7 units of alcohol
- One 440mL can of 4.5% beer/lager/cider contains 2 units of alcohol
- One 440mL can of strong beer/lager/cider contains 4.5 units of alcohol

Bruce D. Changes in Scottish drinking habits and behaviour following the extension of permitted evening opening hours. *Health Bull.* 1980;38(3):133-7

de Goeij MCM, Veldhuizen EM, Buster MCA, Kunst AE. The impact of extended closing times of alcohol outlets on alcohol-related injuries in the nightlife areas of Amsterdam: a controlled before-and-after evaluation. *Addiction.* 2015; 110: 955-964

Duffy JC, De Moira ACP. Changes in licensing law in England and Wales and indicators of alcohol-related problems. *Addiction Res.* 1996;4(3):245-71

Grover PL, Bozzo R. Preventing problems related to alcohol availability: environmental approaches. DHHS, SAMHSA, CSAP; 1999

Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J.* 2007;24:532-4

Popova S, Giesbrecht N, Bekmuradov D, Patra J. Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol Alcohol.* 2009;44:500-16

Ragnarsdottir T, Kjartansdottir A, Davidsdottir S. Effect of extended alcohol serving hours in Reykjavik, Iceland. In: Room R, editor. *The effects of Nordic alcohol policies.* Helsinki, Finland: Nordic Council for Alcohol and Drug Research; 2002. pp. 145-54

Rossov I, Norström T. The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. *Addiction;* 107(3): 530-537

Smith DI. Effect on casualty traffic accidents of changing Sunday alcohol sales legislation in Victoria, Australia. *J Drug Issues.* 1990;20(3):417-26

Smith DI. Effectiveness of restrictions on availability as a means of preventing alcohol-related problems. *Contemp Drug Prob.* 1988:627-84

Smith DI. Effect on casualty traffic accidents of the introduction of 10 p.m. Monday to Saturday hotel closing in Victoria. *Aust Drug Alcohol Rev.* 1988;7:163-6

Smith DI. Effect on traffic accidents of introducing flexible hotel trading hours in Tasmania, Australia. *Br J Addict.* 1988;83:219-22

Stockwell T, Gruenewald P. Controls on the physical availability of alcohol. In: Heather N, Peters TJ, Stockwell T, editors. *International handbook of alcohol dependence and problems.* Chichester, UK: Wiley; 2004. pp. 699-719

Licensing Act 2003 – Protection of Children from Harm

The impact opening hours has on night time noise is important to take into account when considering new licensing applications. Noise from events in premises and the dispersal of those leaving an event will contribute to the disturbance of residents in surrounding areas, particularly at night. Therefore, applications requesting hours outside those stated in the Southwark Licensing Policy, within residential areas, may considerably contribute to night time noise and negatively impact sleep.

According to the World Health Organisation (WHO) (2011), fragmented sleep can result in short and long term health implications including; cognitive dysfunction, abnormal growth hormone release, increase of diastolic BP and increased risk of accidents. Certain groups of people are more vulnerable to noise including children, chronically ill and elderly people and shift workers (WHO, 2011). Naturally, children spend more time in bed than adults and are more exposed to night time noise (WHO, 2011). Sleep is a vital part of daily life and children in particular need uninterrupted sleep for growth and cognitive development (Kamp, 2013). Disturbances during the night result in fragmented sleep and chronic partial sleep deprivation induces tiredness, lower vigilance and reduces daytime performance and overall quality of life (Ohrstrom & Griefahn, 1993; Passchier-Vermeer, 2003a; WHO, 2011). This can have a detrimental impact on early childhood development and education, which negatively affects lifelong achievement and health (WHO, 2011).

Sleep is an essential part of a healthy lifestyle and is recognised as a fundamental right under the European Convention on Human Rights (European Court of Human Rights, 2003). Night noise guidelines for Europe, set out by WHO, suggest the best protective measures to reduce sleep disturbance include the reduction of events or noise levels, or both (WHO, 2011). Children have no control over where they live. It is the council's obligation to take measures against negative impacts of night time noise in residential areas, to provide a healthy and supportive environment which maximises the health and wellbeing of children in the local area. To ensure night time noise is kept to a minimum, new licensing applications within residential areas should be restricted to hours within the recommended guidelines in Southwark's Licensing Policy.

References:

Passchier-Vermeer, W. (2003) Night-time noise events and awakening. TNO report 2003-32, Delft, The Netherlands.

Van Kamp, I.; Gidlof-Gunnarsson, A.; Persson Waye, K. (2013). The effects of noise disturbed sleep on children's health and cognitive development. *Journal of the Acoustical Society of America*, 133, 3506-3506.

World Health Organisation (WHO) Europe. (2009). Night noise guidelines for Europe.

World Health Organisation (WHO) Europe. (2011). Burden of disease from the environmental noise; quantification of healthy life years lost in Europe.

MEMO: Licensing Unit

To	Licensing Unit	Date	6 February 2019	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: Chandni Restaurant, 134a Thurlow Park Road. London, SE21 8HN -
Application to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by Chandni Restaurant under the Licensing Act 2003, which seeks the following licensable activities:

- To extend late night refreshment (indoors) on Friday and Saturday from 00:00 to 02:30 the following day
- To extend supply of alcohol (on the premises) on Friday and Saturday from 00:00 to 02:30 the following day
- To extend the opening times on Friday and Saturday from 00:00 to 02:30 the following day
- Overall opening times shall be on Sunday to Thursday from 12:00 to 00:00; and on Friday and Saturday from 12:00 to 02:30 the following day

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance as this premise is situated within a residential area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times for restaurants; cafes, public houses, wine bars or other drinking establishments on **Monday to Sunday is 23:00** and this application seeks hours in excess of that which is deemed appropriate for a residential area.

Further to this when there has not been any time left between the last sale of alcohol 'on sales' and the closing time when patrons should have left the premises, this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the same time of closing which can lead to antisocial behaviour problems when patron have left the premises.

Should the licensing sub committee be of a mind to grant the variation hours outside of the hours deemed appropriate within the policy I would recommend the following

- That the sales of alcohol cease at least half an hour before the closing time

Due to the limited information on the application form and to further promote the licensing objectives I ask the applicant to provide the following:

- An accommodation limit for the premises. (to be conditioned)
- To provide a written dispersal policy for the premises. (to be conditioned)

And that the following condition is added to the premises licence to ensure that the premises retains its nature as a restaurant:

- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal

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://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

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

XXXXX

XXXXX

XXXXX

Tel : XXXXX

Mob : XXXXX

[XXXXX](#)

February 5th 2018

Chandni Raja - Licensing Application No : 865757

The Dulwich Society opposed the above application.

They believe that an extension of opening hours until 02.30 am on Fridays and Saturdays by a licensed restaurant which plays music and has a busy take-away trade, is likely to result in increasing (rather than preventing) both nuisance and crime and disorder in what is largely a residential area.

The extension sought to opening hours might be appropriate for, say, a bar or night club served by good public transport in a part of Southwark with an already busy night-time economy (as per recommended closing times for such establishments in Southwark's Licensing Code) but is not appropriate here.

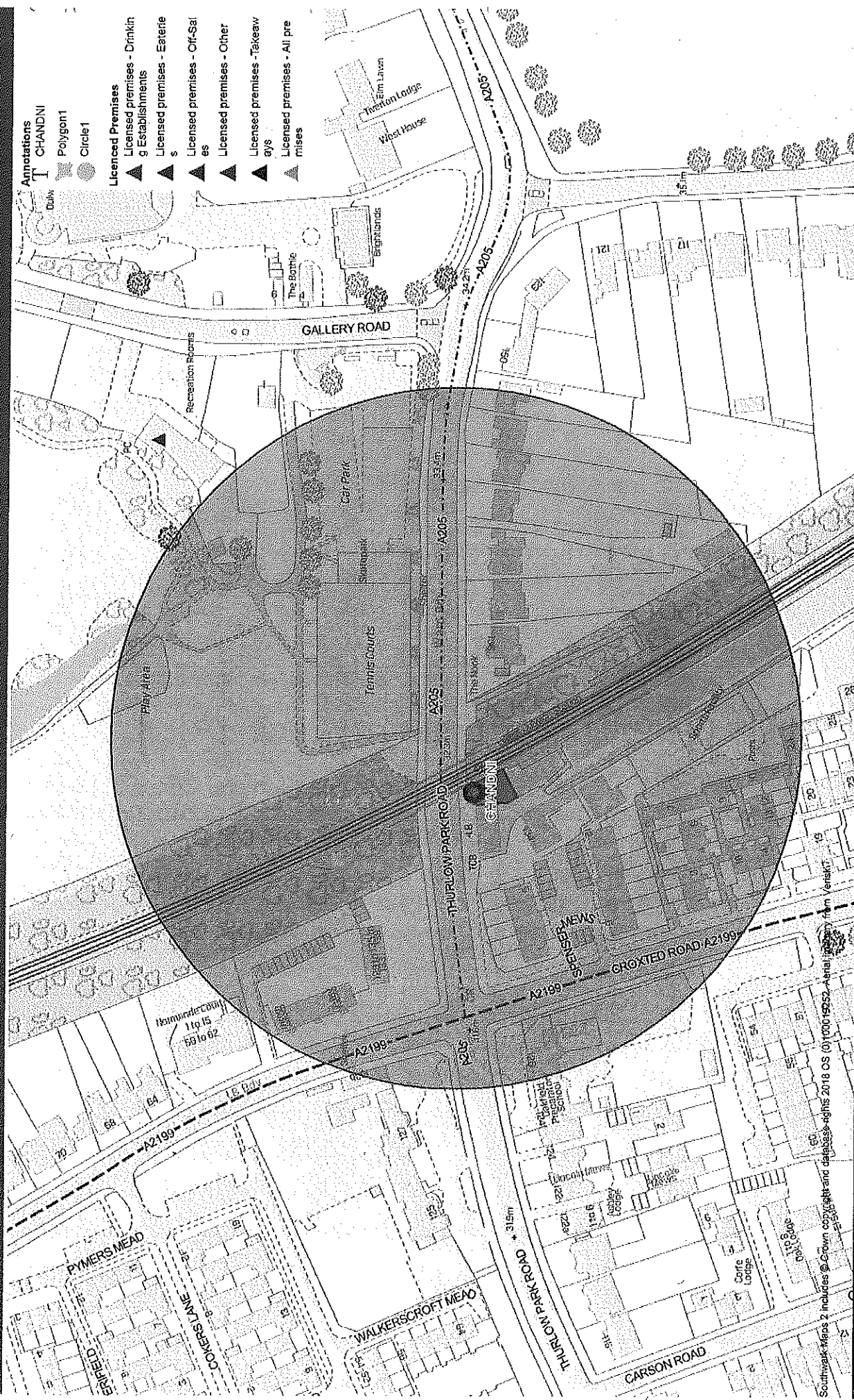
If this application is granted, it could be the thin end of the wedge, with other similar establishments using it as a precedent for seeking similar extensions.

XXXX On Behalf of The Dulwich Society

Appendix E

Chandni Restaurant, 134A Thurlow Park Road, London, SE21 8FN

- Annotations
- CHANDNI
 - Polygon1
 - Circle1
- Licensed Premises
- Licensed premises - Drinking Establishments
 - Licensed premises - Estateries
 - Licensed premises - Off-Sales
 - Licensed premises - Other
 - Licensed premises - Takeaways
 - Licensed premises - All premises



12 Feb 2019

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Item No. 6.	Classification: Open	Date: 21 March 2019	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: 28 Peckham Rye, London SE15 4JR	
Ward(s) of group(s) affected		Rye Lane	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application for a premises licence submitted by Madelaine Beevers be granted under the Licensing Act 2003 in respect of 28 Peckham Rye, London SE15 4JR.
2. Notes:
 - a) The application was submitted under Section 17 of the Licensing Act 2003. The application is subject to representations and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 16 of this report deal with the representations submitted in respect of the application. Copies of the representations, and related correspondence, are attached to this report as Appendices B and C. A map showing the location of the premises is attached to this report as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to applications 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

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 18 December 2018 Madelaine Beevers applied to this council for the grant of a premises licence in respect of 28 Peckham Rye, London, SE15 4JR.
9. The application is summarised as follows:
- **Films**
 - Thursday from 19:00 to 22:00
 - **Sale of alcohol to be consumed on the premises**
 - Monday from 12:00 to 17:00
 - Tuesday to Friday from 12:00 to 22:00
 - Saturday from 10:00 to 22:00
 - Sunday from 10:00 to 17:00
 - **Proposed opening hours of the premises**
 - Monday from 07:30 to 17:30
 - Tuesday to Friday from 07:30 to 22:30
 - Saturday from 09:00 to 22:30
 - Sunday from 09:00 to 22:30
 - The premises, and the intended operation of the premises, are described in the application as follows:
 - *"The premises is a cafe that could be described as long and thin. It is 76 square metres and consists of an open plan main room at the front with kitchen, storage rooms and toilets at the back. Through the kitchen there is access to a small yard but this has no access / exit to street. The main room has a fully glazed frontage and counter / bar along the left hand side. The main front door is the only entrance / exit to the property. Any*

activities such as talks or film screenings will take place in the back section."

10. The premises licence application form provides the applicant's operating schedule. Parts B, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor (DPS) is Madelaine Beevers.

Representations from responsible authorities

12. Representations were submitted by this council's environmental protection team, the Metropolitan Police Service and by this council's licensing responsible authority.
13. The environmental protection team's representation sought clarification of the licensable area and where it was intended by the applicant that certain activities may take place in the premises. The applicant provided a response to the Environmental Protection Team and the Environmental Protection Team withdrew their application.
14. The Metropolitan Police Service's and licensing responsible authority's representations both suggested different control measures that the Metropolitan Police Service and licensing responsible authority recommended should become conditions of any licence issued subsequent to the application. The applicant agreed to amend the application to include the suggested control measures and the representations were withdrawn
15. Copies of the representations submitted by responsible authorities, and related correspondence, are attached as Appendix B.

Representations from other persons

16. A representation objecting to the application was submitted by an 'other person', that being a local resident. The representation outlined a number of concerns that the local resident had regarding the impact of the proposed operation of the premises. After correspondence between the applicant and the resident, the resident's only remaining concern is that the proposed operation of the premises may give rise to noise nuisance. Although the applicant has addressed the issue of noise, the resident doesn't think that the applicant has addressed the applicants concerns sufficiently and so is not in a position to withdraw their representation. Copies of the representation and related correspondence are attached to this report as Appendix C.

Conciliation

17. The applicant has been in correspondence with the local resident who submitted a representation objecting to the application in an effort to address the concerns raised in the representation, however at this time the representation remains outstanding and must be considered by the licensing sub-committee.

Premises history

18. No licence has been held in respect of the premises under current, or prior, licensing legislation.
19. On 18 December 2018 Madelaine Beevers applied to this council for the grant of a premises licence in respect of 28 Peckham Rye, London, SE15 4JR.

Deregulation of entertainment

20. On 6 April 2015 entertainment became deregulated and as a result:
 - Live unamplified music is deregulated between 08:00hrs and 23:00hrs on any premises.
 - Live amplified music and recorded music are deregulated between 08:00 and 23:00 at on licensed premises for an audience of up to 500 people.
 - Plays and the performance of dance are deregulated between 08:00 and 23:00 for an audience of up to 500 people.
 - Indoor sporting events are deregulated between 08:00 and 23:00 for an audience of up to 1000 people.
21. Live music and recorded music can become licensable in on-licensed premises if the licensing authority removes the effect of deregulation following a licence review ('licence review mechanism').
22. The showing of films has not been de-regulated.

Map

23. A map showing the location of the premises is attached to this report as Appendix D. The following licensed premises are also shown on the map and provide licensable activities as stated:

- **The White Horse, 20 Peckham Rye, SE15 4JR** licensed for:

The provision of regulated entertainment and the sale of alcohol to be consumed on and off the premises

- Monday to Thursday between 08:00 and 00:00 (midnight)
- Friday and Saturday between 08:00 and 01:00 the following day
- Sunday between 12:00 and 23:30

The provision of late night refreshment

- Monday to Thursday between 23:00 and 00:00
- Friday and Saturday between 23:00 and 01:00 the following day
- Sunday between 23:00 and 23:30

- **Alpha Off Licence, 24 Peckham Rye, SE15 4JR** licensed for:

The sale of alcohol to be consumed off the premises

- Monday to Sunday between 06:00 and 23:00

- **Rye News, 34 Peckham Rye SE15 4JR** licensed for:

The sale of alcohol to be consumed off the premises

- Monday to Saturday between 08:00 and 23:00
- Sunday between 10:00 and 22:30

- **Guerrilla, 38 Peckham Rye, SE15 4JR** licensed for:

The provision of regulated entertainment and the sale of alcohol to be consumed on and off the premises

- Sunday to Thursday between 11:00 and 23:30
- Friday and Saturday between 11:00 and 01:30 the following day

The provision of late night refreshment

- Sunday to Thursday between 23:00 and 23:30
- Friday and Saturday between 23:00 and 01:30 the following day

- **Funkidory, 42 Peckham Rye, SE15 4JR** licensed for:

The sale of alcohol to be consumed on the premises

- Tuesday to Thursday between 17:00 and 23:00
- Friday between 16:00 and 00:00
- Saturday between 14:00 and 00:00
- Sunday between 14:00 and 22:00

Late night refreshment and recorded music

- Friday and Saturday between 23:00 and 00:00

- **Banh Banh, 46 Peckham Rye, SE15 4JR** licensed for:

The sale of alcohol to be consumed on the premises

- Tuesday to Saturday between 11:00 and 23:00
- Sunday between 11:00 and 22:30

- **Batch, 56 Peckham Rye, SE15 4JR** licensed for:

The sale of alcohol to be consumed on and off the premises, live music and recorded music

- Monday to Thursday between 17:00 and 23:00
- Friday between 17:00 and 01:00 the following day
- Saturday between 12:00 and 01:00 the following day
- Sunday between 12:00 and 23:00

- **Pedler Peckham Rye, 58 Peckham Rye, SE15 4JR** licensed for:

The provision of regulated entertainment and the sale of alcohol to be consumed on and off the premises

- Monday to Sunday between 09:00 and 01:00 the following day

The provision of late night refreshment

- Monday to Sunday between 23:00 and 01:00 the following day

- **Full Garden, 230 Rye Lane, SE15 4NL** licensed for:

The provision of late night refreshment

- Monday to Saturday between 23:00 and 00:00

- **Yilmaz Kebab, 277 Rye Lane, SE15 4UA** licensed for:

The provision of late night refreshment

- Monday to Sunday between 23:00 and 05:00 the following day

Sale of alcohol to be consumed on the premises

- Monday to Sunday between 11:00 and 23:00

- **Cheung's, 289 Rye Lane, SE15 4UA** licensed for:

The provision of late night refreshment

- Monday to Sunday between 23:00 and 00:00

- **Mr Bao, 293 Rye Lane, SE15 4UA** licensed for:

The sale of alcohol to be consumed on the premises

- Monday to Sunday between 10:00 and 23:00

- **Voodoo Ray's, Ground Floor, 285-287 , Rye Lane, SE15 4UA** licensed for:

The sale of alcohol to be consumed on and off the premises

- Sunday to Thursday between 11:00 and 23:00
- Friday and Saturday between 11:00 and 00:00

Late night refreshment

- Friday and Saturday between 23:00 and 00:00

Recorded music, anything similar to live or recorded music

- Sunday to Thursday between 10:00 and 23:00
- Friday and Saturday between 10:00 and 00:00

Southwark council saturation policy for Peckham

24. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2016 -2020 Statement of Licensing Policy.

25. 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.
26. 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.
27. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

28. 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 to the policy
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
29. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the

applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

30. According to Southwark's statement of licensing policy the premises are located in Peckham Major Town Centre Area. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located in residential areas:

- Restaurants and cafes:
 - Sunday to Thursday 00:00
 - Friday and Saturday 01:00 the following day
- Public houses, wine bars or other drinking establishments:
 - Sunday to Thursday 23:00
 - Friday and Saturday 00:00 the following day

Resource implications

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

Consultation

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

Community impact statement

33. 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

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

Principles for making the determination

36. 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.
37. 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.
38. 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

39. 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.
40. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
41. 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.
42. 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.
43. 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

44. 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

45. 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.
46. 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

47. 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.
48. 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.

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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

55. 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.

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 application
Appendix B	Copies of the representations, and related correspondence, submitted by the responsible authorities
Appendix C	Copies of the representation, and related correspondence, submitted by the other person
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Ian Smith, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	7 March 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	8 March 2019	

**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 Madelaine Beevers

(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:

28 Peckham Rye

Post town	London	Postcode	SE15 4JR
------------------	---------------	-----------------	-----------------

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

Non-domestic rateable value of premises	£10000
---	---------------

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|--------------------------|-----------------------------|
| a) an individual or individuals * | X | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

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

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

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

Details of Individual Applicant

Personal Details

Title	Ms
If other, please specify	
Surname	Beevers
Forenames	Madelaine
Date of birth	████████
I am 18 years old or over	Yes
Nationality	████████

Current Address

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

Contact Details

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

Do you wish to add a second individual applicant?

	No
--	----

Operating Schedule

When do you want the premises licence to start?

	21/01/2019
--	------------

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

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

--	--

General description of premises (see guidance note 1)

	<p>THE PREMISES IS A CAFE THAT COULD BE DESCRIBED AS LONG AND THIN. IT IS 76 SQUARE METRES AND CONSISTS OF AN OPEN PLAN MAIN ROOM AT THE FRONT WITH KITCHEN, STORAGE ROOMS AND TOILETS AT THE BACK. THROUGH THE KITCHEN THERE IS ACCESS TO A SMALL YARD BUT THIS HAS NO ACCESS/EXIT TO STREET. THE MAIN ROOM HAS A FULLY GLAZED FRONTAGE AND COUNTER/BAR ALONG THE LEFT HAND SIDE. THE MAIN FRONT DOOR IS THE ONLY ENTRANCE/EXIT TO THE PROPERTY. ANY ACTIVITIES SUCH AS TALKS OR FILM SCREENINGS WILL TAKE PLACE IN THE BACK SECTION.</p>
--	--

If 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.

	Less than 5000
--	----------------

Operating Schedule part 2

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

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
--	---

Provision of regulated entertainment (Please read guidance note 2)

	b) films

Provision of late night refreshment

--	--

Supply of alcohol

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

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

B- Films

Will the exhibition of films take place indoors or outdoors or both? (Please read guidance note 3)

	Indoors
--	---------

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

	THE PLAN IS TO SCREEN A FILM FOR THE LOCAL COMMUNITY ONCE EVERY TWO WEEKS AND THIS WILL TAKE PLACE ON A THURSDAY EVENING. IN GENERAL THIS TO BE BETWEEN 7PM UNTIL 10PM DEPENDING ON FILM LENGTH. THIS WILL BE AMPLIFIED THROUGH AV EQUIPMENT ETC.
--	---

Standard days and timings for Films (Please read guidance note 7)

Day	Start	Finish
Mon		
Tues		
Wed		
Thur	19:00	22:00
Fri		
Sat		
Sun		

State any seasonal variations for the exhibition of films (Please read guidance note 5)

	IF APPLICABLE, DURING THE CHRISTMAS PERIOD, THIS MIGHT FALL ON A DIFFERENT EVENING
--	--

Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed. (Please read guidance note 6)

--	--

J - Supply of Alcohol

Will the supply of alcohol be for consumption (Please read guidance note 8)

	On the premises
--	-----------------

Standard days and timings for Supply of alcohol (Please read guidance note 7)

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

Day	Start	Finish
Mon	12:00	17:00
Tues	12:00	22:00
Wed	12:00	22:00
Thur	12:00	22:00
Fri	12:00	22:00
Sat	10:00	22:00
Sun	10:00	17:00

State any seasonal variations for the supply of alcohol (Please read guidance 5)

--	--

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 6)

--	--

Please download and then upload the consent form completed by the designated proposed premises supervisor

--	--

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Madelaine
Surname	Beevers

DOB

Date Of Birth	
---------------	--

Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	
County	
Post code	

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

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

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

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)

	WE MAY OCCASIONALLY PLAN TO SCREEN A FILM THAT HAS AGE RESTRICTIONS APPLIED. WE WILL MAKE THIS AGE LIMIT ABSOLUTELY CLEAR TO CUSTOMERS WANTING TO BUY TICKETS AND STATE THAT NO CHILDREN AND/OR YOUNG PEOPLE WHO ARE UNDER THE AGE LIMIT WILL BE PERMITTED. ID WILL BE ASKED FOR AND CHECKED ON ARRIVAL AT THE DISCRETION OF STAFF AND THE FRONT DOOR WILL BE STAFFED THROUGHOUT THE SCREENING. APART FROM THIS I DON'T FORESEE ANY CIRCUMSTANCES OR ACTIVITIES THAT WOULD CAUSE RISE FOR CONCERN.
--	--

L - Hours premises are open to public

Hours premises are open to the public (standard timings Please read guidance note 7)

Day	Start	Finish
Mon	07:30	17:30
Tues	07:30	22:30
Wed	07:30	22:30
Thur	07:30	22:30
Fri	07:30	22:30
Sat	09:00	22:30
Sun	09:00	22:30

State any seasonal variations (Please read guidance note 5)

	SOME DAYS WE WILL BE CLOSED OVER CHRISTMAS HOLIDAYS.
--	--

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 6)

	CHRISTMAS HOURS AND NEW YEARS DAY OPENING HOURS WILL BE LESS, FOR EXAMPLE WE WILL CLOSE AT 4PM ON THE 1ST JAN. THE HOURS WILL NEVER BE LATER THAN THOSE STATED
--	--

M - Steps to promote four licencing objectives

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

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 10)

	THERE WILL BE STRICT POLICIES IN PLACE THAT WILL BE HONOURED BY WELL TRAINED STAFF. FURTHER TRAINING WILL BE PROVIDED IN SPECIFIC AREAS, FOR EXAMPLE WE WILL BE JOINING THE WOMEN'S SAFETY CHARTER. PUBLICATION OF RELEVANT POLICIES WILL BE PUBLICISED THROUGHOUT THE PREMISES AND SAFE EXECUTION OF END OF NIGHT PRACTICES WILL BE ENSURED TO KEEP ALL CUSTOMERS SAFE AND AVOID DISORDER.
--	---

b) the prevention of crime and disorder

	I WILL SET A SAFE CAPACITY LIMIT FOR THE PREMESIS AND THERE WILL BE A LAST ADMISSIONS POLICY THAT WILL BE STRICTLY KEPT TO. THIS IS MORE FOR EVENTS SUCH AS TALKS AND POETRY NIGHTS THAT WILL INVOLVE NON SEATED CUSTOMERS. SALE OF ALCOHOL END TIMES WILL BE MADE CLEAR TON CUSTOMERS AND OUR ZERO TOLERANCE DRUGS POLICY WILL BE PUBLICISED THROUGHOUT THE CAFE. I WILL ONLY USE REPUTABLE DRINKS COMPANIES AND AS DPS I WILL BE PRESENT WITH WELL TRAINED STAFF IN THE EVENT OF ROWDY BEHAVIOUR.
--	---

c) public safety

	I HAVE FIRST AIDERS ON MY TEAM BUT WILL REFRESH THEIR TRAINING. WE HAVE FREQUENT, HYGIENIC AND SAFE WASTE REMOVAL SYSTEM AND STORAGE. I WILL CONDUCT A RISK ASSESSMENT WITH THE HELP OF LCF IN THE INTERESTS OF FIRE SAFETY AND ADEQUATE ENTRANCE/ EXIT FROM THE PROPERTY. I WILL TRAIN STAFF IN THE MONITORING OF CUSTOMERS AND ALWAYS PROVIDE WATER FREE OF CHARGE. ALCOHOL WILL BE LOCKED AND SAFELY STORED AWAY FROM PUBLIC AREAS. THERE WILL ALWAYS BE ADEQUATE STAFF NUMBERS. I WILL TRAIN IN MAKE SAFE INITIATIVES SUCH AS THE WOMENS SAFETY CHARTER TO ENSURE ZERO TOLERANCE OF HARASSMENT AND ABUSE.
--	---

d) the prevention of public nuisance

	THERE WILL BE CATEGORICALLY NO DRINKING OUTSIDE THE PREMISES. THOSE SMOKING WILL BE MONITORED CLOSELY BY MY STAFF AND NUMBERS KEPT TO MINIMUM TO REDUCE NOISE. THE VOLUME OF THE MUSIC INSIDE THE PREMISES WILL BE AT A REASONABLE AND WILL DECREASE TOWARDS THE END OF THE NIGHT TO ASSIST IN CUSTOMERS DEPARTING. ANY TALKS/POETRY/ACOUSTIC NIGHTS WILL TAKE PLACE AT THE BACK OF THE CAFE AS FAR AWAY FROM THE STREET AS POSSIBLE. THIS WILL ALSO HELP WITH ENTRANCE AND EXIT NOT BEING JAMMED AT BUSY TIMES. WHERE NECESSARY WE WILL MAKE USE OF 'PLEASE LEAVE QUIETLY' SIGNS AND STAFF WILL ENSURE THE QUIET DEPARTURE OF CUSTOMERS AS MUCH AS POSSIBLE.
--	--

e) the protection of children from harm

	CHILDREN WILL BE PERMISSIBLE WHEN DINING WITH ADULTS ONLY. I WILL SET UP A PROMPT ON THE TILL SYSTEM TO ASK FOR ID. ALL STAFF ARE TRAINED IN AGE RESTRICTION POLICY BUT I WILL REFRESH THIS BEFORE LICENCE IS GRANTED. I WILL TRAIN STAFF IN ALL AREAS OF CHILD SAFETY SUCH AS WHAT TO LOOK
--	---

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

	OUT FOR IN REGARDS TO VULNERABLE YOUNG PEOPLE AND SUSPECTED CHILD EXPLOITATION. WE WILL USE CHALLENGE 25.
--	--

Please upload a plan of the premises

	[REDACTED]
--	------------

Please upload any additional information i.e. risk assessments

--	--

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying
--	--

Home Office Declaration

Please tick to indicate agreement

	<input type="checkbox"/> I am a company or limited liability partnership
--	--

Declaration

I agree to the above statement

	Yes
PaymentDescription	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
PaymentContactEmail	[REDACTED]

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

Full name	Madelaine Beevers
Date (DD/MM/YYYY)	12/12/2018
Capacity	OWNER/MANAGER AND DPS

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

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 13). If completing on behalf of the applicant state in what capacity

Full name	Madelaine Beevers
Date (DD/MM/YYYY)	
Capacity	LONDON

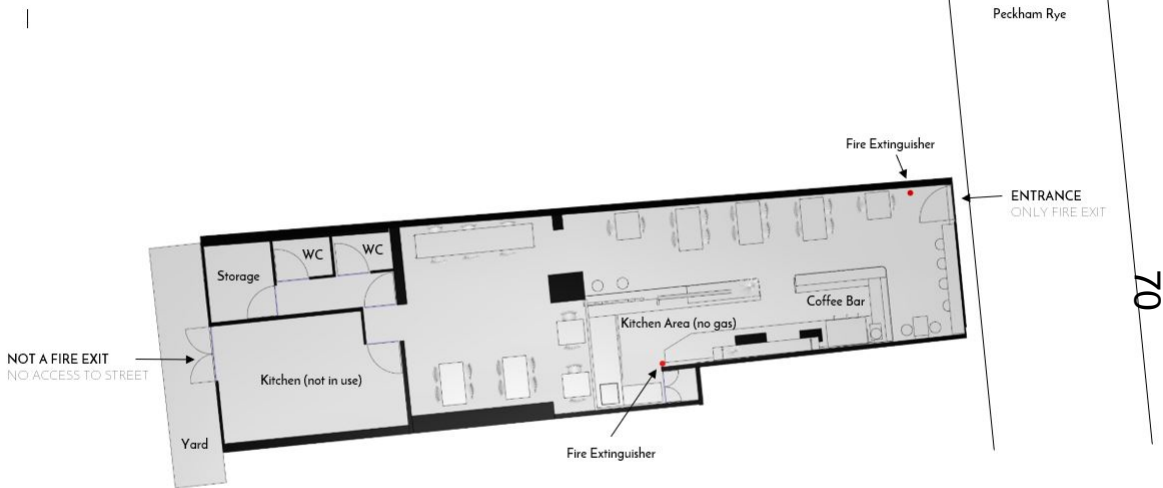
Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

Contact name and address for correspondence	MADELAINE BEEVERS [REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

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

28 Peckham Rye Scale Plan (1:100)

To support Premises License Application



Additional Notes:

No steps or elevators on the premises

From: Binya, Raymond
Sent: Friday, January 11, 2019 10:50 AM
To: Regen, Licensing
Cc: [REDACTED] McArthur, Wesley
Subject: New Premises License Application: One and All Cafe, 28 Peckham Rye, London SE15 4JR
EPT ref 892572

Dear Licensing Team,

Application for a premises licence to be granted under the Licensing Act 2003
Application reference number: 866263
Premises name and address: One and all café, 28 Peckham Rye, London SE15 4JR

I wish to make a representation on behalf of Southwark Environmental Protection Team(EPT) in our capacity as Environmental Health Responsible Authority, about the likely effect of the grant of the premises licence on the promotion of the 'prevention of public nuisance' licensing objective.

The applicant states that any film screening would take place at the back of the premises, however, this proposed area is not clearly marked on the plan hence EPT are not clear where licensable activities will take place and therefore we are unable to assess the possible impact of its use to the nearby residents.

We would therefore recommend for the applicant to address this point.

Kind Regards,

Raymond Binya
Principal Environmental Protection Officer
Postal address: Southwark Council | Environmental Protection Team | Environmental and Leisure | 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: 02075254809 | Fax: 020 7525 5705 | e mail: raymond.binya@southwark.gov.uk
visit:
Air Quality web pages: <http://www.southwark.gov.uk/air-quality>
Construction web pages: <http://www.southwark.gov.uk/construction>
London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



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

From: [REDACTED]
Sent: Thursday, February 28, 2019 7:43 PM
To: Binya, Raymond
Cc: McArthur, Wesley
Subject: Premises Licence 28 Peckham Rye

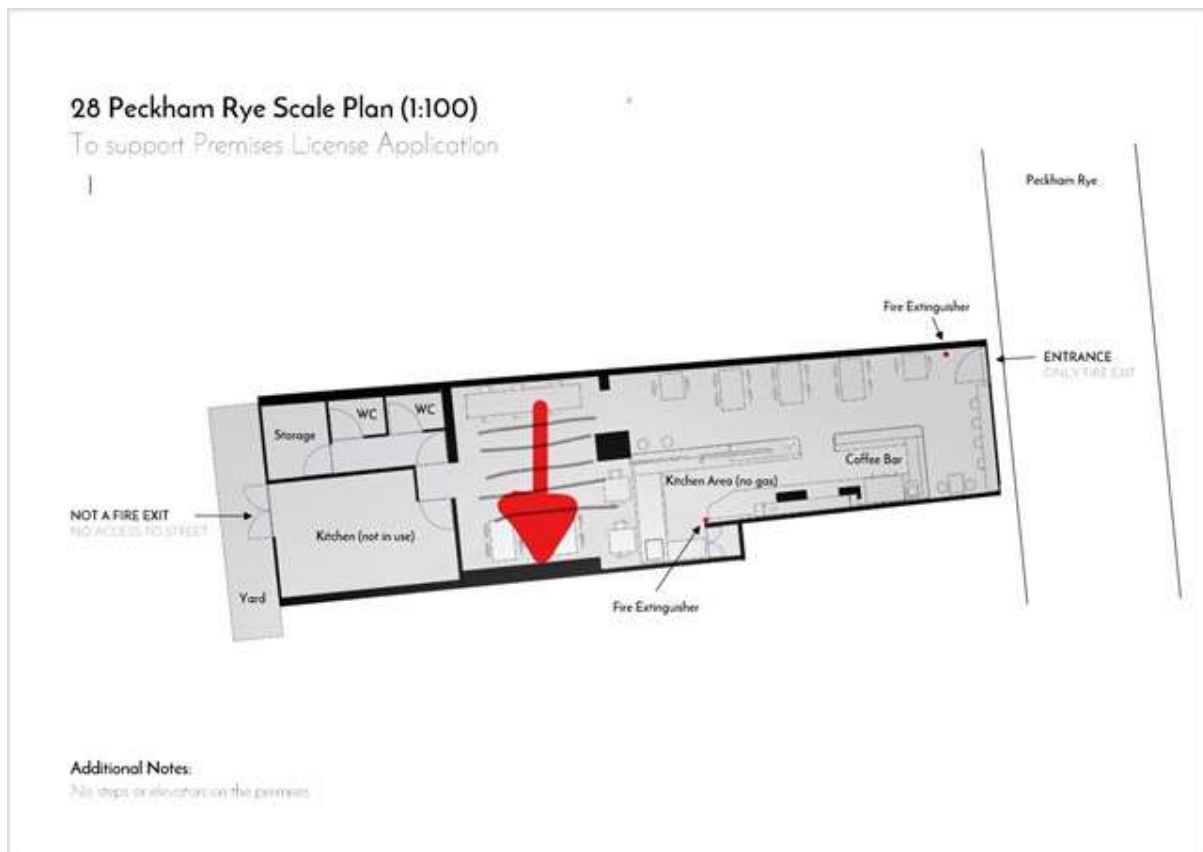
Dear Environmental Protection Team,

Many thanks for your response to my licence application detailing the representation at 28 Peckham Rye.

Apologies for any lack of clarity in the application. The licensable area of the premises is the footprint of the premises shown on the premises plan, however it is expected that film screenings will take place in the back section of the café and the screen itself will be on the wall (please see the area marked with the red arrow). Please refer to the jpeg scale plan of the café attached. The black lines represent the likely seating arrangement. In terms of sound and impact through the building, it is worth pointing out that directly next door is Acorn estate agents which is closed in the evenings. The volume will be kept to a reasonable level so as not to disturb the flats above. We will use the speaker system currently set up in the café and intend on the volume to stay at the same level we play music at during the day. If you have any further concerns, please don't hesitate to get in touch.

Many thanks,

Madelaine Beevers
One & All Café



T [REDACTED]
E [REDACTED]
[REDACTED]

From: Binya, Raymond
Sent: Monday, March 04, 2019 10:57 AM
To: [REDACTED]
Cc: McArthur, Wesley
Subject: RE: Premises Licence 28 Peckham Rye

Dear Madelaine,

Than you for this further information.

Wesley, in the light of this further information, I am now happy to withdraw my representation.

Kind Regards,

Raymond Binya
Principal Environmental Protection Officer
Postal address: Southwark Council | Environmental Protection Team | Environmental and Leisure | 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: 02075254809 | Fax: 020 7525 5705 | e mail: raymond.binya@southwark.gov.uk
visit:
Air Quality web pages: <http://www.southwark.gov.uk/air-quality>
Construction web pages: <http://www.southwark.gov.uk/construction>
London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



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: MD21/005/19

Date: 14th January 2019

Dear Sir/Madam

Re:- One & All Cafe, 28 Peckham Rye, London SE15 4JR

Police are in possession of an application from the above for a new premises licence. The application describes the premises as a café with alcohol to be consumed on the premises.

The applicant has offered a number of conditions as part of the operating schedule. The conditions set out in the operating schedule should be precise and enforceable, as stated in the Section 182 Guidance of the Licensing Act 2003 issued by the Home Office. Some lack clarity with numbers involved and would require training records to be kept and made available for inspection by officers of the council and police.

We object to the granting of the licence in the current format and would like to see the following conditions placed on the licence to address the crime and disorder licensing objective.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
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.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

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

Yours Sincerely

PC Graham White 288MD

Licensing Officer

Southwark Police Licensing Unit

Tel: 0207 232 6756

Graham.S.White@met.pnn.police.uk

From: [REDACTED]
Sent: Monday, February 18, 2019 10:02 AM
To: graham.s.white@met.pnn.police.uk
Cc: McArthur, Wesley
Subject: Police Conditions - One & All Cafe, 28 Peckham Rye

Dear PC White,

Thank you for your email detailing the representation by the Met.
I'm writing to confirm that I fully accept and will abide by all the conditions that have been put forward, as they have been worded in the representation letter.

If I can be of any further assistance please don't hesitate to contact me.

Kind regards,
Madelaine Beevers

One & All Cafe

T [REDACTED]
E [REDACTED]
[REDACTED]

MEMO: Licensing Unit

To	Licensing Unit	Date	14 January 2019	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: 28 Peckham Rye, London, SE15 4JR

Application for a premises licence

I write with regards to the above application for a premises licence submitted by Madelaine Beevers under the Licensing Act 2003, which seeks the following licensable activities:

- Films (indoors) on Thursday from 19:00 to 22:00
- Supply of alcohol (on the premises) on Monday from 12:00 to 17:00; Tuesday to Friday from 12:00 to 22:00, Saturday from 10:00 to 22:00 and on Sunday from 10:00 to 17:00
- Overall opening times shall be on Monday from 07:30 to 17:30; on Tuesday to Friday from 07:30 to 22:30, Saturday and Sunday from 09:00 to 22:30

The premises is described as '*The premises is a café that could be described as long and thin. It is 76 square metres and consists of an open plan main room at the front with kitchen, storage rooms and toilets at the back. Through the kitchen there is access to a small yard but this has no access/exit to street. The main room has a fully glazed frontage and counter/bar along the left hand side. The main front door is the only entrance/exit to the property. Any activities such as talks or film screenings will take place in the back section.*

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

The premises is in the Peckham Major Town Centre Area.

Due to the limited information on the application form and to promote the licensing objectives I ask the applicant to provide the following information:

- An accomodation limit for the premises. (to be conditioned)
- To provide a written dispersal policy for the premises. (to be conditioned)

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://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

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

From: [REDACTED]
Sent: Tuesday, January 15, 2019 9:34 AM
To: Tear, Jayne; Regen, Licensing
Cc: McArthur, Wesley
Subject: Re: REPRESENTATION RE 28 PECKHAM RYE, SE15 4JR

Dear Jayne and the Licensing Team,

Thank you for your email regarding the representation.

- Please find attached our dispersal policy and information on accommodation limits.

I apologise for not including these details in the application. Please let me know if there is any other information you need.

Kind regards,
Madelaine Beevers

One & All Cafe

T [REDACTED]
E [REDACTED]
[REDACTED]

On 28/02/2019 10:12:43, Tear, Jayne <jayne.tear@southwark.gov.uk> wrote:

Dear Maddy,

With reference to my representation.

Thank you for the dispersal policy that you sent me.

Now that I have all the information would you agree to the following conditions:

- That the accommodation limit for the premises shall not exceed 45 persons
- That the written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the policy,

If we can agree all of the above will be in a position to withdraw my representation,

With kindest regards

Jayne

Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525 2000

From: [REDACTED]
Sent: Thursday, February 28, 2019 10:37 AM
To: Tear, Jayne
Cc: McArthur, Wesley
Subject: RE: REPRESENTATION RE 28 PECKHAM RYE, SE15 4JR

Hi Jayne,

Many thanks for your reply.
I fully accept the conditions you have laid out as they are worded in your email.

If you need anything further please don't hesitate to contact me.

Kind regards,
Madelaine Beevers

One & All Cafe

T [REDACTED]
E [REDACTED]
[REDACTED]

From: Tear, Jayne
Sent: Thursday, February 28, 2019 3:02 PM
To: [REDACTED]
Cc: McArthur, Wesley
Subject: RE: REPRESENTATION RE 28 PECKHAM RYE, SE15 4JR
Importance: High

Dear Maddy,

Thank you for your quick response, I can now confirm that on the basis of all agreed in the email below sent at 28/02/2019 10:12:43, my representation is withdrawn,

With kindest regards

Jayne

Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525 2000



Womens Safety Charter

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

██████████
 ██████████
 ██████████
 24/01/19

To Whom It May Concern

RE: LICENSING APPLICATION 866263

I'm sending this letter as an objection/concern to the licensing application by Madelaine Beevers for an alcohol license for One and All Cafe at 28 Peckham Rye

I live ██████████ premises and I object to the licensing application for the following reasons.

- It is proposed that the cafe will remain open until 10.30 pm on a daily basis except Mondays. The area is primarily residential with professionals and families living in the near vicinity. Having noise seven days a week would be unacceptable. This will cause excessive noise pollution during and after the bar has closed. The consumption of alcohol can also cause anti-social behaviour.
- I live ██████████ and am aware from previous evening events held at the opening and private parties with the former owners that the property is not sound proofed. This is hugely annoying as the noise travels up to my flat and is very disturbing. If there is night events etc I would expect the cafe to be soundproofed.
- I am not in my flat in the day so can tolerate the annoyance of people using my front door space to rest their bikes, smoke cigarettes etc. I am in my flat at night and would find this intimidating and intrusive.
- The anti-social behaviour already experienced by residents are drunken, loud behaviour, litter and urinating. This has increased steadily with the rapid changing nature of the area. The area already has many drinking and eating premises. There is not the need for a further drinking/ eating establishment at night.
- The pavements have become overfull with refuse (large industrial sized bins) from the restaurants. The rubbish is already also stored behind the establishments attracting foxes, rats and mice. The area is primarily residential, the abundance of restaurants opening is causing an increased amount of rubbish on the streets. Many of the commercial properties leave bags or flytip illegally, the area is filthy at night and especially in the morning. Another drinking premises would not help this situation but would contribute to it. The rubbish already left outside the cafe by commercial business is unacceptable and there is obviously no regard for the residents or the community.
- Noise pollution is also caused by the moving of bins and throwing of glass into the bins at late hours.
- Drunken and loud people gather at the bus stop and the taxi ranks. This disturbs the neighbourhood and is upsetting. Glass and other rubbish is found at the bus stop in the mornings. This is especially dangerous for children.
- The amount of road traffic has increased. Cars are parked on both sides of the road, on single and double yellow lines.
- People would be accumulate on the pavement to smoke. This is unpleasant, the smell travels and cigarette butts are left. People who use the bench outside the cafe willingly leave their cigarette butts on the pavement, I have not witnessed the cafe ever having swept them up. They are stuck to our shoes and are carried inside. Having the cafe open later and people smoking on the street into the night would only increase this.
- Deliveries to the restaurant would also cause traffic and noise.

To summarise objection fits all four of Southwark Councils criteria;

1. The prevention of crime and disorder

2. Public safety
3. The prevention of nuisance
4. The protection of children from harm

Regards



Dear resident,

Having received your objections to my application for a premises licence at 28 Peckham Rye please find below my response to each of your points:

1. Regarding noise pollution. You have said that having noise seven days a week will be unacceptable. On Sunday evenings we will be closed and on Mondays the Migrateful charity cooking class will be using the site. While I understand that the simple increase in customers to and from the café will increase, I do not believe this will have significant effect on noise in the area. I plan on staying open in the evenings regardless of obtaining a premises licence because the evening openings are about the community events and activities that will take place in the café. These range from open mic poetry nights, talks and debates, comedy evenings and film screenings. The opening hours are considerate and closing times deliberately on the early side. I have no interest in running a late night bar and will be extremely strict in making sure that noise is not a problem. We will stop serving alcohol at 10pm which is significantly earlier than other venues in the immediate vicinity. We are not serving spirits in the café, only beers and wine. In my experience, it is the combination of highly alcoholic drinks and longer hours in which to consume them that causes problems with noise and rowdy behaviour. I have deliberately chosen to exclude spirits and close at 10.30pm in order to minimise disruption and prioritise the community events which will all be concluded earlier in the night.
2. Sound travelling up the building. I cannot speak for the former owner, but it is usually amplified music coming from speakers that will travel up the building and I assume he/she did not control the volume. I would like to reassure you that on nights where there are no events, there will be background music playing while customers have dinner. This will not cause a disturbance as it will be the same level as during the day and will decrease as we approach closing time. There will be no excessive noise being emitted beyond normal restaurant sounds. The events themselves will not be amplified and will not involve sound levels that will cause disturbance. While I fully understand why you might be worried about the noise levels travelling up from the café it is important that I point out the type of activities that will be taking place; we are talking about spoken word jams, talks, art sessions, some acoustic music, comedy and poetry nights. These types of events will not create unreasonable noise and it is my belief that soundproofing would be totally redundant. All music will be turned off at 10.30pm at the latest.
3. I have seen no evidence that people would rest their bikes against your door throughout the night and cannot comment on this. As for smokers please be reassured of the smoking policy I will be strictly adhering to. There will be no more than four smokers outside the café at the same time, no smoking after 10pm and absolutely no drinking outside. Restricting the smoking numbers discourages groups from smoking together which will lessen noise but also reduces the amount of smoke itself.
4. You have pointed out the anti-social behaviour that exists in the area due to drinking. I have also experienced this and in particular the area directly opposite the café that is used for public drinking and hanging out. My team and I have no intention of serving these people and encouraging anti-social behaviour. I fully understand that living above a venue that sells alcohol you may be worried about customers becoming rowdy as a result of consuming it but I must remind you we will not be serving alcohol past 10pm and spirits will not be available. My staff and I are well trained and dealing with people who may become rowdy but it is my belief we will rarely have to call upon this training.

You have included a subjective comment about the area not needing anymore eating/drinking establishments. I agree the area is changing rapidly but I believe it is changing for the better. Having legitimate and well controlled evening establishments for local people is always better than it being the place known for anti social behaviour and street drinking. In the future it will cease to be the place where you can get away with this behaviour and just be a thriving independent high street.

5. You point out the problem with other commercial businesses and residents leaving rubbish outside the front of the café. I agree this is horrible and I will be happily assist in approaching the council on this issue as I do not like the build-up of rubbish outside my business. However, my obtaining a licence is not going to make it worse. The previous business unfortunately had a contract with a disreputable waste company who did not collect when they said they would. The larger refuse bins were also attracting residents and businesses to dump more bags on top and were often there for days at a time. In my experience I have found these bins to be troublesome and do not use them. I have a contract with a highly reliable, environmentally friendly waste company whereby we put our bins out (away from the main build up – please see picture attached for extent of our waste output) during the one hour slot the trucks are passing. I pay more than the average for this contract and am happy to do so in order to do my bit to improve this issue, not make it worse. Our waste management system would continue in the same way should a premises licence be obtained.
6. As per the previous point, I do not use the big refuse bins so there would be no noise pollution created by moving them outside. Glass from wine bottles, (all our beer will be in cans) will be disposed of using recycling bags and collected promptly by our waste management company during the day.
7. The bus stop has always been a busy place and a natural location for people travelling home so I understand why you might worry that customers from the café will add to this. However, we have a strict dispersal policy and will do our utmost to ensure customers leave quietly. Due to the early closing time compared with other local venues and lack of spirits on offer this issue will not be made worse by our customers as they will have dispersed long before the other establishments close and will not be so heavily under the influence. Glass being left at the bus stop is a very specific situation that I find it hard to respond to in any way that will appease you. Please be assured my team and I will always do our utmost to assist customers in moving on swiftly and respecting the neighbourhood as much as possible.
8. You state that traffic has increased and people park on both sides of the road. While I understand it is busy area I cannot comment as you mention no relevance to my obtaining a premises licence.
9. Smoking outside the café. I fully appreciate this is a frustrating issue. Please be assured that because you have not witnessed us sweeping up the cigarette butts it does not mean it isn't happening. We sweep most afternoons if there is a build up and the street cleaner does this in the morning as well. People who smoke while waiting for buses also contribute to this problem and the butts likely build up again in the evening. We have a strict smoking policy as explained in point 2 which restricts smoker numbers. There are no cigarette bins outside the café as these encourage smoking and attract other smokers not using the café to loiter while they finish their cigarettes. In light of this we will conduct a thorough sweep outside the premises as part of our close down duties.

10. Any additional deliveries will take place between 9am and 5pm Monday to Friday, no parking is allowed outside the café due to the location of the bus stop and there will be no extra noise.

In light of your objections I want to take this opportunity to briefly explain the vision behind the evening openings. I am planning evening activities centred around the community scene and being a great venue for events that improve the lives of residents, many of whom will not be interested drinking and staying out late. I would however still like to offer some local beers and wine because this goes hand in hand with having dinner out and attending evening events. My team and I will always respect that neighbours are residing in the same building and will do our best to make sure you are not disturbed. Any rowdiness cause by the consumption of alcohol will be swiftly and quietly dealt with in a way you can rely upon. You will hopefully feel no difference to how it is now.

Thank you very much for taking the time to read my responses.

Madelaine Beevers



From: [REDACTED]
Sent: Thursday, February 21, 2019 10:32 PM
To: McArthur, Wesley
Subject: Re: Licensing application 866263

Dear Wesley,

Thank you for all the documents. I would like to proceed with further comments (1). I would welcome meeting with the applicant but as such they have made no attempt to do so.

Also, I am aware that other residents wished to submit applications as the sign on the cafe window indicated that the closing date was 10th Feb. The council website was not accepting applications as the date had passed before this. I am wondering why conflicting information was displayed.

[REDACTED]

21 Feb 2019

With regards to the response from One and All cafe I would like to proceed with my objection. I appreciate clarity being given on all the points but refer back to point 2 which is still causing concern. I also appreciate wanting to build a successful business however as this is also my home it is of highest importance that we are allowed to continue living in a peaceful environment. The majority of the area is residential.

I enclose the response for referral.

Sound travelling up the building. I cannot speak for the former owner, but it is usually amplified music coming from speakers that will travel up the building and I assume he/she did not control the volume. I would like to reassure you that on nights where there are no events, there will be background music playing while customers have dinner. This will not cause a disturbance as it will be the same level as during the day and will decrease as we approach closing time. There will be no excessive noise being emitted beyond normal restaurant sounds. The events themselves will not be amplified and will not involve sound levels that will cause disturbance. While I fully understand why you might be worried about the noise levels travelling up from the café it is important that I point out the type of activities that will be taking place; we are talking about spoken word jams, talks, art sessions, some acoustic music, comedy and poetry nights. These types of events will not create unreasonable noise and it is my belief that soundproofing would be totally redundant. All music will be turned off at 10.30pm at the latest.

The former owners never played amplified music and appeared to control the volume. However the cleaners in the evening would turn the radio up. Only on couple of occasions did they have evening events and again there was not amplified music just acoustic. The sound travelled into the common area and the flat. The reason being that there are only stud walls between the cafe back wall and the residential areas. With this in mind and our previous experiences of noise I wonder how the definitive comment 'The events themselves will not be amplified and will not involve sound levels that will cause disturbance' can be made.

There is no reference to how often these events will be happening which is also of concern, will this be very week?

I agree that 10.30pm is not late when you are having a night out but I work every day and so on a regular basis this would be intrusive and a disturbance.

The reply states that the events will not create unreasonable noise, I would like to know what is considered reasonable noise?

I am also curious to the knowledge about sound proofing being redundant, has this be proven? This is contrary to information I have read and I have also known of other restaurants being required to take such measures to protect residents.

Thank you

██████████

Dear Resident,

I apologise for any lack of clarity on the sound levels issue. I don't want to repeat anything I wrote in my first answers but I would like to make it as clear as possible what sort of noise you are likely to experience:

- We will be open until 10.30pm Tuesday to Saturday. The plan is to have events once or twice a week likely on Wednesday – Friday.
- On nights when there is no event the café will likely emit the same noise levels as during the day.
- At the café we plan to have an open mic/poetry night once every couple of weeks and an organised talk once every couple of weeks as well. Somewhere in the mix there will be craft evenings and some acoustic nights but I'm unsure of the frequency of these at this stage.

Regarding noise levels there will be a gathering of people at the back of the café to hear poets, speakers and performers. This is why I have written "*the events themselves will not be amplified and will not involve sound levels that will cause disturbance.*" I was trying to get across that the type of noise that these activities produce is not likely to be heard throughout the building and therefore will not cause disturbance. Consequently, sound proofing the café would be a waste of time and money. If we were to put on an event that produced greater noise levels or amplified music etc I would absolutely liaise with neighbours first and discuss sound proofing etc.

Finally, I would like draw attention to the fact that I am not required to have a licence for the activities I have described nor to stay open until 10.30pm. In light of this information would you be willing to withdraw your objection?

Many thanks,

Madelaine Beevers

One & All Cafe

From: [REDACTED]
Sent: Tuesday, March 05, 2019 11:06 PM
To: McArthur, Wesley
Subject: Re: Application for a premises licence - One and All Cafe, 28 Peckham Rye, London, SE15 4JR (our ref: 866263)

Dear Wesley

Please find attached my final comments and my wish to continue with the objection due to possible noise pollution (choice one) As I mentioned before I would have been willing to meet with the cafe owner to discuss my objection and concerns.

Regards

[REDACTED]

Thank you for providing clarity to the concern about noise pollution. With these details we feel that perhaps we need to give more details about the extent of noise travel and why we are adamant that soundproofing has been deemed necessary.

Due to the lack of insulation and the current stud walls it is possible to hear café noise during the day in the stairwells and in the flat above. This includes the sound of talking, movement etc. It is felt that this is acceptable in the day as we are working, it mixes in with outside daytime noise. Unfortunately at night though, we feel that this would be intrusive and a disturbance to the residents' living and sleeping, the idea of acoustic music is especially worrying.

I believe that the restaurant at 46 Peckham Rye and Pedlar soundproofed their restaurants to protect the residents from 'restaurant' noise. In these old and poorly insulated buildings soundproofing can be effective.

Given our worries we are afraid that we cannot withdraw our objection.

Regards

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6-Mar-2019

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