

## Licensing Sub-Committee

Thursday 6 August 2020  
10.00 am

Online/Virtual: please contact [poonam.patel@southwark.gov.uk](mailto:poonam.patel@southwark.gov.uk) for a link to the meeting and the instructions for joining the online meeting

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Margy Newens  
Councillor Ian Wingfield

### Reserves

Councillor Adele Morris

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#### Contact

Poonam Patel by email: [poonam.patel@southwark.gov.uk](mailto:poonam.patel@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**  
Chief Executive  
Date: 29 July 2020



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### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: THEO'S, 2-4 GROVE LANE, LONDON SE5 8SY</b>	1 - 56
6.	<b>LICENSING ACT 2003: SAYER STREET, ELEPHANT PARK, LONDON SE17 1FY</b>	57 - 94

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

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

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

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

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

Date: 29 July 2020

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 6 August 2020	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Theo's, 2-4 Grove Lane, London SE5 8SY	
<b>Ward(s) or groups affected:</b>		Camberwell Green	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by East 12<sup>th</sup> Restaurants Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Theo's, 2-4 Grove Lane, London SE5 8SY.
2. Notes:
  - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Theo's, 2-4 Grove Lane, London SE5 8SY, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to an outstanding representation submitted by a local resident and is therefore referred to the sub-committee for determination.
  - 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 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix E.
  - Paragraphs 13 to 28 of this report deal with the representations submitted in respect of the application. Representations are attached as Appendix C and Appendix D.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

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

## **KEY ISSUES FOR CONSIDERATION**

### **The current premises licence**

8. The current premises licence issued in respect of the premises known as the Theo's, 2-4 Grove Lane, London, SE5 8SY was issued on 23<sup>rd</sup> May 2017 and allows the following licensable activities:
- The sale of alcohol to be consumed on the premises:
    - Sunday to Thursday: 11:00 to 23:00
    - Friday and Saturday: 11:00 to 23:30
  - Opening hours:
    - Sunday to Thursday: 08:00 to 23:30
    - Friday and Saturday: 08:00 to 00:00 (midnight)
  - A copy of the existing premises licence is attached as Appendix A.

### **The variation application**

9. On 15 May 2020 East 12<sup>th</sup> Restaurants Limited applied under section 34 of the Licensing Act 2003 to this Council to vary the premises licence issued in respect of the premises known as Theo's, 2-4 Grove Lane, London SE5 8SY.
10. The application for variation is to add off sales of alcohol for delivery and takeaway (sold ancillary to food only) and to extend the use of the rear garden area from 21:00 to 22:00.
11. A copy of the application is attached to this report as Appendix B.

### **Designated premises supervisor**

12. The designated premises supervisor (DPS) under the existing premises licence is Adam Clark, holding a personal licence with the London Borough of Brent.

### **Representations from responsible authorities**

13. The licensing responsible authority has made representation raising concerns regarding the extended use of the rear garden and asking for clarification on conditions 341 and 305, namely:
- **341** That the rear garden and all doors and windows from the indoor licensable area to the rear of the premises shall close at 20.00pm on Sunday and 21.00pm Monday to Saturday;
  - **305** That signage shall be displayed at the entrance to the back garden stating that the area is closed to patrons from 20.00 on Sunday and 21.00 on Monday to Saturday.
14. The application does not address changes to these conditions in light of the hours of the application. In addition to address the off sales, additional conditions are requested, namely:
- Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.
  - That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.
15. A response has been forthcoming to the licensing responsible authority. The representation and response are available in Appendix C.
16. Southwark's planning authority has not made representation, but have provided a comment, which is also included for members' information in Appendix C.

### **Representations from other persons**

17. One local resident has made representation, which is available in Appendix D.
18. The complainant believes that the granting of the variation will create public nuisance and be a threat to public safety. There are ongoing concerns in relation to a saturation of licensed premises in the area and that the granting of off sales could lead to the increase in rubbish and alcohol consumption in the immediate vicinity. There is also a concern that the hours for off-sales as applied, are excessive, as the premises does not have late night refreshment on their premises licence
19. The objector states that there are already localised issues with patrons consuming alcohol from other premises and that the granting of off sales will exacerbate this. There are concerns about access to their property having experienced issues in the past. The Objector claims to have experienced abuse trying to access their address.
20. There is a further complaint regarding a notice and a noisy sanding machine. The objector claims that off sales already take place from the premises and that the council has failed to investigate this.

21. The objector has added photographs of what he believes to show customers consuming alcohol outside of the premises and a video of a patron in the rear garden.
22. The objector states that the application was not advertised correctly at the premises and that the Council has failed to address this. The objector has contended that the correct procedure has not been adhered to regarding this application and the date on the poster and wants the application to be rejected.
23. The licensing authority have extended the consultation period twice (by two days in total) to ensure that the full 28 days consultation period was given; the objector made their representation on the last day.
24. The licensing authority would not consider lightly rejecting an application where there is a minor error, but in this case it is believed that residents are not disadvantaged by that error and, if rejected, the same application would be submitted the next day. The objector knew of the application from an early date, was also sent a copy of the application, discussed the application with his neighbours and, after extensive emails advising they can, made the attached representation.
25. Licensing case law is helpful on this issue, in R (D&D Bar Services Ltd) -v- Romford Magistrates Court and the London Borough of Redbridge [2014] EWHC 213 Admin) where a notice had 2 minor errors the appeal judge at the High Court, HHJ Blackett states:
 

*"...in my view it could never have been the intention of Parliament that minor errors on a notice or advertisement for a licensing review should make any subsequent consideration of the licence void. Such an approach would lead to absurd consequences. It is clear that there must be substantial compliance with Regulations 38(1) (a) and 39 but the process should not be frustrated by minor errors."*
26. This makes the case that a minor error in not following regulations would not necessarily be fatal to the proceedings, what we have to decide is if the consequence of the defect is to invalidate the proceedings so that the applicant has to start again, in our view in this case it does not. The objector may raise this matter at the licensing Hearing; if they do, Members may deal with the issue at that time, under legal advice.

### **Conciliation**

27. The representation from the licensing responsible authority has been responded to and is available in Appendix C.
28. The representation from the local resident has been provided to the applicant. The applicant is aware of whom the objector is, as there has been a history of issues between them.

### **Operating history**

29. The premises licence was originally applied for in February 2015 and granted following a sub-committee hearing. A minor variation was further granted in May 2017 in regards to the layout of the internal licensed area and the use of the rear garden.
30. On 10 January 2018 East 12<sup>th</sup> Restaurants Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence to add off sales of alcohol for delivery and takeaway. This application was withdrawn.
31. The premises has never applied for temporary events notices.

32. The following is a historical list of complaints received in relation to the premises (followed by follow-up visits carried out by officers in paragraph 33). While historical complaints are not necessarily relevant to the current application, the resident objector has stated that the council has failed to investigate licence breaches by the premises:

Date	Complainant	Complaint
12/01/2016	Local resident	Complaint of noise from premises (to Noise Team)
13/01/2016	Local resident	Complaint of music from premises (to EPT)
20/01/2016	Local resident	Complaint of breaches of licence; people drinking glasses of wine outside the premises, people in the premises drinking and not eating a meal and noise (to Licensing)
27/02/2016	Local resident	Complaint of music from premises (to Noise Team)
18/05/2016	Local resident	Complaint of use of the rear garden beyond hours with windows and doors open. Noise from drunken patrons leaving the premises. Complaint of drinks offered to patrons awaiting food (to Licensing).
From 30/03/2017 to 25/04/2017	Local resident	Multiple complaints via email and telephone recorded on a single data entry. Complaints of: <ul style="list-style-type: none"> <li>• Licence breaches</li> <li>• Use of the rear garden beyond hours</li> <li>• Patrons drinking on the pavement</li> <li>• The absence of the DPS</li> <li>• That the licence holder is a 'proxy holder'</li> <li>• Noise disturbances</li> <li>• Doors and windows remaining open (or being slammed)</li> </ul>
From 25/07/2017 to 03/08/2017	Local resident	Complaint regarding not being informed of the minor variation. Complaint of unlicensed late night refreshment and on-going noise issues and licence breaches.  On 31/07/2017 the Complainant came to the Council offices and met with the Principal Licensing Officer and Licensing Manager.  On 03/08/2017 the Principal met with owners/management at the premises and discussed all concerns. No breaches were found. Further observations/inspections to be carried out.
09/02/2018	Local resident	Complaint regarding previous variation application. Errors on the premises notice. The Notice was inspected, corrected and the consultation was recommenced. The application was withdrawn.
25/06/2018	Local resident	Complaint regarding the layout of the premises in relation to how the Council had taken measurements of the premises for planning purposes. Complaint that changes should not have been a minor variation. Advice given.
27/06/2019	Local resident	Claim that premises is breaching Condition 341

Date	Complainant	Complaint
		'That the rear garden and all doors and windows from the indoor licensable area to the rear of the premises shall close at 20.00 on Sunday and 21.00 Monday to Saturday'. Complainant stated that he had tried to sort this informally with management and has written to them twice. The premises was inspected and found to be fully compliant.

33. It should be noted that all complaints are from one local resident. This local resident is the author of the representation against this application.
34. As a result of the complaints received by the Licensing Authority, the premises has been visited and has had observations carried out. A list of visits and observations by Licensing Enforcement Officers conducted to the premises are as follows:

Date	Time	Outcome
21/01/2016	00:10	Full inspection carried out – found to be fully compliant.
21/05/2016	21:30	Inspection of rear garden – which was closed. Appropriate signage in place. Some people stood out the front of the premises.
08/04/2017	20:45	Observations: Nobody out front, all quiet.
02/06/2017	18:36	Visit further to complaint – No patrons in the rear garden, no patrons out front smoking or drinking. Noted that the door from the kitchen leading to the rear beer garden was closed and bolted and locked shut. The immediate front of the premises was checked and no bottles or glasses were left discarded in the immediate front vicinity of the premises.
23/06/2017	20:15	Visit further to on-going complaint. No patrons of the premises drinking at the front or rear of premises beer garden.
14/07/2017	20:25	Compliance check. No patrons of the premises at the front of the premises with drinks /no smokers were also located at the front of the premises. Rear garden was unoccupied. No issues in relation to compliance.
15/07/2017	19:10	Observations: Nobody outside all quiet.
29/07/2017	19:40	Visit to premises. No patrons located outside the premises drinking. Rear beer garden checked no patrons located in the rear beer garden.
18/08/2017	20:30	Visit to premises. X5 patrons outside the premises by the main entrance waiting to collect their pizza orders. The premises internally was very busy with almost all covers within the premises taken by seated diners eating and drinking. No patrons located outside the premises drinking. A check of the rear garden was made and it was noted that no patrons were drinking in the garden. No issues of concern were noted.
25/08/2017	21:40	Visit to premises. No patrons of the premises located at the front of the premises drinking or smoking. Check of the rear garden and noted no patrons located there.
27/08/2017	20:05	Observations: Nobody outside, very quiet.
08/09/2017	20:38	Visit to premises. No patrons of the premises located at

Date	Time	Outcome
		the front of the premises drinking or smoking. Check of the rear garden and noted no patrons located there.
02/12/2017	19:36	Observations: three people smoking outside front of building; it was raining outside.
23/12/2017	19:22	Observations: Nobody outside, very quiet.
26/01/2018	22:00	Visit to premises. Entered the premises and noted that windows and doors in the kitchen were closed. No patrons of the premises located outside the premises drinking. Full inspection completed and the premises was found to be fully compliant.
24/02/2018	21:35	Inspection carried out as current variation application. Duty Manager could not find full licence or operate CCTV. Warning email sent, will return to check compliance.
09/03/2018	20:20	Re-inspection as part of current variation application. Fully compliant. Manager very helpful. Discussed the representation by local resident- they are well aware of the resident and are looking at offering to reduce off sales hours.
06/04/2019	23:39	Premises quiet, three people stood outside smoking.
06/07/2019	22:35	Full inspection as a result of complaint. Premise found to be fully compliant at time of inspection.

## Map

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

### **The Hill Bakery & Deli - 4a Grove Lane, London SE5 8SY**

- The sale by retail of alcohol (off sales):
  - Monday to Thursday: 09:00 to 19:00
  - Friday and Saturday: 10:00 to 20:00
  - Sunday: 10:00 to 16:00

### **Hermits Cave, 28 Camberwell Church Street, London SE5 8QU**

- The Sale by retail of alcohol (both on and off sales)
  - Monday to Wednesday: 10:00 to 00:00
  - Thursday to Saturday: 10:00 to 02:00
  - Sunday: 10:00 to 01:00
- The provision of late night refreshment:
  - Monday to Wednesday: 23:00 to 00:00
  - Thursday to Saturday: 23:00 to 02:00
  - Sunday: 23:00 to 01:00
- The provision of regulated entertainment in the form of films, live and recorded music, performances of dance and anything similar:
  - Monday to Wednesday: 10:00 to 00:00
  - Thursday to Saturday: 10:00 to 02:00

- Sunday: 10:00 to 01:00

**Tazze Grill, 22 Camberwell Church Street, London SE5 8QU**

- The sale by retail of alcohol (both on and off sales):
  - Monday to Saturday: 10:00 to 00:00
- The provision of late night refreshment (indoors):
  - Monday to Wednesday: 23:00 to 00:30
  - Thursday and Saturday: 23:00 to 02:00
  - Sunday: 23:00 to 01:00

**London Food and Wine, 12 Camberwell Church Street, London SE5 8QU**

- The sale by retail of alcohol to be consumed off premises:
  - Monday to Sunday: 08:00 to 03:00

**Food and Wine, 4 Camberwell Church Street, London SE5 8QU**

- The sale by retail of alcohol to be consumed off premises:
  - Monday to Sunday: 00:00 to 00:00

**The Crooked Well, 16 Grove Lane, London SE5 8SF**

- The sale by retail of alcohol (both on and off sales):
  - Sunday to Thursday: 10:00 to 00:00
  - Friday and Saturday: 10:00 to 01:00
- The provision of late night refreshment (indoors):
  - Sunday to Thursday: 23:00 to 00:00
  - Friday and Saturday: 23:00 to 01:00
- The provision of regulated entertainment in the form of films, live and recorded music (indoors):
  - Sunday to Thursday: 10:00 to 00:00
  - Friday and Saturday: 10:00 to 01:00

**Camberwell Superstore, 34 Camberwell Church Street, London SE5 8QZ**

- The sale by retail of alcohol to be consumed off premises:
  - Monday to Saturday: 08:00 to 23:00
  - Sunday: 10:00 to 22:30

**Daily Goods, 36 Camberwell Church Street, London SE5 8QZ**

- The sale by retail of alcohol (on and off sales):
  - Monday to Sunday: 10:00 to 22:00

**Van Hing, 42 Camberwell Church Street, London SE5 8QZ**

- The sale by retail of alcohol (both on and off sales):
  - Monday to Saturday: 11:00 to 00:00
  - Sunday: 12:00 to 23:30
- The provision of late night refreshment (indoors):
  - Monday to Saturday: 23:00 to 00:30
  - Sunday: 23:00 to 00:00

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

- The sale by retail of alcohol (on and off sales):
  - Sunday to Thursday: 10:00 to 23:30
  - Friday and Saturday: 10:00 to 00:30
- The provision of late night refreshment (indoors and outdoors):
  - Monday to Sunday: 23:00 to 05:00

**FM Mangal, 54 Camberwell Church Street, London SE5 8QZ**

- The sale by retail of alcohol (both on and off sales):
  - Monday to Sunday: 12:00 to 00:00
- The provision of late night refreshment (indoors):
  - Monday to Wednesday: 23:00 to 01:00
  - Thursday to Saturday: 23:00 to 02:00
  - Sunday: 23:00 to 00:00
- The provision of regulated entertainment in the form of recorded and live music, performances of dance and anything similar (indoors):
  - Monday to Wednesday: 09:00 to 01:00
  - Thursday to Saturday: 09:00 to 02:00
  - Sunday: 12:00 to 00:00

**Portuguese Cafe Deli, 11 Camberwell Church Street, London SE5 8TR**

- The sale by retail of alcohol to (on and off sales):
  - Monday to Sunday: 08:00 to 00:00

**Wuli Wuli, 15 Camberwell Church Street, London SE5 8TR**

- The sale by retail of alcohol (on sales):
  - Sunday to Thursday: 12:00 to 23:00
  - Friday and Saturday: 12:00 to 01:00
- The provision of late night refreshment (indoors):
  - Sunday to Thursday: 23:00 to 23:30
  - Friday and Saturday: 23:00 to 01:00

**Nape, 21 Camberwell Church Street, London SE5 8TR**

- The sale by retail of alcohol (on and off sales):
  - Monday to Sunday: 11:00 to 23:00

**Funky Munky, 25 Camberwell Church Street, London SE5 8TR**

- The sale by retail of alcohol (both on and off sales):
  - Sunday to Wednesday: 10:00 to 00:00
  - Thursday: 10:00 to 02:00
  - Friday and Saturday: 10:00 to 03:00
- The provision of late night refreshment (indoors):
  - Sunday to Wednesday: 23:00 to 00:30
  - Thursday: 23:00 to 02:30
  - Friday and Saturday: 23:00 to 03:30
- The provision of regulated entertainment in the form of live and recorded music, performances of dance and anything similar (indoors):
  - Sunday to Wednesday: 10:00 to 00:00
  - Thursday: 10:00 to 02:00
  - Friday and Saturday: 10:00 to 03:00

**Communion, Basement Of Angels & Gypsies Restaurant, 29-33 Camberwell Church Street, London SE5 8TR**

- The sale by retail of alcohol (both on and off sales):
  - Sunday to Thursday: 11:00 to 00:30
  - Friday and Saturday: 11:00 to 03:00
- The provision of late night refreshment (indoors):
  - Sunday to Thursday: 23:00 to 00:30
  - Friday and Saturday: 23:00 to 03:00
- The provision of regulated entertainment in the form of live and recorded music, performances of dance and anything similar (indoors):

- Sunday to Thursday: 11:00 to 00:30
- Friday and Saturday: 11:00 to 03:00

**Kentucky Fried Chicken - 35 Camberwell Church Street, London, SE5 8TR**

- The provision of late night refreshment (indoors):
  - Sunday to Thursday: 23:00 to 02:00
  - Friday and Saturday: 23:00 to 03:30.

**Southwark council statement of licensing policy**

36. Council assembly approved Southwark's statement of licensing policy 2019 - 2021 on 27 March 2019. The policy came into effect on 28 March 2019. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications
  - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
  - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
37. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

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

38. The premises is within the Camberwell cumulative impact zone area and in the Camberwell district town centre area.
39. Under the Southwark statement of licensing policy 2019-2021 the following closing times are recommended as appropriate within this area for these categories of premises:
  - Closing time for restaurants and cafes:
    - Sunday to Monday to 00:00 (midnight)
    - Friday and Saturday to 01:00 (the following day).

### **Resource implications**

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

### **Consultations**

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

### **Community impact statement**

42. 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**

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

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

45. 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.
46. 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.

47. 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.
48. 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**

49. 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.
50. The four licensing objectives are
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
51. 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.
52. 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.
53. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
54. 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**

55. 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**

56. 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
  - 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**

57. 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.
58. 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.
59. 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.

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

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

### **Strategic Director of Finance and Governance**

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

### **BACKGROUND DOCUMENTS**

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

policy Case file		
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## APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copy representation from Licensing and non-representation from Planning
Appendix D	Copy representation from other person (local resident)
Appendix E	Map of the local area

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 July 2020	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		20 July 2020

# Licensing Act 2003 Premises Licence



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

Premises licence number

858651

## Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Theo's 2-4 Grove Lane London SE5 8SY  Ordnance survey map reference (if applicable), 176696532708	
<b>Post town</b> London	<b>Post code</b> SE5 8SY
<b>Telephone number</b>	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

For any non standard timings see **Annex 2**

Monday	08:00 - 23:30
Tuesday	08:00 - 23:30
Wednesday	08:00 - 23:30
Thursday	08:00 - 23:30
Friday	08:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:30

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

Sale by retail of alcohol to be consumed on premises

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

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

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

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 23:30
Saturday	11:00 - 23:30
Sunday	11:00 - 23:00

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

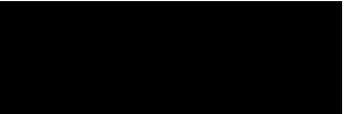
East 12th Restaurants Limited  
c/o Jeffreys Henry LLP,  
5-7 Cranwood Street,  
London,  
EC1V 9EE

**Registered number of holder, for example company number, charity number (where applicable)**  
**8951800****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Adam Clark  


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


Licence Issue date 23/05/2017



Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
licensing@southwark.gov.uk

## **Annex 1 - Mandatory conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

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

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

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

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

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

**288** That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

**289** That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days

**293** That the premises' staff will be trained to understand the responsibility attached to the supply of alcoholic drinks and that alcoholic drinks shall be limited to beer, cider or wine may be served to and consumed by persons aged 16 or 17 only if they are accompanied by persons over the age of 18 and consuming substantial food while sitting at a table.

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

**4AB** That all staff involved in the sale of alcohol shall before doing so, receive training which will include legal requirements as to the supply of alcohol to people. This shall include training in the agecheck 'Challenge 25' policy. A record of their training, for each member of such staff shall be maintained and be available for inspection at the premises on request by the council's authorised officers or the police.

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

**4AI** That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

**315** That the back garden area shall be closed to patrons at 20.00 on Sunday and 21.00 on Monday to Saturday.

**432** That the telephone number of a person responsible for the management of the premises shall be prominently displayed, in such a way as to be visible to the public without the need to enter the premises, whenever entertainment is being provided under this licence in order for them to receive and respond to any complaints.

**332** That no alcoholic drinks will be served to persons under 16 years of age, even when with adults, and no provision of any alcoholic drinks will be to unaccompanied persons under 18 years of age.

**341** That the rear garden and all doors and windows from the indoor licensable area to the rear of the premises shall close at 20.00pm on Sunday and 21.00pm Monday to Saturday.

**342** That those who temporarily leave the premises to smoke a cigarette shall use the street frontage at all times, no more than 6 people at one any time. No alcohol or beverages shall be taken out of the premises at any time.

**345** That there shall be no more than 20 patrons in the rear garden at any one time.

**346** That save for no more than ten persons at any one time, who may consume alcohol in the premises without a meal, limited to one intoxicating drink, 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.

**347** That the furniture in the garden shall all have rubber feet for the purpose of limiting noise nuisance.

**432** That the premises licence holder shall display a telephone number for local residents to contact management of the premises as and when necessary.

**305** That signage shall be displayed at the entrance to the back garden stating that the area is closed to patrons from 20.00 on Sunday and 21.00 on Monday to Saturday.

**316** That deliveries, collections and external cleaning shall not occur between 20.00 and 08.00.

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

**Annex 4 - Plans - Attached**

Licence No.	858651
Plan No.	Plan submitted on 08/05/2017 did not have a reference number.
Plan Date	Plan submitted on 08/05/2017 was not dated.

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** East 12<sup>th</sup> Restaurants Limited

*(Insert name(s) of applicant)*

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

**Premises licence number**

858651

**Part 1 – Premises Details**

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

2 Grove Lane

Post town

London

Postcode

SE5 8SY

Telephone number at premises (if any)

██████████

Non-domestic rateable value of premises

£23,000

**Part 2 – Applicant details**

Daytime contact  
telephone number

Simon Leaver

E-mail address (optional)

██████████

Current postal address if  
different from premises  
address

Same as business

Post town

Postcode

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? YES  Yes   
No

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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  No

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

- a) Garden opening hours extended by one hour to 22:00 Monday to Saturday and 21:00 Sunday
- b) Introduction of Sale by retail of Alcohol to be consumed off the premises

NO change to opening times:

Monday	08:00 - 23:30
Tuesday	08:00 - 23:30
Wednesday	08:00 - 23:30
Thursday	08:00 - 23:30
Friday	08:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:30

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)

Y  
ES

**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								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur								
Fri						<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)		
Sat								
Sun								

## B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films 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 the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur			<u>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</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
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</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
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</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<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</u> (please read guidance note 7)		
Sat					
Sun					

## F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music 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								
Wed						<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur								
Fri						<u>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</u> (please read guidance note 7)		
Sat								
Sun								

## G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

## H

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

## I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)  NONE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	Y ES <input type="checkbox"/>
Mon	12:00	23:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)	None	
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00	<b>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</b> (please read guidance note 7)	None	
Fri	12:00	23:30			
Sat	12:00	23:30			
Sun	12:00	23:00			

K

<p><b>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).</b></p> <p>None</p>
--

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	00:00	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 7)
Sat	08:00	00:00	
Sun	08:00	23:30	

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.

None

Please tick as appropriate

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

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Unable to attach, please see on Southwark License Register

**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)**

The garden will be managed as now by our staff with customers not seated within 30 mins of the garden closing, waitress service ensuring customers arrive and leave quietly and no tables with greater than 6 customers, ie no large groups

Offsales alcohol will be managed under the same Challenge 25 rules are opertate within the restaurant. Only beer and wine will be sold for offsales and in closed packaging. Customewrs will be advised the drinks are for consumption at home away from the immediate area.

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

No impact

**c) Public safety**

No impact

**d) The prevention of public nuisance**

The Theo's end of evening restaurant close-down will have a new item added that staff are to check the area outside the pizzeria for any signs of our drinks packaging and remove them. We have never had an issue with takeaway pizza packaging littering the streets and do not anticipate any from drinks packaging.

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

No impact

Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, 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	Simon Leaver
Date	9/6/20
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	
Date	
Capacity	

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

Simon Leaver

2 Grove Lane

**Post town** London

**Post code** SE5 8SY

**Telephone number (if any)**

■■■■ ■■■■

<p><b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b></p> <p>████████████████████</p>
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### Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not

exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

**Please submit the completed form to along with the payment either by cheque or postal order made payable to London Borough of Southwark and dispatch to the following address below.**

***Environment and Social Regeneration  
Regulatory Services – Licensing Team  
160 Tooley Street  
3<sup>rd</sup> Floor Hub 1  
PO Box 64529  
London  
SE1P 5LX  
E-mail: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)  
Tel 020 7525 4261***

***Home Office  
Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon CR9 2BY  
Email - [Alcohol@homeoffice.gsi.gov.uk](mailto:Alcohol@homeoffice.gsi.gov.uk)***

***Commissioner of Police for the Metropolis Licensing Office Southwark  
Police Station  
323 Borough High Street  
London  
SE1 2ER  
Tel: 0207 232 6756  
Email: [southwarklicensing@met.police.uk](mailto:southwarklicensing@met.police.uk)***

## MEMO: Licensing Unit

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To	Licensing Unit	Date	7 July 2020
Copies			
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

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Subject Re: Theo's, 2-4 Grove Lane, London, SE5 8SY  
 – Application to vary a premises licence

I write with regards to the above application to vary a premises licence submitted by East 12<sup>th</sup> Restaurants under the Licensing Act 2003, which seeks to add the following licensable activities:

- Supply of alcohol (off the premises) on Sunday to Thursday from 12:00 to 23:00 and on Friday and Saturday from 12:00 to 23:30
- Overall opening times shall be on Sunday to Thursday from 08:00 to 23:30 and on Friday and Saturday from 08:00 to 00:00
- To extend garden opening hours by one hour to 22:00 on Monday to Saturday and to 21:00 on Sunday

My representation is based on the Southwark Statement of Licensing policy 2019 – 2021 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

This premise is situated within the Camberwell District Town Centre Area and also falls within the Camberwell Cumulative Impact Policy Area.

My representation is based on the Southwark Statement of Licensing policy 2019 – 2021 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

This premises had previously held a premises licence, whereby the back garden area was used. The council had received complaints in the past, of noise from patrons using the back garden area from a resident who lives in very close proximity to the premises back garden area. To address those concerns, when this original licence was applied for, I requested that the back garden area closed at 20:00 on each day and after conciliation with the applicant the following conditions (that are now on the current licence) were agreed:

**341** That the rear garden and all doors and windows from the indoor licensable area to the rear of the premises shall close at 20.00pm on Sunday and 21.00pm Monday to Saturday.

**305** That signage shall be displayed at the entrance to the back garden stating that the area is closed to patrons from 20.00 on Sunday and 21.00 on Monday to Saturday.

This application does not ask to remove or amend the above conditions. It merely states that it is the intention to extend garden opening hours by one hour to 22:00 on Monday to Saturday and to 21:00 on Sunday.

I seek clarification regarding conditions 341 and 305 and whether it was the intention to amend them by adding on the extra hour. As within the application the following question is asked 'please *identify those conditions imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking*' and the applicant has answered – NONE. This means that conditions 341 and 305 will still be on the licence and in conflict if the garden were allowed to open for an extra hour as requested.

Furthermore due to the limited information on the application form and to promote the licensing objectives I ask the applicant to consider adding the following conditions to the operating schedule to promote the licensing objectives:

- Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.

I welcome any discussion with the applicant to consider the above representation.

Southwark's Statement of Licensing Policy 2019 – 2021 can be found on the following link:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear  
Principal Licensing Officer  
In the capacity of Licensing Authority as a Responsible Authority

**Response to licensing**

**From:** Simon Leaver [REDACTED]  
**Sent:** Wednesday, July 08, 2020 3:24 PM  
**To:** Heron, Andrew  
**Cc:** Tear, Jayne; Regen, Licensing; Franklin, David; Theo Lewis  
**Subject:** Re: REPRESENTATION RE THEO'S

Jayne, Andrew - I can confirm that the conditions 341 and 305 need to be amended by adding an extra hour.

Jayne -

1. Regarding the 2 conditions you have suggested we add, I can confirm we are in agreement to add the first condition "Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises". Regarding the second condition, given the extensive signage we already need to display for customers such as menus, Challenge 25, opening/closing times, information regarding how the restaurant operates safely whilst we are still in the middle of the Covid-19 pandemic, we do not believe another sign telling customers to consume off sales outside the immediate vicinity will be noticed / effective. Instead we would propose a condition that our staff are trained to communicate this information to customers verbally every time they purchase off sales.

2. Regarding the extended garden hours, I think it is important to make two points

a) My understanding is that there has never been a specific complaint about noise from customers in the rear garden of the restaurant. We police the space meticulously and since we have a dedicated member of staff looking after customers there in the evenings I feel confident in saying we would be able to spot and deal with any customer issue extremely quickly. Furthermore we have had just one complaint since 2017 relating to noise and this was caused by a customer opening the door to the garden after it had been closed and the noise from inside the restaurant spreading out and up. Following that incident we changed our staff procedures to physically lock the door at garden closing time, which has prevented the issue ever arising again.

b) From a practical, financial perspective having extended access to external space is critical to the financial viability of the restaurant. We cannot have external seating at the front of the restaurant so the garden provides us with extremely valuable space to seat diners when the weather permits. The UK Government is actively encouraging the increased use of outdoor space for the hospitality industry and we believe our proposal for one extra hour of use daily is reasonable given the context.

Kind regards  
Simon

**Simon Leaver**  
[REDACTED]

---

**Co-Founder, THEO'S**  
[REDACTED]

## Planning comment



Licensing Department  
Licensing Department

**Place and Wellbeing Department**

Planning Division

Our ref: CE/20/0221

Your ref: 872517

Contact: Michael Wood

Tel: 0207 525 3189

Email: [michael.wood@southwark.gov.uk](mailto:michael.wood@southwark.gov.uk)Website: <http://planning.southwark.gov.uk>

Date: 23 June 2020

Dear Sir/Madam

**TOWN & COUNTRY PLANNING ACT 1990 (as amended)****REQUEST FOR FORMAL OBSERVATIONS ON A PROPOSAL****APPLICATION:** CE/20/0221**PROPOSAL:** Service for variation of premises licence.**AT:** 2-4 Grove Lane London Southwark

No comment is required on the proposal. For information purposes only, the applicant must maintain the closing/opening hours as described within approved planning condition 3 of 16/AP/0166 that states:

3. The use hereby permitted for a restaurant (Use Class A3) shall not be carried on outside the hours of 08:00 to 23:30 on Sunday to Thursday and 08:00 - 00:00 (midnight) on Friday and Saturdays. The additional use hereby permitted for takeaway delivery service (Use Class A5) shall only operate during the hours of 10:00 to 23:00 on Monday to Sundays and the delivery service shall be carried out by operatives on foot or using non motorised bicycles only from Grove Lane; no takeaway delivery shall take place by operatives using cars/vans at any time

Yours faithfully

Michael Wood

Senior Planning Officer - Planning Enforcement

## APPENDIX D

From: [REDACTED]  
 Sent: Wednesday, July 08, 2020 9:31 PM  
 To: Regen, Licensing  
 Cc: Littleton, David; Wingfield, Ian; Williams, Kieron; Burgess, Radha; Hamvas, Renata;  
 [REDACTED]  
 Subject: Objection to a major and minor variation to the licence of Theo's Pizzeria licence number 872517

[REDACTED]  
 [REDACTED]  
 [REDACTED]

I wish to object to the granting of an Off Sales Licence to Theo's Pizzeria and for the extension of the hours of use of the garden to 9pm on Sunday and till 10pm on all other day of the week .

To Southwark Licencing ,

The granting of an Off Licence will create a Public Nuisance , be a threat to Public safety by putting local residents in potential danger as there will be no means of preventing customers from consuming alcohol till late at night in the vicinity or picnicking in the street with its attendant by production of rubbish and aggravation . We are already saturated with establishments selling alcohol .

We have to contend with uncontrolled patrons drinking on the pavement patrons from the Hermits cave and the Stormbird . Many of these people urinate in the street particularly by the public telephone box opposite Theos and at the corner of Jephson Street. By granting an Off Sales Licence to this RESTAURANT you will make the problems worse .

Mr Simon Leaver in his deposition says his staff will check at the end of an evening for empties ( this would never be earlier than 11.30 at night ) so he clearly is aware that he is inviting an anti social activity which he will not be able to control . In the past our dustbins have been stuffed with empty Theo's pizza boxes and others have been discarded in the street .

Why should the area outside this residential Victorian Villa and at the end of densely populated Jephson Street in the Conservation Area OFF Camberwell Church Street become the playground of those who do not live here and we the residents of this building and my neighbours across the road be forced to run the gauntlet to enter or exit our homes ?

I live above the Pizzeria and we have already have issues with Theo's customers sitting on our doorstep , or refusing to move away from it whilst entering or exiting. My upstairs neighbour [REDACTED] and myself have found this to be intimidating. Twice recently I have asked young men to move away from my door and to please observe social distancing and be told to " f \*\*\* off" and "I hope you catch it" . Yesterday evening a deliveroo bicycle blocked my exiting to the street and the young man refused to move back . I am [REDACTED] years old.

There has been no notice by Theo's put in place asking patrons to respect social distancing, there has also never been a notice asking their customers to leave the area quietly and show consideration to their neighbours . At the height of lockdown in March Mr Leaver took it upon himself to use a deafeningly noisy machine to sand his outside furniture and when it was pointed out to him that it was unreasonable to engage in such activity bearing in the mind that we were all on lockdown and



**To:** Enebeli, Emma

**Subject:** Re: Objection to a major and minor variation to the licence of Theo's Pizzeria licence number 872517

Dear Ms Enebeli,

Here are the photos taken last night mentioned in my deposition. I was unable to attach them last night but mention them in the text and that I would send later, kind regards, [REDACTED]







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**From:** [REDACTED]  
**Sent:** Thursday, July 09, 2020 9:29 PM  
**To:** Enebeli, Emma; Wingfield, [REDACTED] Williams, Kieron; Burgess, Radha  
**Subject:** Video of diners taken after 9pm July 9th in Theo's Garden

Dear Ms Enebeli,  
Please add this video to my deposition. Mr Heron requested better pictures, the ones I took yesterday are the best I can do and make the point that patrons of Theo's drink in the street and do not respect social distancing and this video recording that the garden was still open at 9pm, breaching the terms of their licence is very clear indeed  
Many thanks,  
[REDACTED]



2-4 Grove Lane

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<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 6 August 2020	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Sayer Street, Elephant Park, London SE17 1FY	
<b>Ward(s) of group(s) affected</b>		North Walworth Ward	
<b>From</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Lendlease (Elephant & Castle) Retail Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Sayer Street, Elephant Park, London SE17 1FY.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to a representation from a responsible authority and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 12 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A. Attached to the application is the plan for the layout of the event and the Event Management Plan.
  - c) Paragraphs 13 to 16 of this report deal with the representation submitted in respect of the application. There is one representation against the application in Appendix B and one in support in Appendix C. A map showing the location of the premises is attached to this report as Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

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

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 12 June 2020, Lendlease (Elephant & Castle) Retail Ltd applied to this council for the grant of a time limited premises licence in respect of Sayer Street, Elephant Park, London SE17 1FY. This is a twelve month licence application which is described in the application as:
- “...In response to Government restrictions on COVID, a temporary use for 12 months, supplemental to premises licences 870625 – Bobo Social, 869464 – KOI Ramen Bar, 870477 – Pot & Rice, and 868499 – The Tap Inn, and with external seating as shown on the plan.”
9. The application and is summarised as follows:
- Opening hours
    - Monday to Sunday from 08:00 to 22:00
  - The supply by retail of alcohol (both on and off sales)
    - Monday to Sunday from 10:00 to 22:00
10. The designated premises supervisor of the licence is to be confirmed upon grant and will require a Vary DPS application.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act

2003. Should a premises licence be issued in respect of the application the information provided in 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 in Appendix A.

12. For information the granted hours of the existing licences referred to in the application are as follows:

**Bobo Social, Unit R1 Block H2, Sayer Street, London SE17 1FY:**

- The opening hours of the premises:
  - Sunday to Thursday from 08:00 to 23:00
  - Friday and Saturday from 08:00 to 00:00
- Recorded music - indoors and outdoors:
  - Sunday to Thursday from 08:00 to 23:00
  - Friday and Saturday from 08:00 to 00:00
- Sale by retail of alcohol to be consumed on and off the premises:
  - Sunday to Thursday from 10:00 to 22:30
  - Friday and Saturday from 10:00 to 23:30
- Late Night Refreshment – indoors
  - Friday and Saturday from 23:00 to 23:30

**KOI Ramen Bar, Unit R3 Block H2, 19 Sayer Street, London SE17 1FH:**

- The opening hours of the premises:
  - Sunday to Thursday from 08:00 to 23:00
  - Friday and Saturday from 08:00 to 00:00
- Sale by retail of alcohol to be consumed on and off the premises:
  - Sunday to Thursday from 10:00 to 22:30
  - Friday and Saturday from 10:00 to 23:30
- Late night refreshment - indoors and outdoors:
  - Friday and Saturday from 23:00 to 23:30

**Pot & Rice, Unit R6 Block H2, 13 Sayer Street, London SE17 1FH:**

- The opening hours of the premises:
  - Sunday to Thursday from 08:00 to 23:00
  - Friday and Saturday from 08:00 to 00:00
- Sale by retail of alcohol to be consumed on and off the premises:

- Sunday to Thursday from 10:00 to 22:30
- Friday and Saturday from 10:00 to 23:30
- Late night refreshment – indoors:
  - Friday and Saturday from 23:00 to 23:30

**The Tap In, Unit 1 Block H6, Sayer Street, Elephant Park, London SE17 1FG:**

- The opening hours of the premises:
  - Sunday to Thursday from 08:00 to 23:00
  - Friday and Saturday from 08:00 to 00:00
- Sale by retail of alcohol to be consumed on and off the premises:
  - Sunday to Thursday from 10:00 to 22:30
  - Friday and Saturday from 10:00 to 23:30
- Late night refreshment - indoors:
  - Friday and Saturday from 23:00 to 23:30

**Representations from responsible authorities**

13. A representation had initially been forthcoming from the Metropolitan Police. However, this was withdrawn upon consideration of the supporting documentation provided by the Applicant. The dispersal policy was updated since the initial application and is attached in Appendix A.

**Representations from other persons**

14. One representation has been received from a local resident against the application. It raises a number of concerns regarding smoke, noise and rubbish disposal and concerns with management of a similar granted licence in the vicinity. This can be found attached at Appendix B.
15. One representation has been received from another person in support of the application and is available in Appendix C.

**Conciliation**

16. The applicant was sent copies of the representations that were submitted. The applicant has written to and responded to the resident against the application on a number of occasions, but the resident does not feel in a position to withdraw.

**Premises history**

17. This area is a new development and has not been licensed before, therefore there is no history of temporary events notices or complaints specific to this address. However this application is being applied for in order to assist the current licensed premises as listed in Paragraph 12. Of these premises, there are complaints regarding the Tap Inn:

Date	Complainant	Complaint	Result
19 January 2020	Local Resident	Complaint of premises opening beyond hours and external area being used beyond hours.	The premises had been operating under a TEN extension.
03 March 2020	Local Resident	Complaint of sales beyond time and overcrowding inside and out.	Premises visited by NTE Police to receive advice.
10 May 2020	Local Resident	Breaches of licence in COVID – sales of alcohol to patrons outside.	Premises visited by NTE Police.
22 July 2020	Local Resident	Breaches of licence – sales of alcohol to patrons outside after external area closed.	Yet to be followed up at the time of report publication

18. There was a variation application for the Tap Inn to increase the use of their external area to their patrons to 30. This was granted at a licensing sub-committee hearing on 12 March 2020.

### **The Business and Planning Act 2020**

19. The Business and Planning Act 2020 has today received Royal Assent and is now in force with immediate effect. The Act has been enacted in an attempt to restart the British economy due to the Coronavirus pandemic and has introduced a range of new measures to help businesses to quickly adjust and adapt to the 'new normal'.
20. This means that there is now a fast-track system to apply for pavement licenses, subject to a number of conditions stipulated by the local authority. Existing on-licensing premises will now be able to provide off sales of alcohol without the need for a variation.

### **Map**

21. A map showing the location of the premises is attached to this report as Appendix D. There are a number of licensed premises in the immediate vicinity, namely those listed in Paragraph 12.

### **Southwark Council statement of licensing policy**

22. Council assembly approved Southwark's statement of licensing policy 2019 – 2021 on 27 March 2019.
23. Further sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications
  - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.

- Section 6 – Local cumulative impact policies. This sets out this authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
  - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
24. 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.
25. Within Southwark’s statement of licensing policy, the premises are identified as being inside the Elephant and Castle major town centre area. The premises are not within any of the council’s cumulative impact zones areas. The Statement of Licensing Policy lists various terminal hours, however, the hours applied for in this application end well before those stated.
26. Under the Southwark statement of licensing policy 2019 - 2021 the following closing times are recommended as appropriate within this area for these categories of premises:
- Restaurants and cafes:
    - Sunday to Monday to 00:00 (midnight)
    - Friday and Saturday to 01:00 (the following day)
  - Public houses, wine bars or other drinking establishments:
    - Sunday to Monday to 23:00
    - Friday and Saturday to 00:00 (midnight)

### **Resource implications**

27. A fee of £315.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value bands C.

## **Consultation**

28. 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**

29. 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**

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

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

32. 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.
33. 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.
34. 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

35. 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.
36. The four licensing objectives are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
37. 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.
38. 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.
39. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

## Reasons

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

## Hearing procedures

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

- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
42. This matter relates to the determination of an application 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**

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

considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

48. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
49. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
50. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### Guidance

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

### Strategic Director of Finance and Governance

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

### BACKGROUND DOCUMENTS

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

### APPENDICES

Name	Title
Appendix A	Application for a premises licence, plans and dispersal policy
Appendix B	Representation against the application by one other person
Appendix C	Representation in support of the application by one other person
Appendix D	Map of the local area

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	23 July 2020	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
Date final report sent to Constitutional Team		23 July 2020

12/06/2020

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

Ref No. 1455898

## Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Lendlease (Elephant & Castle) Retail Ltd
--

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - o any entertainment taking place on the hospital premises of the health care provider where the

entertainment is provided by or on behalf of the health care provider;

o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.

11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a

European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - o evidence of the applicant's own identity – such as a passport,
  
  - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  
  - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
  
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
  
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
  
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
  
- (ii) any page containing the holder's photograph;
  
- (iii) any page containing the holder's signature;

(iv) any page containing the date of expiry; and

(v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### Premises Details

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

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

£	33001
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

Premises trading name

--	--

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

Do you have a Southwark postcode?	Yes
Address Line 1	Sayer Street
Address Line 2	as more particularly shown on the enclosed plans
Town	London
Post code	SE17 1FY
Ordnance survey map reference	
Description of the location	
Telephone number	

## Applicant Details

Please select whether you are applying for a premises licence as

	a person other than an individual (limited company, partnership etc)
--	--

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
--	---

## Other Applicants

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

## Personal Details - First Entry

Name	Lendlease (Elephant & Castle) Retail Ltd
------	--

## Address - First Entry

Street number or building name	20
Street Description	Triton Street
Town	Regent's Place
County	London
Post code	NW1 3BF
Registered number ( where applicable )	03562452

Description of applicant ( for example, partnership, company, unincorporated association etc )	Private limited Company
--	-------------------------

Contact Details - First Entry

Telephone number	
Email address	

Operating Schedule

When do you want the premises licence to start?

--	--

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 )

	In response to Government restrictions on COVID, a temporary use for 12 months, supplemental to Premises Licences 870625 – Bobo Social, 869464 – KOI Ramen Bar, 870477 – Pot & Rice, and 868499 – The Tap Inn, and with external seating as shown on the plan.
--	--

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
--	----------------

Note 1

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.

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)


Provision of late night refreshment

--	--

Supply of alcohol

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

In all cases please complete boxes K, L and M.

J - Supply of Alcohol

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

	Both
--	------

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

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

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

	N/A
--	-----

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 )

	N/A
--	-----

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

	<a href="#">app-summary-final.pdf</a>
--	---------------------------------------

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (Please see declaration about the entitlement to work in the check list at the end of the form)

Full name of proposed designated premises supervisor

First names	TBC
Surname	TBC

DOB

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

Address of proposed designated premises supervisor

Street number or Building name	n/a
Street Description	n/a
Town	n/a
County	
Post code	████████

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)

	None
--	------

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

L - Hours premises are open to public

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

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

Day	Start	Finish
Mon	08:00	22:00
Tues	08:00	22:00
Wed	08:00	22:00
Thur	08:00	22:00
Fri	08:00	22:00
Sat	08:00	22:00
Sun	08:00	22:00

State any seasonal variations ( Please read guidance note 5 )

	N/A
--	-----

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 )

	N/A
--	-----

M - Steps to promote four licencing objectives

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

	Please refer to the attached schedule of conditions and supporting documents for the promotion of all four licensing objectives.
--	--

b) the prevention of crime and disorder

	please refer to a) above.
--	---------------------------

c) public safety

	please refer to a) above.
--	---------------------------

d) the prevention of public nuisance

	please refer to a) above.
--	---------------------------

e) the protection of children from harm

	please refer to a) above.
--	---------------------------

#### Guidance note 10

Please list here steps you will take to promote all four licensing objectives together.

Please upload a plan of the premises

	<a href="#">plans.pdf</a>
--	---------------------------

Please upload any additional information i.e. risk assessments

	<a href="#">OMS-Dispersal-Policy-12.06.20.pdf</a>
--	---

#### 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

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

## Declaration

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

I/We hereby declare the information provided is true and accurate.

I agree to the above statement

	Yes
PaymentDescription	, ,
PaymentAmountInMinorUnits	31500
AuthCode	037206
LicenceReference	ks102 94212
PaymentContactEmail	

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	Thomas & Thomas Partners
Date (DD/MM/YYYY)	12/06/2020
Capacity	solicitors for the applicant

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	
Date (DD/MM/YYYY)	12/06/2020
Capacity	

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

Contact name and	At/AC/LEN.2.5
------------------	---------------

address for correspondence	Thomas & Thomas Partners 38A Monmouth Street London WC2H 9EP
Telephone No.	██████████
If you prefer us to correspond with you by e-mail, your email address (optional)	████████████████████

**GUIDANCE NOTES**

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

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.

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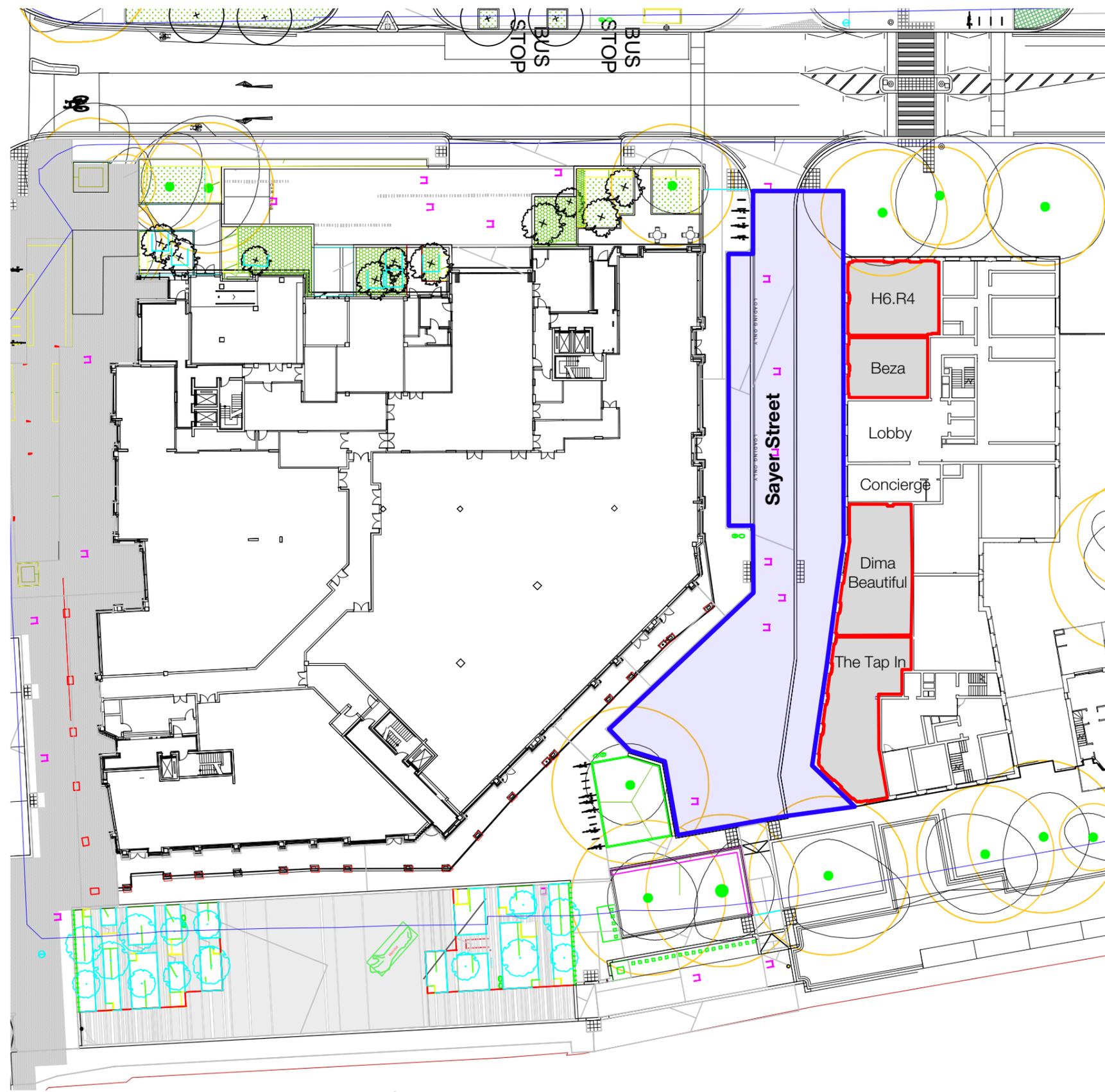
A	10 06 20	Red line added	JR
-	10 06 20	First Issue	JR
Rev	DATE	AMENDMENT	DRAWN BY



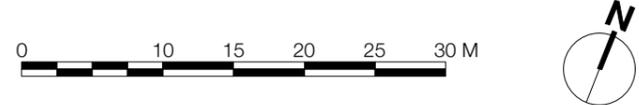
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41 The High Street  
London SW13 9LN  
t: +44 (0)20 8487 5678  
f: +44 (0)20 8878 4603  
www.rawls.co.uk

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CLIENT <b>Lendlease</b>		
PROJECT <b>EP Sayer Street Spill Out Seating</b>		
DESCRIPTION <b>Sayer St South - Leasing Plan</b>		
DRAWN BY <b>JR</b>	CHECKED BY <b>JW</b>	DATE <b>Jun 2020</b>
DRAWING NO <b>0613 SK 02</b>	SCALE <b>1:500 @ A3</b>	
REVISION <b>A</b>		
STATUS <b>FOR COMMENT</b>		



Sayer Street South  
Scale 1.500 @ A3



# DESIGN INTENT

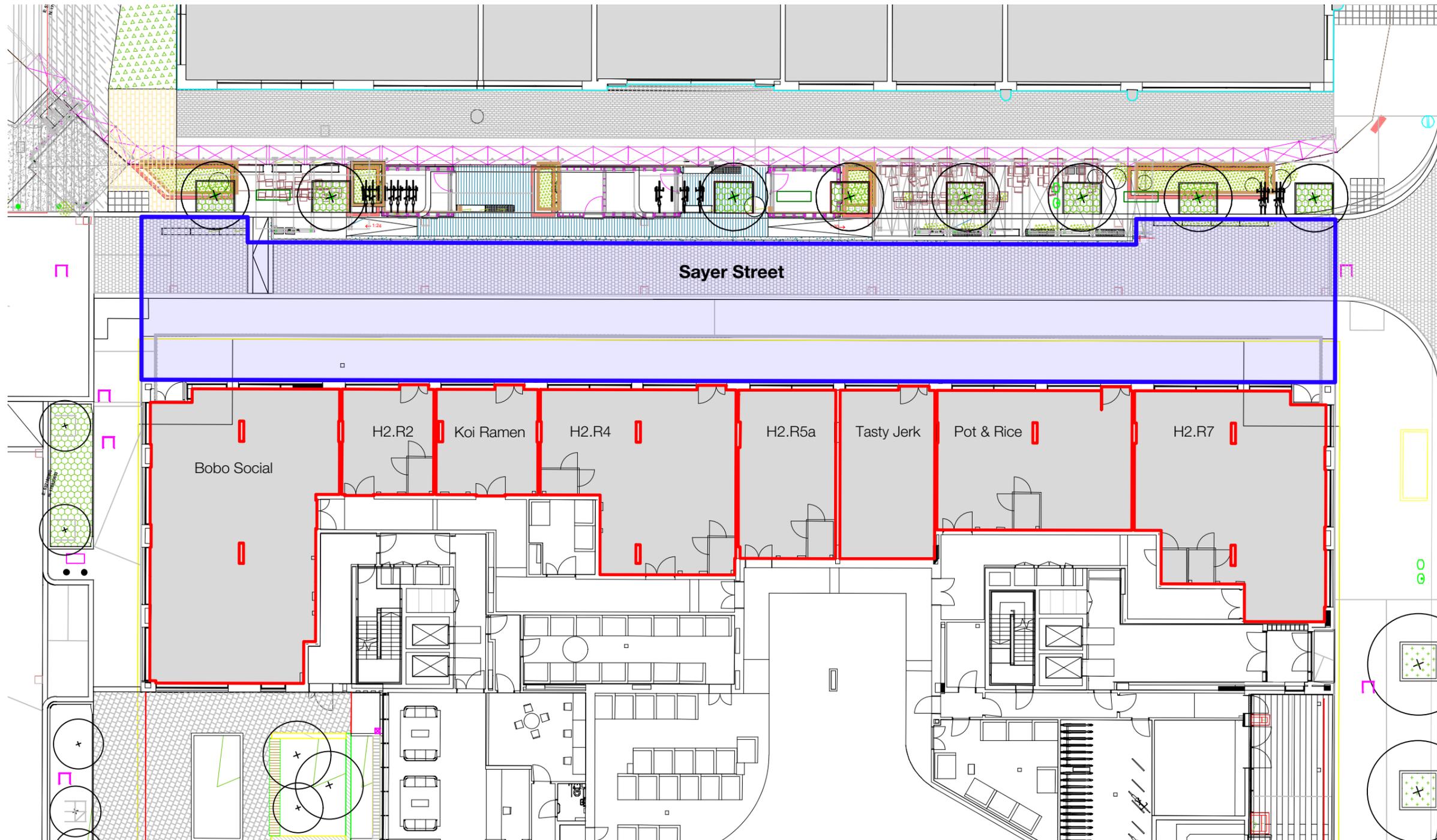
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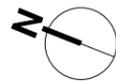
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0 5 8 10 13 15 M



Mid Sayer Street  
Scale 1:250 @ A3

A	10 06 20	Red lines added	JR
-	10 06 20	First Issue	JR
Rev	DATE	AMENDMENT	DRAWN BY

**The Studio**  
41 The High Street  
London SW13 9LN  
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CLIENT <b>Lendlease</b>		
PROJECT <b>EP Sayer Street Spill Out Seating</b>		
DESCRIPTION <b>Mid Sayer St - Leasing Plan</b>		
DRAWN BY <b>JR</b>	CHECKED BY <b>JW</b>	DATE <b>Jun 2020</b>
DRAWING NO <b>0613 SK 01</b>	SCALE <b>1:250 @ A3</b>	
REVISION <b>A</b>		
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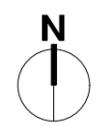
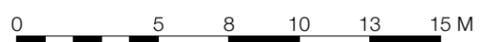
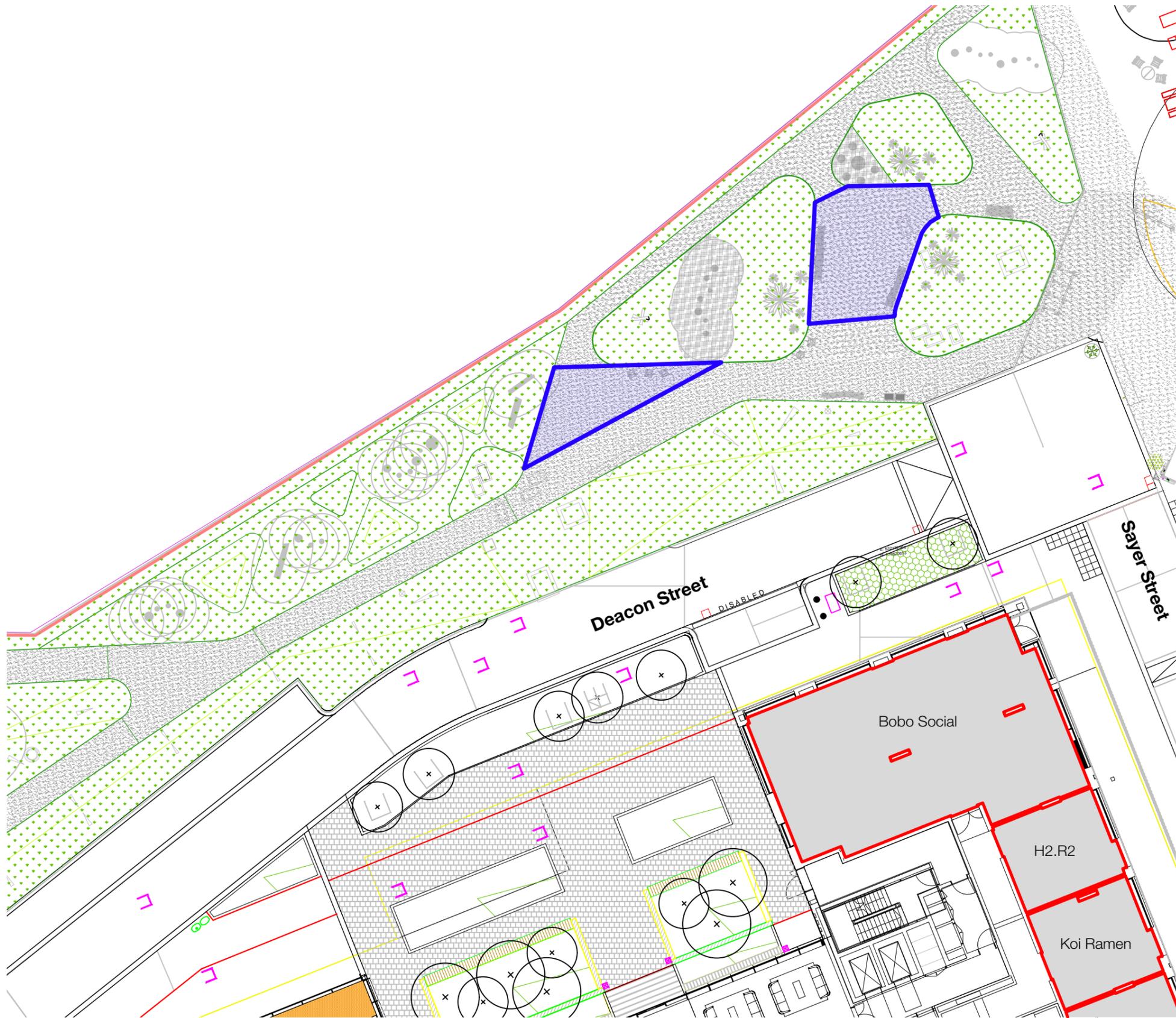
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-	10 06 20	First Issue	JR
Rev	DATE	AMENDMENT	DRAWN BY



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www.rawls.co.uk

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CLIENT <b>Lendlease</b>		
PROJECT <b>EP Sayer Street Spill Out Seating</b>		
DESCRIPTION <b>Deacon Meadow - Leasing Plan</b>		
DRAWN BY JR	CHECKED BY JW	DATE Jun 2020
DRAWING NO 0613 SK 03		SCALE 1:250 @ A3
REVISION A		
STATUS FOR COMMENT		



Deacon Meadow  
Scale 1.250 @ A3

---

## **OPERATIONAL MANAGEMENT STATEMENT & DISPERSAL POLICY**

**Sayer Street North & South External Drinking and Dining Areas  
ELEPHANT PARK  
LONDON SE17**

**APPLICANT: LENDLEASE (ELEPHANT & CASTLE) RETAIL LTD**

---

**Thomas & Thomas Partners LLP**

**Reference: AT/LEN.2.5**

**Solicitors for the Applicant**

## 1. INTRODUCTION

- 1.1 This Operational Management Statement (“OMS”) sets out the proposals and safeguards in respect of the proposed and temporary external use of Sayer Street, SE1.
- 1.2 The proposal is for a **temporary period for 12 months** following the Covid-19 lockdown restrictions to enable licensed premises along Sayer Street to use the retail units and privately managed highway for the purpose of customer dining and drinking, as shown on the proposed plan.
- 1.3 The proposals permit food and drinks to be taken to a specified external seating area, as indicated on the licence plan, which are managed by the Applicant.
- 1.4 There will be no external bars, and all alcohol will be dispatched from within the licensed units to persons sat at the provided tables and chairs.
- 1.5 The area, together with the surrounding environs, is policed by on-site security and site CCTV.
- 1.6 Alcohol will not be permitted to be taken outside of these areas, unless it is in a sealed container.
- 1.7 Management and staff will be trained and made familiar with the provisions of the Licensing Act 2003.
- 1.8 Staff will regularly monitor and patrol the outside area at all times the premises are open to ensure these rules are complied with. Staff must ensure customers do not use the outside seating outside the permitted hours.
- 1.9 Furthermore, staff will endeavour to:
  - 1.9.1 Monitor the area to ensure the furniture does not cause an obstruction to members of the public passing by.
  - 1.9.2 Regularly monitor and patrol the outside area at all times the premises are open to ensure these rules are complied with. Staff must ensure customers do not use the outside seating outside the permitted hours.

## 2. DISPERSAL POLICY

- 2.1 This document, (“**the Policy**”), sets out a number of controls and safeguards intended to be utilised to ensure the premises at Sayer Street External Drinking and Dining Area, Elephant Park, London SE17 (“**the Premises**”) promotes all 4 licensing objectives.

## 3. OBJECTIVE

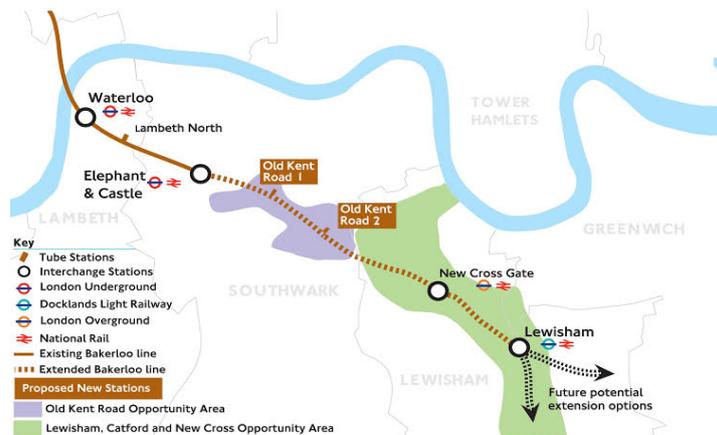
- 3.1 The objective of the Policy is to ensure a quiet, controlled and swift dispersal of customers from the Premises.
- 3.2 The Policy promotes a professional and responsible management of customers as they leave to ensure they make their journey home without any adverse impact on local residents.

- 3.3 The Policy addresses nuisance caused to local residents from the following risks:
- 3.3.1 Noisy or anti-social behaviour by customers leaving the Premises
  - 3.3.2 Large numbers of people leaving the Premises at the same time.
- 3.4 The Policy also helps to ensure patrons make their journey home safely and do not become victims of crime.
- 4. LOCATION**
- 4.1 The development site in which the Premises are located is on Sayer Street, situated between Wansey Street and Deacon Street and bisected by Heygate Street.
- 4.2 Heygate Street is dominated by vehicular traffic, having only recently benefited from a pedestrian footway on its northern side. The development plan proposes a new bus stop and pedestrian footway along the existing carriageway, with a secondary pedestrian route proposed close to the buildings, providing access to ground floor, front doors and lobbies.
- 5. GENERAL ENTRY/EGRESS**
- 5.1 Access to the Premises will be from Heygate Street, Deacon Street or Wansey Street. From these points patrons can disperse directly to nearby transport links.
- 5.2 When leaving the Premises customers will be reminded by signage and staff as appropriate to respect the local residents and local businesses and disperse quietly and quickly.
- 6. OPERATING HOURS**
- 6.1 The Premises' operating hours will be 08:00 to 22:00 Monday to Sunday with licensable activities not commencing until 10am.
- 7. TRANSPORT**
- 7.1 Customers are anticipated to mainly arrive and depart by foot or bicycle, however other modes of transport are readily available.
- 7.2 With a mainline train station, zone 1 tube station and links to 28 different bus routes, the Premises are situated in an excellent transport hub. Upon completion of the development, it is anticipated that Elephant Park with further benefit from over 90 new cycle-hire bikes, 3,000 bicycle spaces and easy to navigate cycle routes. The Premises have excellent transport links very close by including night-tube, night buses, taxis, mini-cabs and Ubers.
- 7.3 TAXI**
- 7.3.1 Black cabs are readily available right through the day and night along Heygate Street and Walworth Road and surrounding roads. Customers will be encouraged to quickly and quietly flag and enter cabs to minimise any noise disruption.
  - 7.3.2 For those customers not wishing to use the private car service, staff can provide directions to local taxi ranks.

- 7.3.3 Other forms of app based taxis will be available to customers. It is anticipated that customers will wait inside the Premises until their taxi has arrived to ensure a quick and quiet exit.

## 7.4 RAIL/TUBE

- 7.4.1 The Premises is very well situated near Elephant & Castle station (0.3 miles) and, slightly further afield, Kennington station (0.6 miles), providing access to national rail, the Bakerloo Line and the Northern Line.
- 7.4.2 A further boost may be given to available transport links by way of the proposed extension to the Bakerloo line, currently backed by Southwark Council through its “Back the Bakerloo” campaign. The proposed extension would assist the onward travel of patrons towards New Cross Gate and Lewisham:



- 7.4.3 Where necessary, customers will be given directions to nearby stations and will be reminded to reach the stations as quietly and as quickly, particularly late at night.
- 7.4.4 Staff will be familiar with the stations timetables, copies of which will be available at the Premises.

## 7.5 BUSES

- 7.5.1 The immediate area surrounding the Premises is well serviced by public buses. TFL bus services, including night buses, are accessible by several bus stops on, inter alia, Heygate Street and Walworth Road. Routes include 12, 35, 45, 53, 68, 136, 148, 171, 176 towards, inter alia, Oxford Circus, Holborn, Euston, Aldwych and Shepherds Bush, as well as night buses N68, N89, N171 and N343.
- 7.5.2 Where necessary, customers are given directions to the bus stops and are reminded to consider the local residents and businesses when travelling to the bus stops and waiting for buses, particularly at night.
- 7.5.3 Staff will be familiar with the local bus services and can advise customers accordingly.

## 8. SIGNAGE

- 8.1 Clearly legible notices will be displayed at all exits from the Premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

## 9. SMOKING

- 9.1 Persons leaving the Premises temporarily to smoke will be managed to ensure they do not obstruct the highway, nor cause a nuisance in the vicinity.

June 2020

## APPENDIX B

**From:** [REDACTED]  
**Sent:** Monday, June 15, 2020 6:55 PM  
**To:** Regen, Licensing  
**Subject:** Representation: Sayer Street Spill Out Seating (Licence Number: 872728)

Dear Southwark Council,

I'm writing to make a representation on the new premises license application for Sayer Street Spill Out Seating (License Number 872728).

I wish to do this under the terms of "Prevention of Public Nuisance" for the following reasons:

1. Cigarette smoke will filter directly into my flat. I live on the corner of Stock House, and a previous decision has been made by the council to move the Tap In smoking area directly beneath my balcony which makes my outdoor space useless when smokers are present. Smokers also habitually discard their butt-ends on the street which creates rubbish right by our front door. A resolution to this would be to move the smoking area away from resident's balconies.
2. There will inevitably be a significant amount of noise, late at night, from customers leaving the premises which will disturb the sleep of those in the blocks above. This includes families with young children as well as key workers who have to be up early to get to work. Sayer Street is a residential development and having a late-night licenced premises within it is wholly inappropriate. The hours quoted on the license request are extremely late and unsuitable for the area in question. A solution to this would be to close the outdoor areas an hour earlier than has currently been applied for.
3. It is not clear, at this stage, what arrangements there will be for disposal of rubbish but the removal of bottles and beer kegs is a noisy business which would contribute to the general disturbance caused by such a premises as part of a residential development.
4. The Tap In has regularly failed to control visitor numbers in the past and I don't believe they intend to in the future. The application makes no mention of how customer numbers will be monitored or managed after the outdoor space has closed. The buildings in the development have suffered multiple instances of theft in recent months and an increase in drunk and disorderly patrons with no security will only increase the instances of this. A potential solution to this would be to have a permanent security presence, like with all large outdoor drinking areas in London (e.g. Mercato Metroplitano)

In summary allowing a licensed premises in what is a quiet residential area is wholly inappropriate and should be excluded from all planning applications, now and in the future.

Please let me know what the next steps are following this representation submission.

Regards,

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

---

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

**Sent:** 30 June 2020 17:38

**To:** [REDACTED]  
**Subject:** FW: Representation: Sayer Street Spill Out Seating (Licence Number: 872728)

Dear [REDACTED]

Further to your representation, please find attached information from the Applicant.

Please let me know if this affects your representation.

Regards,

Andrew Heron  
 Principal Licensing Officer

**From:** [REDACTED]  
**Sent:** Wednesday, July 01, 2020 9:42 AM  
**To:** Heron, Andrew  
**Subject:** Re: Representation: Sayer Street Spill Out Seating (Licence Number: 872728)

Hi Andrew,

Thanks for the info. I'm afraid it doesn't resolve any of my concerns. I've highlighted these below:

- Is security present for the duration of opening times?
- No mention is made of managing noise volume during opening hours and what is considered a 'normal' or 'acceptable' noise volume. I'd expect there to be specifics in this plan so it can be tracked by residents.
- What happens to the tables & chairs after closing times? I would expect them to be cleared away to prevent people using them after hours.
- No mention is made of rubbish disposal.
- If the area is full at closing time, there is no plan for how to disburse patrons in a sequential manner so they don't all swamp the tube/bus/taxis at once. This would definitely be a dangerous congregation of people.
- There is no mention of where the smoking areas will be. This is absolutely crucial as it directly affects the quality of life for people who live in the area. It cannot be under balconies.
- No mention is made of how far patrons will be required to sit apart from each other to prevent spread of corona virus.
- No mention is made of suitable corona virus prevention measures (e.g. hand sanitizer positioning). What is the plan here?
- I assume no amplified music will be allowed?
- No mention is made of where patrons will be able to safely go to the toilet. What is the plan here?
- 7.3.3: how will people wait inside premises to await a taxi safely? Surely the numbers could well be more than are safely allowed inside at any one time?
- 7.4.2: I believe the extension to the Bakerloo line isn't due to be completed any time in the foreseeable future, so I'm not sure what part this plays in dispersal?

Regards,

**From:** [REDACTED]  
**Sent:** Friday, June 19, 2020 3:08 PM  
**To:** Regen, Licensing  
**Subject:** Support for Licence 872728

Name: [REDACTED]  
Address: [REDACTED]  
Email: [REDACTED]  
Date: 19/06/2020

Dear Sir/Madam,

I would like to write in support of the licencing application 872728 at Elephant Park, Sayer Street. I believe that this plan will ensure the survival of the small businesses in Elephant Park whilst post-COVID social-distancing rules are in place. I worry that without the provision for additional external seating on Sayer Street, businesses will be forced to choose whether to risk their survival by dramatically curtailing the numbers they serve or risking the public health by admitting the numbers their venues were originally designed for at unsafe distances.

Additionally I believe that this licence will have a profoundly positive effect on promoting the 4 licencing objectives on Sayer Street.

**1) the prevention of crime and disorder; 2) Prevention of Public Nuisance:**

I have observed since lockdown an increase of people drinking alcohol in public areas that are unlicenced such as Walworth Square and Sayer Street. This alcohol is being obtained from supermarkets and shops and seems to be purchased in bulk and is consumed in a completely unsafe way. This is leading to public urination, litter and antisocial behaviour in the area and can go on till all hours. I believe this plan to create a specific area and properly regulate it will dramatically reduce these problems and create a better and safer neighbourhood.

**3) public safety:**

In addition to the above, this plan will prevent members of the public from bringing bulk brought beer or bottles of hard alcohol to the Sayer Street area as only products purchased from local licenced businesses will be consumed. Security and staff at the Sayer Street business will be better able to ensure public safety and prevent dangerous binge drinking in public than supermarkets and shops currently do. I believe this will increase public safety.

The current plan also allows for adequate social distancing between tables which will have an impact on promoting public health.

**4) the protection of children from harm**

At the moment, with the increase of people drinking in public areas from supermarket bought alcohol, I worry that children are being more exposed to danger. Parks and squares where children normally play are now being used as social and drinking hubs. By supporting local businesses in Sayer Street to expand in this way, it will return the consumption of alcohol to a licenced and

regulated area. Furthermore, on-trade businesses have a far more robust system of child protection than supermarkets as every person at the seating will be subject to Challenge 25.  
the prevention of public nuisance

I really believe that this scheme will have a positive effect on local businesses and in general the local area. The Sayer Street Landlord is taking on the burden of creating and managing this space and I believe this plan strikes the right balance between enabling their residents enjoy a high standard of peaceful living whilst also helping their retailers in this unique time of need.

Best Regards

--

A solid black rectangular redaction box covering the signature area.



**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2019-20**

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

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Councillor Ian Wingfield	1	Andrew Heron, licensing team	By email
		Jayne Tear, licensing team	By email
<b>Reserve</b>		Andrew Weir, constitutional team	By email
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