

Licensing Sub-Committee

Thursday 26 November 2020

10.00 am

Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

Membership

Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Charlie Smith

Reserves

Councillor Adele Morris

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Access

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 18 November 2020



Licensing Sub-Committee

Thursday 26 November 2020
10.00 am

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Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: NOLA, GROUND FLOOR, 224 RYE LANE, PECKHAM, LONDON SE15 4NL	1 - 49
	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: 18 November 2020

Item No. 5.	Classification: Open	Date: 26 November 2020	Meeting Name: Licensing Sub-Committee
Report Title		Nola, Ground Floor, 224 Rye Lane, Peckham, London, SE15 4NL	
Ward(s) of group(s) affected		Rye Lane	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application submitted by Burrow Music Coffee Ltd for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as Nola, Ground Floor, 224 Rye Lane, Peckham, London, SE15 4NL.
2. Notes:
 - a) The application is for a premises licence and was submitted under Section 17 of the Licensing Act 2003. The application is subject to representations and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 9 and 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 13 to 17 of this report deal with the representations submitted in respect of the application. Copies of representations submitted by responsible authorities are attached to this report in Appendix B. Copies of representations submitted by other persons are attached to this report in Appendix C. A map showing the location of the premises is attached as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to applications made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

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 4 September 2020 Burrow Music Coffee Ltd applied to this council for the grant of a premises licence in respect of Nola, Ground Floor, 224 Rye Lane, Peckham, London SE15 4N.
9. The application is summarised as follows:
 - **Late night refreshment**
 - Thursday to Saturday: 23:00 to 01:00
 - **Supply of alcohol for consumption on the premises**
 - Thursday and Friday: 17:00 to 01:00
 - Saturday: 13:00 to 01:00
 - Sunday: 13:00 to 23:00

- **Proposed opening hours of the premises**

- Tuesday and Wednesday: 07:30 to 16:00
- Thursday to Saturday: 07:30 to 01:00
- Sunday: 07:30 to 23:00

NB – After liaising with the council’s licensing responsible authority the application was amended as follows:

- Late night refreshment to be removed from the operating schedule on Thursday and on Friday and Saturday to cease at 00:00
- Supply of alcohol on Thursday and Sunday to cease at 22:30 hours and on Friday and Saturday to cease at 23:30 (this allows for half an hour ‘drinking up’ time).
- Opening times on Thursday to cease at 23:00 and on Friday and Saturday to cease at 00:00.
- The premises, and its intended style of operation, are described in the application as follows:

“We are opening a coffee shop on the south side of Peckham Rye, which would also double up as a cocktail bar to serve the surrounding restaurants which often have queues pouring onto the street. The space is single storey and we have recently fitted a disabled toilet so that the space is accessible to all guests. The main area fits up to 25 seated guests with ample space to move around inline with the current social distancing recommendations.”

10. The premises licence application form provides the applicant’s operating schedule. Parts 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 then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application.
11. A copy the application to which this report relates is attached as Appendix A.

Designated Premises Supervisor

12. The proposed designated premises supervisor of the premises is Mr Anthony West.

Representations submitted by responsible authorities

13. The Metropolitan Police Service submitted a representation suggesting control measures that should become conditions of any licence issued subsequent to the application. The conditions proposed relate to the

prevention of crime and disorder and the prevention of public nuisance. The applicant agreed to the conditions proposed by the Metropolitan Police Service and the Metropolitan Police Service subsequently withdrew their representation. Copies of the representation submitted by the Metropolitan Police Service, and related correspondence, are attached to this report as Appendix B.

14. The licensing responsible authority submitted a representation suggesting control measures that should become conditions of any licence issued subsequent to the application and also proposed amendments to the operating hours applied for. The conditions proposed relate to the prevention of crime and disorder and the prevention of public nuisance. The applicant agreed to the conditions, and amendments to the application, proposed by the licensing responsible authority and the licensing responsible authority subsequently withdrew their representation. Copies of the representation submitted by the licensing responsible authority, and related correspondence, are attached to this report as Appendix B.

Representations from other persons

15. Nine 'other persons' have submitted representations objecting to the application. The other persons are identified as parties 1 to 9. Parties 1 to 9 are all local residents residing in an apartment block opposite the premises.
16. The representations all contend that the operating hours (as originally applied for) finish too late and are likely to result in noise nuisance and / or disorder disturbing local residents. The representations also note that there are many bars in the locale that already contribute to significant noise nuisance and / or disorder in the locale and the addition of similar licensed premises in the locale will likely exacerbate the existing problems.
17. Copies of the representations submitted by the other persons, and related correspondence, are attached to this report as Appendix C.

Conciliation

18. The applicant liaised with the Metropolitan Police Service and agreed to the Metropolitan Police Service's suggested conditions being included in any licence issued subsequent to the application. The Metropolitan Police Service subsequently withdrew their representations.
19. The applicant liaised with the licensing responsible authority and agreed to the licensing responsible authority's suggested conditions being included in any licence issued subsequent to the application. The applicant also agreed to the proposed amendments to the operating hours as suggested by the licensing responsible authority. The licensing responsible authority subsequently withdrew their representations.
20. The applicant provided a response to the representations submitted by the other persons.

21. In reply to the applicant's response to the other persons' representations, Party 4 has withdrawn their representation.
22. The representations submitted by parties 1 to 3 and 5 to 9 remain outstanding and must be considered in the determination of this application. At the hearing to determine this application the licensing sub-committee will be updated as to any conciliation of parties 1 to 3 and 5 to 9.

Premises history

23. No authorisation under current or prior licensing legislation has been held in respect of the premises.

Deregulation of entertainment

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

Business and Planning Act

27. The provisions in the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. This will make it easier for licensed premises to sell alcohol to customers for consumption off the premises in England and Wales, which will allow businesses to trade and maintain social distancing.

Map

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

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

- Regulated entertainment and the sale of alcohol to be consumed on and off the premises:
 - Monday to Thursday: 08:00 to 00:00
 - Friday and Saturday: 08:00 to 01:00
 - Sunday: 12:00 to 23:30
- Late night refreshment:
 - Monday to Thursday: 23:00 to 00:00
 - Friday and Saturday: 23:00 to 01:00
 - Sunday between: 23:00 to 23:30

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

- Sale of alcohol to be consumed off the premises:
 - Monday to Sunday: 06:00 to 23:00

Rye News, 34 Peckham Rye, London SE15 4JR licensed for:

- Sale of alcohol to be consumed off the premises:
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30

Guerrilla, 38 Peckham Rye, London SE15 4JR licensed for:

- Recorded music and the sale of alcohol to be consumed on and off the premises :
 - Sunday to Thursday: 11:00 to 23:30
 - Friday and Saturday: 11:00 to 01:30
- Late night refreshment:
 - Sunday to Thursday: 23:00 to 23:30
 - Friday and Saturday: 23:00 to 01:30

Funkidory, 42 Peckham Rye, London SE15 4JR licensed for:

- Sale of alcohol to be consumed on and off the premises and recorded music:
 - Sunday to Thursday: 09:00 to 23:00
 - Friday and Saturday: 09:00 to 00:00

- Late night refreshment and recorded music:
 - Friday and Saturday: 23:00 to 00:00

Banh Banh, 46 Peckham Rye, London SE15 4JR licensed for:

- Sale of alcohol to be consumed on the premises:
 - Tuesday to Saturday: 11:00 to 23:00
 - Sunday: 11:00 to 22:30

Batch, 56 Peckham Rye, London SE15 4JR licensed for:

- Sale of alcohol to be consumed on and off the premises, live music and recorded music:
 - Monday to Thursday: 17:00 to 23:00
 - Friday: 17:00 to 01:00
 - Saturday: 12:00 to 01:00
 - Sunday: 12:00 to 23:00

Pedler Peckham Rye, 58 Peckham Rye, London SE15 4JR licensed for:

- Recorded music and the sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday: 09:00 to 01:00
- Late night refreshment:
 - Monday to Sunday: 23:00 to 01:00

Canavan's Peckham Pool Club, 188 Rye Lane, London SE15 4NF
licensed for:

- Sale of alcohol to be consumed on the premises:
 - Monday to Sunday: 10:00 to 03:30
- Late night refreshment:
 - Monday to Sunday: 23:00 to 03:30
- Live music, recorded music, anything similar to live or recorded music and performances of dance:
 - Monday to Sunday: 10:00 to 04:00
- Films:
 - Monday to Sunday: 17:00 to 04:00

Two Hundred Rye Lane, 200 Rye Lane, London SE15 4NF licensed for:

- Sale of alcohol to be consumed on the premises:
 - Monday to Sunday: 10:00 to 00:00

Tupi, 206 Rye Lane, London SE15 5NL licensed for:

- Sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday: 12:00 to 23:00
- Recorded music:
 - Monday to Sunday: 08:00 to 23:00

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

- Late night refreshment:
 - Monday to Saturday: 23:00 to 00:00

The Nag's Head, 231 - 235 Rye Lane, London SE15 4TP licensed for:

- Sale of alcohol to be consumed on and off the premises and recorded music:
 - Monday to Sunday: 09:00 to 01:00
- Late night refreshment:
 - Monday to Saturday: 23:00 to 23:30
- Live music:
 - Friday to Sunday: 20:00 to 00:00

Tesco Express, Unit 1, 265 Rye Lane, London SE15 4UR licensed for:

- Sale of alcohol to be consumed off the premises:
 - Monday to Sunday: 06:00 to 23:00

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

- Provision of late night refreshment:
 - Monday to Sunday: 23:00 to 05:00

- Sale of alcohol to be consumed on the premises:
 - Monday to Sunday: 11:00 to 23:00

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

- Sale of alcohol to be consumed on and off the premises:
 - Sunday to Thursday: 11:00 to 23:00
 - Friday and Saturday: 11:00 to 00:00
- Late night refreshment:
 - Friday and Saturday: 23:00 to 00:00
- Recorded music, anything similar to live or recorded music:
 - Sunday to Thursday: 10:00 to 23:00
 - Friday and Saturday: 10:00 to 00:00

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

- Late night refreshment:
 - Monday to Sunday: 23:00 to 00:00

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

- Sale of alcohol to be consumed on the premises:
 - Monday to Sunday: 10:00 to 23:00.

Southwark council statement of licensing policy

29. 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. To be read in conjunction with Appendix B to the policy.
 - 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.
30. 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.
27. According to this council’s statement of licensing policy the premises are located in a Peckham major town centre rea. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located in Peckham major town centre area:
- Restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday to Saturday: 01:00
 - Public houses, wine bars, or other drinking establishments and bars in other types of premises:
 - Sunday to Thursday: 23:00
 - Friday to Saturday: 00:00.

Resource implications

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

Consultation

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

Community impact statement

33. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

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

Principles for making the determination

38. 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.
39. 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.
40. 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

41. 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.
42. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
43. 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.
44. 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.
45. 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

46. 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

47. 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.
48. 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

49. 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.
50. 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.

51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. 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

57. 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

58. 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	Copy of the application
Appendix B	Copies of the representation submitted by the Metropolitan Police Service and licensing responsible authority, and related correspondence
Appendix C	Copies of the representation submitted by other persons and related correspondence
Appendix D	Map showing the location of the premises

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	13 November 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		16 November 2020

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

We Burrow Music Coffee Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises details

Ground Floor 224 Rye Lane			
Post town	London	Postcode	SE15 4NL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0

Part 2 - Applicant details

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

- | | | |
|----------|---|-----------------------------|
| a) | an individual or individuals * | please complete section (A) |
| b) | a person other than an individual * | |
| i | as a limited company/limited liability partnership | please complete section (B) |
| ii | as a partnership (other than limited liability) | please complete section (B) |
| iii | as an unincorporated association or | please complete section (B) |
| iv | other (for example a statutory corporation) | please complete section (B) |
| c) | a recognised club | please complete section (B) |
| d) | a charity | please complete section (B) |
| e) | the proprietor of an educational establishment | please complete section (B) |
| f) | a health service body | please complete section (B) |

- | | | |
|-----|---|-----------------------------|
| g) | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | please complete section (B) |
| ga) | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | please complete section (B) |
| h) | the chief officer of police of a police force in England and Wales | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a statutory function or a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name: Burrow Music Coffee Ltd
Address: 5-11 Regents Street St James London SW1Y 4LR
Registered number (where applicable) Company number - 12801122

Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

01/11/2020

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

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

We are opening a coffee shop on the south side of Peckham Rye, which would also double up as a cocktail bar to serve the surrounding restaurants which often have queues pouring onto the street. The space is single storey and we have recently fitted a disabled toilet so that the space is accessible to all guests. The main area fits up to 25 seated guests with ample space to move around inline with the current social distancing recommendations.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

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) _____ **YES**

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

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	*
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4) We would like to serve a small cocktail menu to our neighbourhood on Thursday-Saturday, in extension to our day to day business of coffee. We will be strict in keeping all activities indoors and will have security in place to keep the peace, and remind guests to respect the neighbours.		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5). N/A.		
Thur	23:00	01:00			
Fri	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	01:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption</u> – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) N/A		
Mon					
Tue					
Wed					
Thur	17:00	01:00			
Fri	17:00	01:00			
Sat	13:00	01:00			
Sun	13:00	23:00			
			<u>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</u> (please read guidance note 6) N/A		

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

Name Anthony West	
Date of birth ██████████	
Address ████████████████████	
Postcode	██████████
Personal licence number (if known)	
Issuing licensing 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. We will ensure that any under 18s are not allowed into the property during the hours of 7pm-1am and that all alcohol during the day is hidden, and out of sight.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue	07:30	16:00	
Wed	07:30	16:00	
Thur	07:30	01:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Fri	07:30	01:00	
Sat	07:30	01:00	
Sun	07:30	23:00	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please see below for details on each objective.

b) The prevention of crime and disorder

We will be very vigilant of drunk and disorderly behaviour in the bar by employing late night security to keep the peace on the premises. They will be trained in keeping down disorder inside and outside the bar.

c) Public safety

Bar staff will be trained to be mindful of customers drinking too much, and drinks will not be served to those who are over the limits in the bar managers opinions. Security will be present if anything becomes disorderly, to add support to the staff inside the bar.

d) The prevention of public nuisance

We will respect our neighbours and make sure that customers leave with the same attitude and mindset as the staff in the bar. Signs to keep quiet will be on the inside and outside of the door when customers are leaving and they will be encouraged by staff to quietly exit the bar and to not gather outside the premises, and leave as soon as they have exited the door. We are aware of the apartments around the premises and will always respect the peace in their dwellings.

e) The protection of children from harm

Children under the age of 18 will not be in the bar when there is any alcohol being served or even on show. There will be a clear divide between the coffee shop closing at 4pm (where accompanied children are welcome) and 6pm when the bar opens (where only 18+ are allowed to enter).

Checklist:**Please tick to indicate agreement**

I have made or enclosed payment of the fee.

I have enclosed the plan of the premises.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

I understand that I must now advertise my application.

I understand that if I do not comply with the above requirements my application will be rejected.

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [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 (please read guidance note 15). 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 (please see note 15)
Signature	
Date	04/09/20
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



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

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

Tel: 020 7232 6756

Email:

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

Our reference: MD/21/140/20

Date: 1st October 2020

Re:- Nola, 224 Rye lane, London SE15 4NL

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence.

The terminal hour as requested are outside the guidelines set out in the Southwark Statement of Licensing Policy for theatre. The premises is located just outside the Peckham Cumulative impact zone. (CIZ), and is in a designated a Major Town Centre by the Southwark Council Licensing Policy.

A number of the control measures have been offered by the applicant within the operating schedule, however the application fails to give many enforceable control measures that would mitigate the increase in customer numbers. The Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable.

We object to the granting of the licence on the grounds of Public nuisance, Crime and disorder, unless the applicant reduces the hours in line with the Southwark statement of licensing policy for public house/Bars. It should include the sale of alcohol stopping 30 minutes prior to the terminal hours to allow drinking up time.

We would also like to see the following conditions included on the licence.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use

under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises

2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
5. That the accommodation limit for the premises is 25 people (excluding staff).

Submitted for your consideration and Police would welcome the opportunity to conciliate with the applicant should the need arise.

Yours Sincerely

PC Graham White 2288AS
Licensing Officer

From:**Sent:** 10 November 2020 16:17**To:** MD Mailbox - Southwark Licensing <southwarklicensing@met.police.uk>; White Graham S - AS-CU <graham.s.white@met.police.uk>; wesley.mcarthur@southwark.gov.uk**Subject:** Application for a premises licence: Nola, 224 Rye Lane, Peckham SE15 4NL

Dear Mr White,

Thank you for your letter regarding our premises licence at 224 Rye Lane. We are very happy to comply with your set out conditions. To confirm:

- We will install a CCTV system at the premises which will be maintained in good working order and be continually recording the premises at all times, to clearly capture the faces of every person that enters. This footage shall be kept for a period of 31 days and be made available to the police and council upon request.
- We confirm that a member of staff will be on duty at all times that is trained in the use of CCTV and can view/download all images.
- We will ensure that staff are trained in their responsibilities under the licensing act 2003 and training records will be kept and updated every 6 months, and made available to the police/council.

With regards to your accommodation limit of 25 people excluding staff, we agreed an accommodation limit of 54 persons including staff with the licensing responsible authority (Jayne Tear). We are very happy to reduce this to 40 persons excluding staff to alleviate any capacity concerns.

We are also happy to reduce the hours in line with the Southwark statement of licensing policy for public house/bars and close at:

Thursday: 23:00
Fri-Sat: 00:00

We will stop serving alcohol 30 minutes prior to the terminal hours.

We hope we have satisfied your requirements and welcome any further conversation or site visits.

Kind regards,

t.
m.
w.

a. Nola, 224 Rye Lane, London, SE15 4NL

From: graham.s.white@met.police.uk [mailto:graham.s.white@met.police.uk]
Sent: Tuesday, November 10, 2020 4:23 PM
To: McArthur, Wesley
Subject: Application for a premises licence: Nola, 224 Rye Lane, Peckham SE15 4NL

Wes

All happy with below including the 40 limit on customers

We withdraw are objection

Regards

Graham

Graham White | Constable
MPS Central South BOCU
Neighbourhoods Policing- Partnership & Prevention
Licensing Officer – Southwark
Mobile
MPS Internal 726756
MPS Telephone 0207 232 6756

MEMO: Licensing Unit

To	Licensing Unit	Date	2 October 2020
From	Jayne Tear		
Email	jayne.tear@southwark.gov.uk		

Subject Re: Nola, 224 Rye Lane London , SE15 4NL
- Application for a premises licence

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

- Late night refreshment (indoors) on Thursday, Friday and Saturday from 23:00 to 01:00 the following day
- Supply of alcohol (on the premises) on Thursday and Friday from 17:00 to 01:00 the following day, Saturday from 13:00 to 01:00 the following day and on Sunday from 13:00 to 23:00
- Overall opening times shall be on Tuesday and Wednesday from 07:30 to 16:00, Thursday, Friday and Saturday from 07:30 to 01:00 the following day and on Sunday from 07:30 to 23:00

The premises is described within the application as:

'We are opening a coffee shop on the south side of Peckham Rye, which would also double up as a cocktail bar to serve the surrounding restaurants which often have queues pouring onto the street. The space is single story and we have recently fitted a disabled toilet so that the space is accessible to all guests. The main area fits up to 25 seated guests with ample space to move around inline with the current social distancing recommendations'.

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.

The premises is situated in Peckham Major Town Centre and under the Southwark Statement of Licensing policy 2019 - 2021 the appropriate closing times for public houses wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday is 00:00 hours.

The closing times asked for within this application exceed that which is appropriate for a bar in the licensing policy for this area and the applicant has not addressed dispersal of patrons within the operating schedule.

To promote the licensing objectives I ask the applicant to consider amending the operating schedule to bring the closing hours in line with the hours recommend as appropriate within the policy and in turn the other licensable activities, but to also allow half an hour drinking up time for 'on sales' to finish as follows.

- Opening times on Thursday to cease at 23:00 and on Friday and Saturday to cease at 00:00
- Supply of alcohol (on the premises) on Thursday cease at 22:30 hours and on Friday and Saturday to cease at 23:30 (this allows for half an hour drinking up time)
- Late night refreshment to be removed from the operating schedule for Thursday (as not required after 23:00) and on Friday and Saturday to cease at 00:00

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

- An accommodation limit for the premises (to be conditioned)
- A written dispersal policy for the premises (to be conditioned)

I may comment further once this information is received,

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

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 the Licensing Responsible Authority

From:
Sent: Wednesday, October 07, 2020 9:13 AM
To: Tear, Jayne
Subject: Re: REPRESENTATION RE NOLA

Hey Jane,

How are you?

Thanks so much for your email. I am very happy to adhere to the timings that you have suggested, and understand the reasons inline with the objectives.

Below is the following information that you have requested.

Accommodation limit - 36 seated, 18 standing (including staff)

Dispersal Policy - We endeavour to encourage our guests to leave the premises quietly, in order to not disturb our neighbours. Our staff will be trained to escort evening guests to the door upon exit, and to remind them to leave quickly and quietly, pointing them in the direction of local buses and the train station. We will also be very vigilant to not serve alcohol to anyone who appears drunk, who could disturb the peace inside and outside the premises. We see it as our responsibility to make sure our guests are not overly intoxicated, so that they can leave in an orderly and safe manner. Anyone loitering outside the bar upon exit will be encouraged to move along by our staff.

Thanks Jane,

And please let me know if there is anything you may need.

On Thu, 29 Oct 2020 at 03:02, Tear, Jayne <Jayne.Tear@southwark.gov.uk> wrote:

Dear ,

Please accept my apologies for not replying sooner – I missed your email.

Thank you for your response to the representation submitted by me as responsible authority for licensing, confirming your accommodation limit and providing a dispersal policy.

Can you confirm that you have agreed the following:

Amend the operating schedule hours as follows:

- Opening times on Thursday to cease at 23:00 and on Friday and Saturday to cease at 00:00
- Supply of alcohol (on the premises) on Thursday cease at 22:30 hours and on Friday and Saturday to cease at 23:30 (this allows for half an hour drinking up time)

- Late night refreshment to be removed from the operating schedule for Thursday (as not required after 23:00) and on Friday and Saturday to cease at 00:00

To add the following conditions to the operating schedule:

- The accommodation limit for the premises shall not exceed 54 persons (including staff)
- The written dispersal policy shall be kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy

If you can confirm you agree with all of the above I will be in a position to withdraw my representation,

With kindest regards

Jayne

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

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

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

From:

Sent: Thursday, October 29, 2020 10:17 PM

To: Tear, Jayne

Subject: Re: REPRESENTATION RE NOLA

Hey Jayne!

Thanks for your call and clarification today.

I can confirm that I am agree with your above modifications to my licence.

Kind regards,

From: Tear, Jayne

Sent: Friday, October 30, 2020 4:07 PM

To:

Cc: McArthur, Wesley

Subject: RE: REPRESENTATION RE NOLA

Dear ,

Thank you for your response.

As you have agreed to all within my email below, sent on Thu, 29 Oct 2020 at 03:02, on that basis can now confirm that my representation is withdrawn.

With kindest regards

Jayne

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

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

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

Party 1**From:****Sent:** Wednesday, September 16, 2020 10:49 AM**To:** Regen, Licensing**Subject:** Objection to license number 873093

I'm writing to make an objection to the granting of a late license for NOLA at 224 Rye Lane – license number 873093.

Firstly to note, I am in general supportive of the premises being used and of the business proposed as it's good to have new businesses into the area and would try to support the new business.

However, I live in the block of flats directly opposite the venue and have done for nearly 10 years. Increasingly Rye Lane is changing from a community of local businesses to a nightlife destination. Throughout the night there are loud groups of people on the street, increased urination in doorways and public disorder and altercations. The noise down Rye Lane at the Nags Head down to the Rye Lane grass roundabout can all be heard inside the flats.

The location of this new venue in regards to a late license would have a significant impact on residents in our building as we often already have night-time disturbance.

Currently, due to late licenses, there can be a very busy and noisy period after 11pm when people travel from venues with normal closing hours to flock to the White Horse pub and Batch bar nearby, or up Rye Lane to larger venues with late licenses. There is then the additional noise of people queueing outside venues to wait to get in, people talking whilst vaping outside or talking on their mobile phones. There is then another wave of disruption as people leave the venues at 1am.

The application mentions no details about potential queues outside the venue or how this will be managed. As well intentioned as security staff may be, they will not be in a position to ask bar clients to quieten down on the street nor enforce this as they will not have the jurisdiction.

There is also the impact of people leaving the venue. There is often anti-social behaviour as people wait at the bus stop outside our residential building, or for Ubers and taxis to be picked up. As no trains run at this time of night this is increasingly a problem after 11pm.

We have experience of late night drinking at 226 Rye Lane and 222 Rye Lane – both recently art galleries whose exhibition opening parties would be noisy and heard inside the flats. These were only once every few weeks though and so it wasn't a major problem and worth it to have a local arts community. Late night openings consistently for 3 nights each week directly opposite the flats will undoubtedly have an impact on quality of life for residents.

To note as contextual information – myself and other residents opposite the proposed venue have been prevented from selling our flats or moving due to issues

of ACM cladding and the new government EWS1 certificate rulings. Living in the building with young children and the night time disruption has a big impact. My son can get stressed at night by the noise outside but currently we are trapped and cannot sell our flats for the foreseeable future.

16 September 2020

Party 2**From:****Sent:** Monday, September 21, 2020 2:27 PM**To:** Regen, Licensing**Subject:** OBJECTION TO LICENCE NUMBER 873093

Dear Sir or Madam

I am writing to object to the application for a late licence and alcohol trading under application licence number 873093 at 224 Rye Lane, SE15 4NL

http://app.southwark.gov.uk/licensing/LicPremisesAppliedDetails.asp?systemkey=873093&fbclid=IwAR0Auj-EsHqcf0BlgKqRzJZdla-MjAFcQ0lfCNjk-rerW_uXEgR9JM-Wn3Y

I object to the application based on the following concerns.

The location is in immediate proximity to residential properties – both above and also across the road. The noise reverberates between the buildings and will be increased considerably with loud drinkers congregating outside whilst the bar is open and then again when it is closing, with drinkers hanging around - where alcohol is involved, inappropriate behaviour is increased as well as the risk of fighting and damage to other businesses and properties.

If that risk of possible damage is increased by introducing a considerable number of people, late at night and having been in an environment where alcohol and possibly other substances are involved, then this is not an acceptable risk to have placed on existing residents.

Generally any activity involving increased numbers of people, vehicles (taxis), music and alcohol at night is not appropriate for this area as there are sufficient bars up and down Rye Lane and an additional one is not deemed necessary.

It increases the continuing public nuisance and significantly raises the risk of criminal and disorderly behaviour that we will be subjected to every evening.

I have lived here for over 10 years and the noise levels of these types of businesses that have been allowed to continuously open regardless of objections has now become unbearable.

Please therefore lodge my objection to this businesses application for a late licence and alcohol trading.

Your faithfully

Dated: Monday 21 September, 2020

Party 3**From:****Sent:** Monday, September 21, 2020 7:52 PM**To:** Regen, Licensing**Subject:** OBJECTION TO LICENCE NUMBER 873093

Dear Sir,

I am writing to object to the application for a late licence under application licence number 873093 at 224 Rye Lane, SE15 4NL. As a resident of Co-Operative house which is directly opposite these premises the idea of another business that will attract noise and potential anti social behaviour throughout the evening and in to the early hours of the morning is certainly very unwanted by me. It has become very difficult to sit in our living room with the balcony door open due to the increased noise which has been escalating over the years. An additional late night license for a premisses directly opposite our flat would severely affect our ability to get any sleep and increase overall stress levels with a reduction in quality of life.

There is more than a sufficient amount of premises in the area that already sell food and drink in to the late hours therefore I see no need for yet another of these to open up.

Regards,

Party 4**From:****Sent:** Tuesday, September 22, 2020 12:26 PM**To:** Regen, Licensing**Subject:** Objection against license application 873093

Dear Madam, Sir,

As a resident of Cooperative House, Rye Lane, I would like to object to the application for late opening hours of Burrow Music Coffee / NOLA at 224 Rye Lane, license number 873093.

My flat is on the Rye Lane side of Cooperative House, and is located directly opposite 224 Rye Lane on the 3rd floor. When purchasing the flat, I was of course aware of how busy Rye Lane is (and have enjoyed the relative quiet during lockdown as the tiny silver lining of the dark Covid-19 cloud!).

The premise has been empty for quite some time, and even when the sewing machine shop was still located there it wasn't exactly an asset to the area. I therefore absolutely welcome the arrival of a coffee shop / cocktail bar. This is explicitly not an objection against the whole license. I do however object against the late opening hours on Thursdays, Fridays, and Saturdays at 1am.

The way that this section of Rye Lane is built up, with 4-6 storeys on both sides, has a negative impact on the acoustics meaning that sound rises up. Especially now with the main stretch of Rye Lane closed for vehicular traffic (something which I fully support), there are already many people on 'our' stretch waiting for their taxi/Uber, behaving like people who are on a night out without any concern for us residents.

Again, I knew how busy and noisy the area is when I bought my flat, but having a new venue right opposite me (my bedroom is also facing Rye Lane) with people leaving and waiting for their night bus or taxi at 1am 3 nights a week adds a whole new level of disturbance.

Closing at 11pm would be acceptable, and I believe should still allow the venue to attract enough customers to survive. But 1am - especially on Thursdays when I have to get up early to get to work on Fridays - is what I am opposed to.

I hope I have substantiated my objection, but please do let me know if I need to elaborate further.

Sincerely,

Party 5**From:****Sent:** Wednesday, September 23, 2020 10:54 AM**To:** Regen, Licensing**Subject:** Objection to application 873093

Hello,

I am writing on September 23, 2020 to object to license application 873093. My bedroom is across the street to the premises on Rye Lane, and the noise, if there is a bar open until 1am, will be very disruptive and prevent me from sleeping. I would ask that the late night hours only be permitted on Friday and Saturday night, and that it be restricted to 11pm on Thursdays.

My address is:

Email:

Thank you,

Party 6**From:****Sent:** Monday, September 28, 2020 10:37 AM**To:** Regen, Licensing**Subject:** Licence Number 873093 - Objection

To whom it may concern

I object to the above licence application. I am a resident at Cooperative House. We have had to endure anti-social behaviour and noise pollution due to the volume of bars and restaurants in this area, that already have extended licences. Why do we need another one? And this venue is directly below and opposite to people's homes. We did not choose to live in an area like this, there were very few bars and restaurants in 2007. In the last few years it has all changed. We do not need more extended licences. The noise from people leaving the bar, even if the bar asks patrons to respect the neighbourhood, will be a problem for all residents.

Party 7**From:****Sent:** Monday, September 28, 2020 11:15 AM**To:** Regen, Licensing**Subject:** OBJECTION to license number 873093

Hello,

I would like to submit an objection to the license number 873093

NOLA
224 Rye Lane
SE15 4NL

I live at Co-operative House opposite and am concerned about the increased noise pollution this will bring.

The license is until 1am and will cause disruption and sleep disturbance to local residents in the middle of the night 3 nights per week.

Kind Regards,

Party 8**From:****Sent:** Monday, September 28, 2020 2:29 PM**To:** Regen, Licensing**Subject:** objection to a licence application - 873093

Name:

Address:

Email:

Date: 28th September 2020

Application: 873093

Reasons:

I notice the application includes late license for Thursday to Saturday as below.

Thursday 07:30 to 01:00

Friday 07:30 to 01:00

Saturday 07:30 to 01:00

I object to the 1:00 am portion of the license and feel 11:00 pm or midnight would be more appropriate. I feel that there is a lot of noise recently on rye lane and especially since the closures further up rye lane a lot of people wait for taxis outside co-operative house at well past midnight.

I have no issue with earlier than midnight but there seems to be a late night air developing outside residential flats and the customers seem unable to keep voices and sound down.

Party 9**From:****Sent:** Tuesday, September 29, 2020 12:28 PM**To:** Regen, Licensing**Subject:** Objection: 873093

Licence number:	873093
	NOLA
Trading name and address:	224 Rye Lane
	SE15 4NL

I very much object to the late opening and sale of alcohol on the grounds of Public Nuisance.

I live directly across from the new establishment and am very depressed at the idea of another late night bar opening. As their own application states, customers often spill out into the streets.

People leaving at 1am several nights of the week - both weekends and during the working week - will create additional noise and public nuisance. I feel like my mental health has already suffered due to lack of sleep due to the increasing levels of noise on Rye Lane. Evenings can be filled with shouts and screaming of people leaving establishments in the early hours.

I strongly request that the premise not be allowed to open after 11pm.

I do not want to limit independent businesses on the area and I will certainly support the cafe during day time hours. I just ask that you consider the well-being of residents and home owners of Cooperative House and the surrounding apartments. We work long hours and many of us have children or caring responsibilities. We are currently at breaking point over cladding issues, and more late night noise will just add to more stressful nights.

While I understand that the owners intend to put up signs and will encourage staff to ask customers to leave quietly, I am not confident that this will make much difference. Those customers will often hang around outside waiting for a taxi or at the immediate bus stop. This will be an uncontrollable situation with regards to public nuisance and noise.

Please do consider the opening hours of this new business when granting a licence.

Kind Regards,

From:**Sent:** Tuesday, November 10, 2020 5:55 PM**To:** McArthur, Wesley**Subject:** Re: Application for a premises licence: Nola, Ground Floor, 224 Rye Lane, Peckham, London, SE15 4NL (ref': 873093) - Rye Lane ward (Loc ID: 197374)

To the residents of Rye Lane,

Thank you for sending on your thoughts regarding our application for a premises licence. We really value and welcome your feedback. We understand your concerns about further night-time disturbance in an already bustling late-night environment, and totally appreciate that you do not want another establishment causing noise pollution. We want to reassure you that we will be doing all we can to reduce nuisance and public disorder - keeping our neighbours happy is very important to us.

Our intention behind setting up Nola is to provide a space for the local people of Peckham that brings calm and refuge from an otherwise incredibly stressful year. Our space is a warm, cosy cafe where everyone is welcome. We are working with the local Southwark foodbank to raise donations and donate food, and we are hiring locals to work in an industry that is currently struggling. We are predominantly a coffee-focused business, but wanted to open our doors for a few nights a week to host wine and cocktail evenings. Our attempt at serenity will also be represented in our late-night operation, and we would like to reassure you that drunken/disorderly behaviour will not be tolerated on our premises or on the street outside. If the patrons of our bar do end up causing any periodic disturbance and noise pollution, then we want to have an open dialogue with you and will be very happy to reassess our opening hours and capacity. We are a local couple ourselves and very interested in supporting the Peckham community.

A number of you requested for us to limit the opening hours of our establishment, and we are happy to reduce the hours in line with your suggestion of:

Thursday - closing at 11pm

Friday and Saturday - closing at midnight

We will also stop serving alcohol 30 minutes prior to closing, so you can be assured that everyone will leave on time and not disturb your night-time. These closing hours are in line with the Southwark statement of licensing policy for bars.

We have also agreed to a list of conditions from the police and licensing responsible authority, who have no objections to the application. These include:

- installing a CCTV system on the premises with 30 days of history
- ensure all staff are trained in their responsibilities under the licensing act 2003
- reduced capacity from 54 persons to 40 persons

We really look forward to hosting you in our new coffee shop, and if you ever have any concerns please do pop in and ask for Anthony or Josephine. We will always welcome any further thoughts or ideas you have.

Kind regards,

From: PARTY 4

Sent: Thursday, November 12, 2020 9:58 AM

To: McArthur, Wesley

Subject: Re: Application for a premises licence: Nola, Ground Floor, 224 Rye Lane, Peckham, London, SE15 4NL (ref': 873093) - Rye Lane ward (Loc ID: 197374)

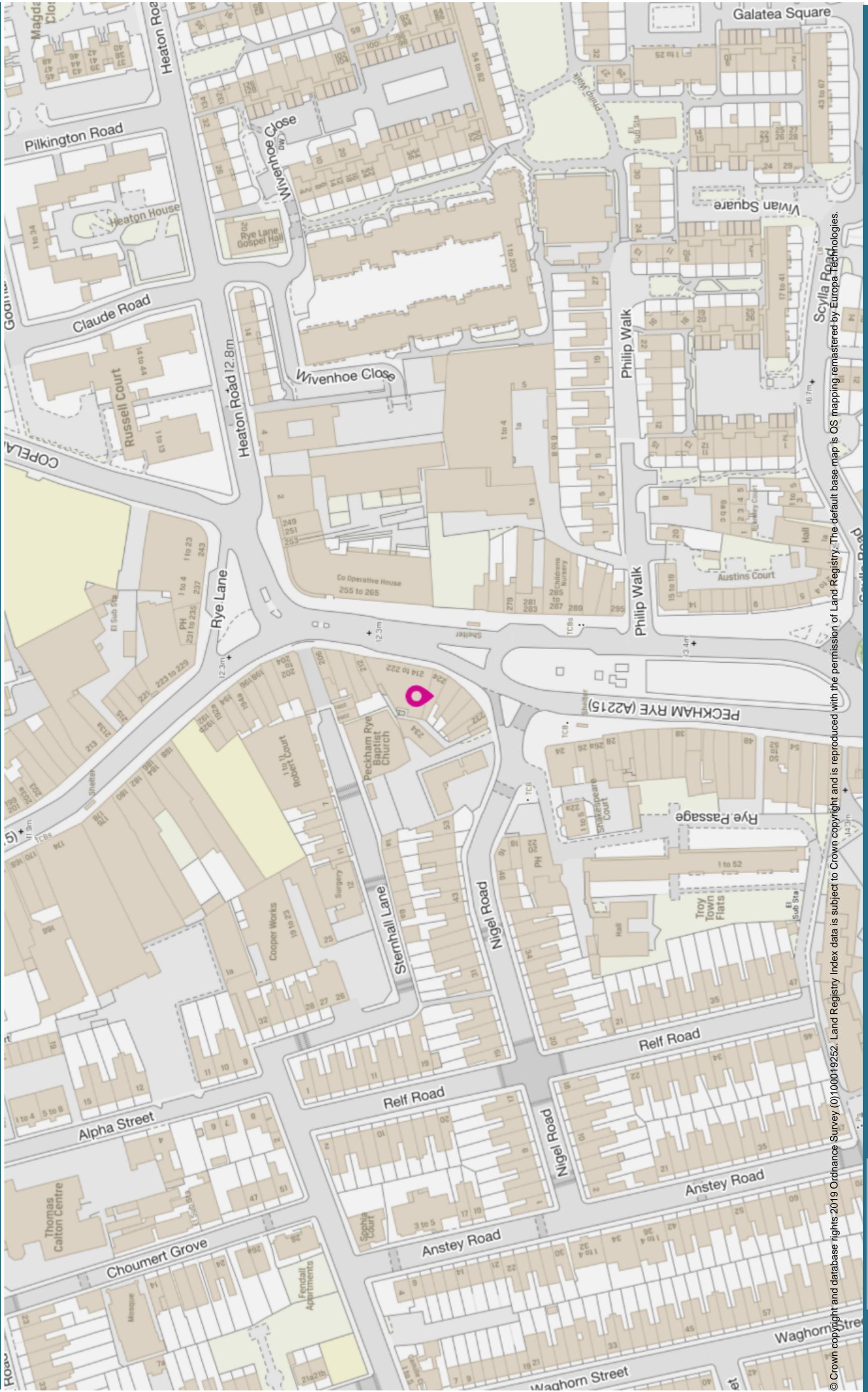
Dear Mr McArthur,

Thank you for sending Nola's response to my objections - I'm very happy that they listened to us and amended their opening hours, which to me are now appropriate and palatable.

I'm not sure what I'm supposed to do now: I am happy with the reply so there is no need to object again / anymore. However, I would like for my original objection to stay 'on record' or however that may work. So does that mean no new representation, but not withdrawing the original one? I hope I'm making myself clear.

With kind regards,

PARTY 4



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