

Licensing Sub-Committee

Thursday 4 March 2021

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 Lorraine Lauder MBE
Councillor Charlie Smith

Reserves

Councillor Maria Linforth-Hall

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

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Contact

Andrew Weir email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 24 February 2021



Licensing Sub-Committee

Thursday 4 March 2021
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: LANT STREET WINE COMPANY, 59-61 LANT STREET, LONDON SE1 1QN	1 - 125
6.	LONDON LOCAL AUTHORITIES ACT 1991: 157 CAMBERWELL ROAD, LONDON SE5 0HQ	126 - 196

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: 24 February 2021

Item No. 5.	Classification: Open	Date: 4 March 2021	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN	
Ward(s) or groups affected:		Borough and Bankside	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 51 of the Licensing Act 2003 by a local resident for a review of the premises licence issued in respect of Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN.
2. Notes:
 - a) The grounds for the review are stated in paragraphs 13 to 18 of this report. A copy of the premises licence review application is attached as Appendix A. A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B.
 - b) The review application attracted representations submitted by the Metropolitan Police Service, the environmental protection team (EPT), and licensing (as a responsible authority). Comments were also received from the planning department. Copies of the representations are attached as Appendix C. Representations submitted by other persons are attached as Appendix D.
 - c) A map of the area that the premises are located in is attached as Appendix E.
 - 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 applications 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. 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.

8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any Responsible Authority or other person to apply to the local Licensing Authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The current licence issued in respect of the premises known as Lant Street Wine Company, 59-61 Lant Street, London SE1 1QN was issued to Lant Street Wine Company following a variation application. The licence was granted on 8 April 2019.

10. The premises licence allows for the following activities
 - **Films**
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30

 - **Recorded Music**
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30

- **Sale of alcohol for consumption on/off premises**

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

- **Operating Hours**

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

11. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix B.

Designated premises supervisor (DPS)

12. The designated premises supervisor is David Wilcock who has a personal licence issued by Barnet Council.

The review application

13. On 7 January 2021 an application for the review of the premises licence was submitted by a local resident. The grounds for the review relate to the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance.

14. The application details that conditions on the premises licence have been persistently breached with non-compliance of the licenced hours, the licenced number of patrons and outside smokers, unsupervised access and entrance door left open. Large-scale temporary events have been held without the necessary temporary event notices given to the licencing authority that have further breached conditions of the licence. Capacity of 80 persons in the warehouse at 59 has been advertised on the company's web site.

15. In June 2019, without planning permission, the company established a drinking establishment in the ground floor and basement of the warehouse 59 Lant Street, directly beneath applicant's home causing severe noise and disturbance to his residential amenity. A noise abatement notice was served on 11 November 2019, due to statutory nuisance in breach of the Environmental Protection Act 1990. An enforcement notice under the Town and Country Planning Act was served on 19 November 2020 (Ref.19/EN/ 0482) requiring the company to "Cease bar use at the land".

16. The drinking establishment has caused or necessitated:

- Persistent Southwark noise team call outs
- Ward member visit to applicants home and the bar
- On-going involvement by the Metropolitan Police due to anti-social behaviour
- Physical threats against the applicant by the company recorded by the Metropolitan Police.

- “Common assault” by a director of the company recorded as a crime by the Metropolitan Police
 - 15 months of correspondence with my MP, ward councillors, Southwark’s noise team, licencing unit, planning department, access for information team and customer resolution tea
 - Significant on going stress and anxiety over an extensive period.
17. The review application in its entirety and the table of complaints are attached as Appendix A.

Representations from responsible authorities

18. There are representations/comments submitted by the Metropolitan Police Service, environmental protection team EPT), licencing (as a responsible authority). There are also comments from the planning department.
19. The police made comments on reported incidents mentioned and confirm there are no other incidents other than those mentioned in the review application. They have also reviewed the premises licence and found that a number of conditions they would normally recommend for a premises of this type are not on the licence. If the licencing sub-committee do not revoke the licence as the applicant has requested then they would suggest that conditions listed in their representation could assist in stopping any further issues.
20. The police state that the removal of recorded music from the licence and the exemption given before 23.00 to premises with an on licence. This would only allow background music which they believe is all that is required for wine tasting.
21. EPT support the review in that the current permitted licensable activities have caused a statutory noise nuisance. They also state that the premises does not currently have relevant planning permission to run as drinking establishment and there is insufficient noise insulation between the commercial premises and adjoining residential units to prevent public nuisance in the future.
22. EPT also state that it is the case that the undertaking of licensable activities in 59 Lant Street, in the current circumstances, has caused noise nuisance. At present there is no planning permission in place for the use of the premises as a drinking establishment. Whilst there are appeals currently in progress, and a new application for permanent change of use has been submitted, it is important to note that 59 Lant Street has not previously, and does not currently have permission for A4 (drinking establishment use).
23. The use of the old warehouse as a drinking establishment may be considered acceptable if adequate noise insulation was installed. However, at present there is inadequate insulation to protect adjoining residents from public nuisance from the use of the licensable activities currently permitted.
24. The licencing representation draws attention to the history of complaints emanating from the premises. Supporting documents are provided in the form of warning letters and a comprehensive list of visits carried out by enforcement officers as part of night time economy visits.

25. Planning submitted comments with regard to the planning status of the premises.
26. The representations are attached as Appendix C.

Representations from other persons

27. Representations were submitted by 17 local residents, some of whom reside in flats that form part of the building. They oppose the idea of a review or revocation of the licence and believe the business is run with utmost professionalism and consideration and is a true lynchpin of the local community. The Wine merchant is and has been part of the community for a long time and they have not experienced the level of noise or anti-social behaviour mentioned by the review applicant. The representations are attached as Appendix D.

Operating History

28. A premises licence was transferred and was first issued on 24 Feb 2015 to Lant Street Wine Company, then only occupying 61 Lant Street, SE1, with Mr David Wilcock as the designated premises supervisor (DPS).
29. A variation application was made on 8 February 2019 to include number 51 Lant Street, to add on licence and regulated entertainment to the premises licence. The plans submitted with this application only related to the ground floor. The application received representations and was granted with conditions after the conciliation process was utilised.

Complaints and visits

30. Following complaints received by the licensing unit, a visit was conducted on 14 October 2019. Licensing officers inspected the premises and found the following conditions being breached:
 - **307** - The accommodation limit for the premises shall not exceed 32 patrons. A licensing officer carried out a further visit on 22 November 2019 and witnessed two further breaches of the following conditions.
 - **340** - The written dispersal policy shall be kept at the premises and made available for inspection by authorised officers of the council or the police. All relevant staff shall be trained in the implementation of the policy.
 - **4AB** - That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
31. Warning letters dated 13 November 2019 and 23 December 2019 were sent to the premises licence holder regarding these issues. (these letters form part of representation submitted by licensing as a responsible authority in Appendix C.

32. There have been numerous visits made to the premises to ascertain compliance. The visit log and details of night time visits to the premises by council licensing officers are provided in representation submitted by licensing as a responsible authority as part of Appendix C.
33. There is no history of temporary events notices at the premises.

Business and Planning Act

34. 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.

The local area

35. A map of the local area is attached as Appendix E. The premises is identified by a diamond at the centre of the map. For purposes of scale only, the circle on the map has a 100 metre radius. The following licensed premises including terminal hours are also shown on the map:
- The Gladstone, 64 Lant Street, London SE1 (Sunday to Thursday until 23:30 and Friday and Saturday until 00:30)
 - Joes Kitchen, 5-7 Marshalsea Road London SE1 (Monday to Sunday until 23:00)
 - Trinity P.H, 202 Borough High Street, London SE1 (Monday to Wednesday until 00:30, Thursday to Saturday until 02:30 and Sunday until 00:00)
 - Amo La Pasta, 218-220 Borough High Street, London SE1 (Monday to Sunday until 23.00)
 - Chicken Cottage, 226 Borough High Street, London SE1 (Monday to Wednesday until 00:00 and Thursday to Saturday until 03:00)
 - Supersave Express, 223-237 Borough High Street, London SE1 (24 hours).

Borough and Bankside cumulative impact area

36. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 4 November 2009 and extended the area in April 2011. This premises falls within the policy area.
37. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
38. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Southwark council statement of licensing policy

39. Council assembly approved Southwark's statement of licensing policy 2021 - 2026 on 25 November 2020. The policy came into effect on 1 January 2021. 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.
40. 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.
41. Under the Southwark statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for this categories of premises indicated:
- Restaurants:
 - Friday and Saturday: 01:00
 - Sunday to Thursday: 00:00

- Public houses, wine bars or other drinking establishments:
 - Friday to Saturday: 00:00
 - Sunday to Thursday: 23:00.

Resource implications

42. There is no fee associated with this type of application.

Consultation

43. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

Community impact statement

44. 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 Governance

45. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

46. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

47. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.

48. The four licensing objectives are:

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

49. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:

- Modify the conditions of the licence by altering, omitting or adding any condition
- Exclude a licensable activity from the scope of the licence

- Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
50. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by another person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
51. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
52. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
53. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
54. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

55. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The applicant
 - Any person who made relevant representations
 - The chief officer of police for the area (or each police area) in which the premises are situated.

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.

57. 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

58. 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.
59. 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.
60. 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.

61. 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.
62. 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.
63. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
64. 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.
65. 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

66. 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

67. The head of community safety and enforcement has confirmed that the costs of this process 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 & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copy of the current premises licence
Appendix C	Representations from responsible authorities
Appendix D	Representations from other persons
Appendix E	Map of local area

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Social Regeneration	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	22 February 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		22 February 2021

07/01/2021

Application for a review of a premises licence or club premises certificate under the Licensing Act
Ref No. 1592457

Please enter the name of applicant who is applying for the review of a premises licence under section 51/
applying for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the
premises described in part 1

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Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. 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
3rd Floor Hub 1
PO Box 64529
London
SE1P 5LX
E-mail: licensing@southwark.gov.uk
Tel 020 7525 4261

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

Address Line 1	
Address Line 2	
Town	
County	
Post code	
Ordnance survey map reference or description	59-61 Lant Street

Name of premises licence holder or club holding club premises certificate (if known)

	David Wilcock
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Number of premises licence or club premises certificate (if known)

	866850
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I am

	1) an individual, body or business which is not a responsible authority (please read guidance note 1)
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Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.

Personal Details

Title	Mr
If other, please specify	
Surname	██████████
Forenames	██████████
I am 18 years old or over	Yes

Current Address

Address Line 1	██████████
Address Line 2	██████████
Town	██████████
County	
Post code	██████████

Contact Details

Daytime contact telephone number	██████████
E-mail address (optional)	████████████████████

Would you like to add a second applicant?

	No
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This application to review relates to the following licensing objective(s)

	Please select one or more as appropriate
	1) the prevention of crime and disorder 3) the prevention of public nuisance

Please state the ground(s) for review (please read guidance note 2)

	<p>Introduction On 8th April 2019, Southwark Council as licencing authority granted the Lant Street Wine Company ("the company") a premises licence Ref. 866850 at 59-61 Lant Street, London SE1 1QN. The application was to vary premises licence 847526.</p> <p>In June 2019, without planning permission, the company established an unlawful drinking establishment in the ground floor and basement of the warehouse 59 Lant Street directly beneath my home causing severe noise and disturbance to my residential amenity. A Noise Abatement Notice was served on 11th November 2019 due to "statutory nuisance" in breach of the Environmental Protection Act. An Enforcement Notice under the Town and Country Planning Act was served on 19th November 2020 (Ref.19/EN/0482) requiring the company to "Cease bar use at the Land".</p> <p>Application for Premises Licence Ref. 866850 The application for the premises licence was unlawfully made as the company failed to comply with the Secretary of State's publicity requirements. The premises has a frontage to two highways and the advertisement required under Regulation 25 of The (Premises licences and club premises certificates) Regulations 2005 was not displayed in Vine Yard SE1, where the entrance to the residential accommodation in the building is located. I was not made aware of the application and consequently unable to make a representation.</p> <p>On 13th November 2020, the licensing authority acknowledged the failure to undertake statutory publicity requirements blaming the company.</p> <p>Reasons for Review of the Licence The grant of the premises licence breached the Premises (Licensing) Act 2003 as the application was not properly assessed against Southwark's Statement of Licencing Policy (for 2019–2021), a statutory requirement under section 5 of the Act. This was partially due to the company's failure to properly publicise the application.</p> <p>The use of the premises licence at 59 Lant Street conflicts with other material licencing considerations namely Southwark's published Technical Guidance for Noise, the Southwark Local Plan, the London Plan 2016, the National Planning Policy Framework and Home Office Revised Guidance issued in April 2018 under section 182 of the Licensing Act.</p> <p>The use of premises licence has:</p> <ul style="list-style-type: none"> • Failed to promote two of the Act's licencing objectives: <ul style="list-style-type: none"> (a) the prevention of crime and disorder; and (c) the prevention of public nuisance, • Resulted in the use of premises unsuitable for the licensed activities, • Resulted in the unlawful use of premises without planning permission. <p>The premises licence allows the use of 59 Lant Street 7 days a week between 8.00 and 23.00 hours and includes the playing of amplified music and films. The company has confirmed their intention to operate accordingly. From summer 2019, except during Covid 19 directions, the drinking establishment has typically opened two nights a week sometimes more driving me from my home.</p> <p>Conditions on the premises licence have been persistently breached with non-compliance of the licenced hours, the licenced number of patrons and outside smokers, unsupervised access and entrance door left open.</p> <p>Large-scale temporary events have been held without the necessary Temporary Event Notices given to the licencing authority that have further breached conditions of the licence. Capacity of 80 persons in the warehouse at 59 has been advertised on the company's web site.</p> <p>The drinking establishment has caused or necessitated:</p> <ul style="list-style-type: none"> • Persistent Southwark Noise Team call outs, • Ward member visit to my home and the bar, • On-going involvement by the Metropolitan Police due to anti-social behaviour, • Physical threats against me by the company recorded by the Metropolitan
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	<p>Police as public order offences,</p> <ul style="list-style-type: none"> • “Common assault” by a director of the company recorded as a crime by the Metropolitan Police, • 15 months of correspondence with my MP, ward councillors, Southwark’s Noise Team, Licencing Unit, Planning Department, Access for Information Team and Customer Resolutions, • Significant on-going stress and anxiety over an extensive period.
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Please provide as much information as possible to support the application (please read guidance note 3)

	<p>Licencing Objective a) the prevention of crime and disorder</p> <p>On 18th March 1986, the Council as local planning authority granted planning permission to use the building 59 Lant Street / 6 Vine Yard as a wine warehouse with residential flats above (Ref: 745-86, case file TP/1140/222). No subsequent planning permission has been granted for the change of use of the ground floor and basement of 59 to a bar and the lawful use as a wine warehouse has not been supplanted.</p> <p>On 18th February 2019, on application for the premises licence, the applicant certified: “I understand that I must now advertise my application”. The company failed to comply with the Secretary of State’s Regulations and the application was not lawfully made in accordance with the Licensing Act. Under section 158 of the Act, a person commits an offence if he knowingly or recklessly makes a false statement in or in connection with an application for the grant, variation, transfer or review of a premises licence.</p> <p>The licence was then unlawfully used in the absence of planning permission contravening section 57 of the Town and Country Planning Act 1990.</p> <p>Use of the premises licence has further failed to promote Licencing Objective a) resulting in crime & disorder namely:</p> <ol style="list-style-type: none"> 1. On 26th October 2019 and 31st March 2020, following objections to the licencing authority about the use of 59, the company’s staff twice physically threatened me and also threatened future intimidation. The Metropolitan Police have recorded these incidents as section 4A Public Order Offences – Crime Nos. 3042016/19 & 3022425/20. 2. It is an offence not to comply with a Noise Abatement Notice. I contend the company unlawfully breached the Noise Abatement Notice served on 11th November 2019 on at least: Thursday 14th November 2019, Sunday 8th December 2019, Saturday 14th December 2019, Thursday 27th January 2020, Tuesday 18th August 2020, Thursday 24th September 2020, Thursday 8th October 2020, Friday 16th October 2020, Thursday 22nd October 2020, Friday 23rd October 2020 and Wednesday 4th November 2020 (11 occasions). 3. Despite warnings from the licencing authority, the company held large scale Temporary Events on Saturday 12th October 2019, Sunday 8th December 2019, Saturday 14th December 2019 & Tuesday 18th August 2020 without the necessary notices given to the licencing authority. These events also breached conditions on the premises licence. The Metropolitan Police attended the event on Tuesday 18th August 2020 due to public nuisance and anti social behaviour (Police Report No. 7963 18/08/2020). An undertaking given to the Police about closing was broken with the bar open until 12.30am beyond licenced hours with loud amplified music played. 4. On 7th May 2020, on retrospective application for planning permission, the company made a false declaration that notice had been served on owners of the building. A similar false statement was made in a covering letter dated 15th May 2020. Under section 65(6) of the Town and Country Planning Act it is an offence to issue a false ownership certificate knowingly or recklessly. 5. On Wednesday 4th November 2020, Covid 19 Restrictions were ignored with the drinking establishment open until 10.45pm beyond the 10.00pm closing time. 6. Also on Wednesday 4th November 2020, at 9.15pm, the son of the Premises Licence holder and a director of the company, obstructed me in Sanctuary Street SE1, made deliberate bodily contact and threatened future assault. This incident has been recorded and is being investigated by the Metropolitan Police as “Common Assault” Crime No.
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3030859/20.

7. The company has illegally installed an illuminated projecting sign reading "Bar" on the front elevation of 59 Lant Street within the Council's Liberty of the Mint Conservation Area contrary to the Town and Country (Control of Advertisements) Regulations 2007 amounting to an offence under section 224(3) of the Town and Country Planning Act (see the Council's Enforcement Notice further below).

8. The company is also displaying a 'sandwich board' on Borough High Street advertising the bar, possibly without the local authority's permission as landowner.

Licensing Objective c) - the prevention of public nuisance

Use of the premises licence has caused public nuisance failing to promote Licensing Objective c). 59 Lant Street is physically unsuitable for the licenced activities, as is the location of the premises. These matters are demonstrated by:

1. The Noise Abatement Notice served on 11th November 2019 due to "Statutory nuisance" that has been persistently breached at least eleven times (item 2 above).

2. Noise measurements taken within Flat 1, 6 Vine Yard on Friday 18th October 2019 at 19.53 hours with 43 patrons within the bar were:

- Average 57.6dB,
- Max 75.0 dB,
- Peak 80.6dB.

These far exceed W.H.O. guideline of 35dB, Southwark's "Technical Guidance for Noise" & British Standard 8233 that both adopt indoor ambient noise levels for dwellings of 35dB-40dB between 07.00 to 23.00 hours.

3. Despite warnings from Southwark Licensing Unit, conditions on the premises licence have been persistently breached with non-compliance of licenced hours, the number of patrons and outside smokers, unsupervised access and entrance door left open. This has caused public nuisance from patrons directly beneath my residential windows and cumulative impact with the Gladstone Public House diagonally opposite.

4. With the existing separating floor/ceiling construction, 59 Lant is incapable of being used for the licenced activities without causing public nuisance. Condition 5 of the Council's planning permission on 18th March 1986 to use the building as a wine warehouse and residential flats was conditional upon the installation of sound attenuation to shield the upper floor flats against noise from the permitted ground floor warehouse not from a drinking establishment.

5. The company has not demonstrated that the licenced activities can be mitigated. This includes an inadequate Noise Report supporting their retrospective application for planning permission made on 7th May 2020. The council has treated the application as withdrawn "as it would never be determined".

6. Lant Street is on the fringe of the Bankside and Borough Cumulative Impact Zone (CIZ). CIZs are designated areas saturated by premises licensed to sell alcohol and empower local authorities to better control the number and type of licensed outlets. Events since the bar at 59 opened in 2019 demonstrate that the bar, together with the cumulative impact with the Gladstone Public House, causes unacceptable loss of amenity and public nuisance within this predominantly residential street. There is no justification to extend the saturation zone further south. Further public nuisance only ensues.

7. Confirming the public nuisance; on 19th November 2020, the council served a Town Planning Enforcement Notice (Ref.19/EN/0482) against the ground floor and basement of 59-61 Lant Street due to the following breaches of planning control:

- "Without planning permission, the material change of use of the Land to a mixed bar / shop / warehouse use ('the Unauthorised Use').
- Without planning permission, the erection of an illuminated projecting sign on the front elevation of the Land ('the Unauthorised Works')."

The Reasons for issuing the Notice are:

"The Unauthorised Use causes significant harm to neighbouring residents amenity through disturbance and noise spill which has not been properly assessed or mitigated

	<p>against.”</p> <p>“The use is considered to be contrary to Chapter 8 [Promoting healthy and safe communities] of the NPPF 2019; Policy 7.15 [Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes] of the London Plan 2016; Strategic Policy 13 [High Environmental Standards] of the Core Strategy 2011; Saved Policy 3.2 [Protection of amenity] of the Southwark Plan 2007; P54: Protection of amenity and P67: Reducing noise pollution and enhancing soundscapes of the emerging New Southwark Plan.”</p> <p>“The Unauthorised Works are incongruous and cause harm to the character and appearance of the Land and surrounding area and its appropriateness in the context of the Land being in the Liberty of the Mint Conservation Area. The sign is considered to be contrary to Chapter 16 [Conserving and enhancing the historic environment] of the NPPF 2019; Policy 3.23 [Outdoor Advertisements and Signage] of the Southwark Plan 2007 and P40: Outdoor advertisements and signage of the emerging New Southwark Plan. “</p> <p>For the above reasons the premises licence should be revoked. A Monitoring Log commencing 11th October 2019 detailing activity undertaken at 59 Lant Street and demonstrating breaches the licencing objectives can be provided to assist the licencing authority.</p>
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Notes for Guidance

2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

Have you made an application for review relating to this premises before?

	No
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If yes, please state the date of the application

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If you have made representations before relating to these premises please state what they were and when you made them

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Checklist

	I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate I understand that if I do not comply with the above requirements my application will be rejected
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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 CONVICTION TO A FINE OF ANY AMOUNT

Declaration (please read guidance note 5)

Applicant Full Name	[REDACTED]
Applicant or Applicant's solicitor or other duly authorised agent	
Date	07/01/2020
Capacity	

Notes for guidance

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

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Full name	[REDACTED]
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Address (please read guidance note 6)

Address Line 1	
Address Line 2	
Town	
County	
Postcode	
Telephone number (if any)	[REDACTED]
Email	[REDACTED]

Notes for Guidance

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

Bar & showroom operated by Lant Street Wine Company, 59 Lant Street, SE1 1QN

Impact on Flat [REDACTED])

Monitoring Log from 11 October 2019

Date	Conditions
Friday 11 October 2019	<p>Premises License Holder absent. Front door unmanaged permanently open. Far more than 4 smokers outside breaching licenced limit. 36 customers at 8.00 pm exceeding licenced limit of 32. Visit by Southwark Noise Team: <i>"attended 21.56 com[plaint] lives in large open plan loft apart[ment]. Noise from bar directly underneath - could hear a continual babble of voices emanating from bar. No raised voices or LAM witnessed - Comp [plaint] said tonight is much quieter than normally however."</i> Noise Team verbally confirmed disturbance considered a statutory nuisance. Licensed hours met.</p>
Saturday 12 October 2019	<p>Private event. Estimated 70-80 people present breaching license conditions. Noise disturbance intolerable - loud voices and amplified music. Licensed hours met.</p>
Thursday 17 October 2019	<p>Bar closed.</p>
Friday 18 October 2019	<p>43 patrons counted at 7.45 pm. Front door permanently open and unmanaged. More than 4 smokers outside.</p> <p>Unpleasant meeting with [REDACTED] who objected to visit by Southwark "Noise Police."</p> <p>Noise measurements taken within my flat at 19.53 hours. Average 57.6 dB, Max 75.0 dB, Peak 80.6 dB far exceeding WHO 35 dB guideline, Southwark's "Technical Guidance for Noise January 2017 & British Standard 8233:2014 that recommends indoor ambient noise levels for dwellings between 35 dB-40 dB between 07.00 to 23.00 hours. Licensed hours met</p>
Thursday 24 October 2019	<p>Severe disturbance from constant loud voices and amplified music. Licensed hours met.</p>
Friday 25 October 2019	<p>Severe disturbance from constant loud voices and amplified music. Licensed hours met.</p>
Saturday 26	<p>Severe disturbance from constant loud voices and amplified</p>

October 2019	music. Licensed hours exceeded. Bar still open at 23.20 hours beyond licensed hours. Got out of bed to complain. Physically intimidated and threatened by [REDACTED] of the Premises License Holder. Witnessed by the Premises License Holder David Wilcock who did not intervene. Subsequently unable to enter the bar to accurately assess patron numbers.
Thursday 31 October 2019	Constant babble of loud voices and singing. No music. Licensed hours met.
Friday 1 November 2019	I was out. Bar was closing at 11.10 pm when I returned home.
Thursday 7 November 2019	Moderate disturbance from babble of voices and amplified music. Front door left open. Bar appeared almost empty & closed before 10.00 pm
8 November 2019	Southwark Council Planning Enforcement serves a Planning Contravention Notice.
Friday 8 November 2019	Meeting with Councillor Adele Morris who entered the bar alone and assessed 23 patrons present at 7.15 pm. Music playing. C’lir agreed noise within Flat 1 was excessive & advised that I contact the Noise Team. Conditions worsened later. Noise Team contacted at 8.45 pm ref. SW7-1181144. Unable to hold a proper telephone conversation. Noise Team attended 9.35 pm – 9.42 pm.
Tuesday 12 November 2019	Southwark Council letter 12 th November confirms the noise is considered a “ statutory nuisance ” and a Noise Abatement Notice has been served. Notice served 10th November 2019.
Thursday 14 November 2019	Constant loud voices and amplified music. Conditions no different to those prior to Abatement Notice. Licensed hours met.
Friday 15 November 2019	Visit to my home at 5.15pm by David Wilcock Premises License Holder. He said approximately 20 people were in the bar (doubtful). Conditions not representative. Music switched off although he claimed it was playing. Conditions worsened later with constant babble of loud, raised voices and shouting. Driven out of my home at 9.30pm due to noise. Outside smokers within limit. Licensed hours met.
Thursday 21 November 2019	Constant babble of loud voices. No music. Outside smokers within limit. Licensed hours met. Awaiting copy of the Noise Abatement Notice before contacting

	the Noise Team again.
Friday 22 November 2019	Constant babble of loud voices. No music. Viewed through door at 10.15 pm estimated number of patrons far in excess of licensed numbers. Outside smokers within limit. Licensed hours met. Still awaiting copy of the Noise Abatement Notice.
Thursday 28 November 2019	Returned home at 10.40 pm. Bar was closing. Few patrons.
Friday 29 November 2019	Bar closed.
Thursday 5 December 2019	Returned home at 10.15 pm. Bar closed.
Friday 6 December 2019	Bar open. Intolerable noise from constant babble of loud voices. No music. Estimated number of patrons far exceeding licensed numbers, unable to check due to fear of intimidation. Front door closed. 10 smokers outside at 10.40pm. Bar closed 11.20 pm beyond licensed hours. Still awaiting copy of the Noise Abatement Notice.
Sunday 8 December 2019	I returned home at 3.15 pm. Bar open, a special event attended by a large number of people. Amplified music played loudly until 7.00 pm. Afterwards, loud singing, shouting and blowing of a trumpet. Noise conditions worse than when the Noise Abatement Notice was issued. Tried to phone Southwark Noise Team. Could not get through. Six attempts. Telephone clicked to engaged. Completed on-line antisocial behaviour form. Bar finally closed at 8.15pm.
Monday 9 December 2019	Spoke to David Wilcock Premises License Holder. Told him Sunday was “criminal.” He replied – “That was a private event, we are a bar, we have to do that to survive.”
Thursday 12 December 2019	Bar open. Weather bad - raining. General election night. Very few customers but voices clearly audible. Door closed. No smokers outside at 9.45 pm Licensed hours met.
Friday 13 December 2019	Bar open. Intolerable noise from constant loud voices. No music. Estimated number of patrons far exceeding licensed numbers, unable to check due to fear of intimidation. Front door closed. Outside smokers within limit at 8.00 pm. Licensed hours met. Still awaiting copy of the Noise Abatement Notice.
Saturday 14	Another private event started 7.30 pm.

December 2019	Constant loud voices and amplified music. Driven from my home at 9.30pm. Difficult to estimate numbers of patrons. Raining – door closed no outside smokers. Bar closed at 11.10 pm. Still awaiting copy of the Noise Abatement Notice.
Monday 16 December 2019	Southwark Licensing Enforcement Officer confirms no “TENS” (temporary events notice) given for events held 12th October and 8th December.
Tuesday 17 December 2019	Following instruction from Southwark Council, reported the threatening incident on Saturday 26 October to the Metropolitan Police who categorized it as a section 4A Public Order Act Offence – Crime No. 3042016/19.
Friday 20 December 2019	Visit by Justin Williams, Southwark Licencing Enforcement Officer to the Lant Street Wine Company to discuss the recent licensing breaches and un-notified temporary events.
Thursday 27 January 2020	Bar reopened. Intolerable noise from constant loud voices and loud amplified music. Bar closed 11.00 pm.
Tuesday 31 March 2020	Morning delivery by truck to the Lant Street warehouse Deliveries for 33 years have been via Vine Yard. Attempting to view what was being delivered I was verbally abused, swore at and physically threatened by [REDACTED] [REDACTED] They asserted: <i>“We are an off-license”</i> and threatened future intimidation – “We are going to get you”. This incident was reported to the Metropolitan Police on 20th August 2020 who recorded it as a section 4A Public Order Offence – Crime No. 3022425 / 20.
Friday 15 May 2020	Lant Street Wine Company submit unlawful planning application Ref. 20/AP/1372. False ownership declaration with no statutory notice served on the owners of the building. Application wrongly validated by LB Southwark Thursday 13 ^h August 2020.
Tuesday 18 August 2020	Bar open. Private event. Intolerable noise from constant babble of voices, loud amplified music and singing. Noise level worse than when the Abatement Notice was served. Phoned Southwark Noise Team at 7.15 pm. No answer. The Council’s web site says: <i>“Due to the Covid 19 emergency the Council has reduced the noise nuisance service to fall in line with Public Health England guidelines. This means that the noise team are unable to offer a call out service or attend when a noise nuisance is occurring.”</i> Estimated number of patrons far exceeding 32. Outside smokers well into double figures at 9.15 pm. Front door unmanaged

	<p>permanently open.</p> <p>Phoned Metropolitan Police at 9.45 pm. Report No. 7963 18/08/2020. Conditions no better at 10.45 pm. Metropolitan Police phoned again who said they had attended and were told the event would close within half an hour. Conditions no better at 11.45 pm. Metropolitan Police phoned again. Phone rang for 45 minutes but went unanswered. Music stopped approx 12.15am.</p> <p>Bar closed 12.30 am outside licenced hours and more than 2 hours later then stated to the Metropolitan Police.</p>
Thursday 20 August 2020	<p>Stopped in the street by David Wilcock (Premises Licence Holder) who said because I had phoned the Police on 18th August <i>"I am minded to make a complaint against you for harassment. If you are saying we can't use the premises for that it's ridiculous."</i></p>
Friday 21 August 2020	<p>Reported Incident on Tuesday 31 March 2020 to the Metropolitan Police see entry above. Recorded as a section 4 Public Order Offence Crime No. 3022425/20. Unable to report incident at the time due to Covid19 lockdown.</p>
Monday 31 August 2020	<p>Excessive noise from amplified music from the A1 showroom. Reported to the Metropolitan Police at 3.40 pm as anti-social behaviour.</p>
Sunday 6 September 2020	<p>Excessive noise from the constant playing of piano music from 11.30 am onwards. Reported to Southwark Noise Team 12.40 pm Ref. SWK-1239179. I had to go out at 1.00 pm. Noise Team unable to visit.</p>
Thursday 10 September 2020	<p>Bar open. Excessive noise caused by constant babble of voices. Estimated number of patrons within licensed limit. No smokers outside at 7.30 pm. Door left open. No 'social distancing' or face coverings evident.</p> <p>Phoned Southwark Noise Team at 7.55 pm Ref. SWK1240297. Officer unable to witness the noise from within my flat due to Covid restrictions but offered to visit 59. Bar closed at 9.30 pm before the officer could attend.</p>
Thursday 24 September 2020	<p>'Wine Club' event held in the rear room of 61 Lant Street between 6.00 pm to 8.00 pm without problem. Afterwards Lant Street Wine Company staff moved to 59. Significant noise disturbance until 12.00 midnight caused by rowdy drinking, shouting, singing and playing a radio.</p>
Friday 25 September 2020	<p>Southwark Council withdraws unlawfully made planning application 20/AP/1372 on the ground that it would <i>"never be determined."</i></p>
Thursday 8 October 2020	<p>Bar at 59 and 61 both open between 6.00 pm to 10.00 pm. Both front doors permanently open and unsupervised. Six smokers</p>

	<p>outside at 9.15 pm. Constant babble of voices and loud amplified music.</p> <p>On line complaint to Metropolitan Police at 7.00pm. Southwark Noise Team contacted at 7.10pm. Ref. 1245233. Officer visited and estimated in excess of 20 patrons but unable to enter the bar or my home due Covid 19. Officer advised the incident would be reported to Southwark Council's Licencing Unit and town planning enforcement.</p>
Saturday 10 October 2020	Loud amplified music played within the A1 showroom 6.00 pm to 7.30 pm.
Friday 16 October 2020	<p>Bar open between 5.30 pm and 10.00 pm. Both 59 and 61 used. Both front doors left open.</p> <p>Constant disturbance from a babble of voices and shouting, a piano and amplified music. Estimated 20-30 patrons. No outside smokers at 9.00 pm.</p> <p>Southwark Noise Team contacted at 7.15 pm Ref. 1246439 but unable to attend due to the number of complaints that evening.</p>
Thursday 22 October 2020	<p>Bar opened at 6.00 pm. Both 59 and 61 used. Both front doors permanently open.</p> <p>Very few patrons but voices and amplified music clearly audible. No outside smokers at 7.00 pm. Bar closed at 8.15 pm.</p>
Friday 23 October 2020	<p>Bar opened at 6.00pm. Both 59 and 61 again used. Sandwich board on Council land on Borough High Street advertises public admission. Both front doors open.</p> <p>Estimated 20-30 patrons. Voices and amplified music clearly audible. 4 outside smokers at 7.00 pm. Bar closed at 10.00 pm.</p>
Friday 30 October 2020	<p>Bar opened at 6.00 pm advertised to the general public on Borough High Street. Both 59 and 61 again used. Both front doors permanently open.</p> <p>Estimated 20-30 patrons. Voices and amplified music clearly audible. Bar closed at 10.00 pm.</p>
Wednesday 4 November 2020	<p>Bar opened at 5.00 pm again advertised to the general public by unlawful advertisement on Borough High Street. 59 and 61 both used. Front door of 61 permanently open.</p> <p>Estimated 20 patrons. Voices and amplified music clearly audible. New admissions closed at 10.00 pm but the bar remained open until 10.45 pm breaching Covid restrictions.</p> <p>At 9.15 pm, [REDACTED] of the Lant Street Wine Company physically obstructed me in Sanctuary Street. As I walked past he deliberately made shoulder-to-shoulder bodily</p>

	contact and said: <i>“Next time I am going to walk right into you.”</i> I replied, <i>“please do, that will be recorded as well”</i> .
Saturday 7 November 2020	Reported Incident on Wednesday 04 November 2020 to the Metropolitan Police. Crime No. 3030859/20 - “Common Assault”.
Thursday 19th November 2020	Metropolitan Police phoned about the incident on Wednesday 04 November 2020. Unable to prosecute due to the absence of an independent witness but said they would speak to [REDACTED] and warn him not to threatened or assault me again. Southwark Council serves Planning Enforcement: <i>“Without planning permission, the material change of use of the Land to a mixed bar / shop / warehouse use (‘the Unauthorised Use’)</i> ”. <i>“Without planning permission, the erection of an illuminated projecting sign on the front elevation of the Land (‘the Unauthorised Works’).</i> ”
Monday 30 November 2020	Visit to my home at 2.00 pm Metropolitan Police Officers Abbie Brown and Jack Cintra. Said they would speak to the Lant Street Wine Company and [REDACTED] and warn them about the incident on 4th November 2020. I was advised to phone 999 immediately should there be any further incident.
Tuesday 1 December 2020	Email from PC Abbie Brown following visit to the Lant Street Wine Company on 1st December Ref. Crime No. 3030859/20. Advice given: “To avoid all physical contact with any staff at Lant Street Wine Bar, to avoid entering Lant Street Wine Bar and to avoid any actions that may be perceived as harassment by the other party”.
Thursday 10 December 2020	Significant noise disturbance between 5.30 pm and 9.30 pm from the showroom staff and associates caused by rowdy drinking and amplified music from 5.30 pm to 7.00 pm.
Wednesday 16 December 2020	Significant noise disturbance between 4.30 pm and 9.30 pm from the showroom staff and associates caused by rowdy drinking. No music.
Friday 18 December 2020	Complaint of maladministration to the Local Government Ombudsman against LB Southwark in the grant of Premises Licence 866850.
Thursday 7 January 2020	Application made to LB Southwark to review Premises Licence 866850. Also served on the Lant Street Wine Company electronically and by hand.
Friday 15 January 2021	Lant Street Wines submit 2 nd unlawful application Ref. 21/AP/0148 for planning permission to change of use of the front of 59 Lant Street from warehouse use (Class B8) to a wine bar

	(Class A4). Application validated by LB Southwark on Thursday 21 st January 2021 despite false ownership declarations by the applicant and missing or inadequate information.
Sunday 3 February 2021	Local Government Ombudsman confirms the complaint against the Council has been passed to its Investigation Team to consider it further.



Measurement Report

Time: 18/10/2019, 19:53

Device: iPhone 5s, iOS 12.4.2

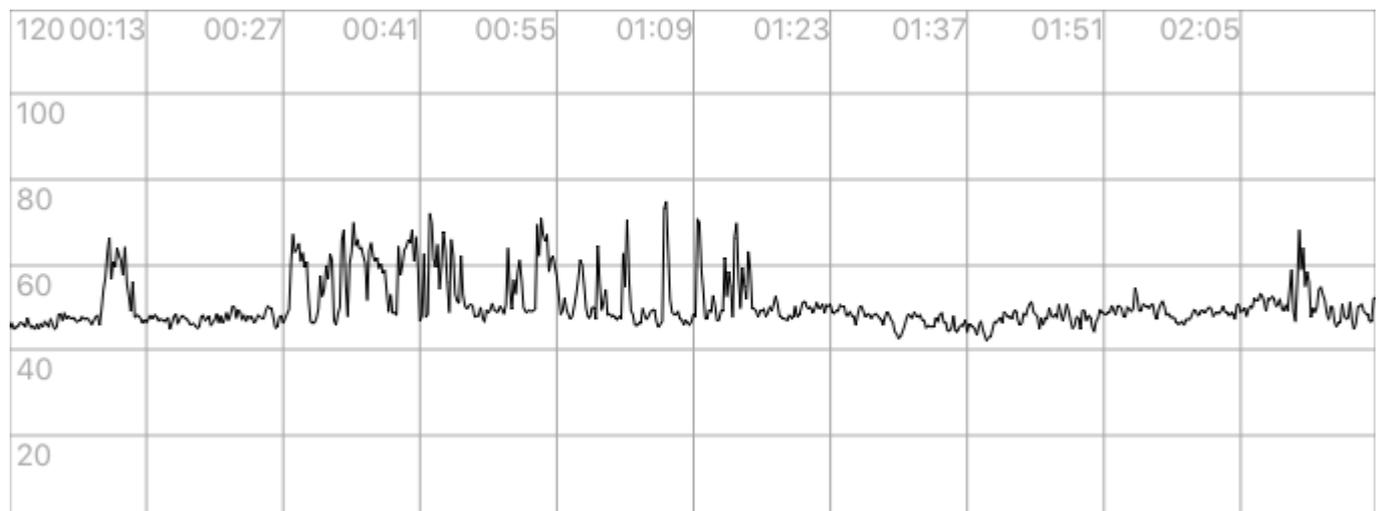
Measurement configurations

Frequency Weighting	A
Response Time	Fast (0.2s)
Calibration	0.0 dB

Measurement results

Duration	2m:19s
Avg/Leq	57.6 dB
MIN	42.4 dB
MAX	75.0 dB
PEAK	80.6 dB
TWA	0.0 dB
Dose	0.0 %

Graph



NOTICE REF. NO.: 914052/A

ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80

Abatement Notice in Respect of Statutory Nuisance

To : [REDACTED]

Of: Lant Street Wine Company, 61 Lant Street, London, SE1 1QN

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the London Borough of Southwark being satisfied of the **Occurrence** of a statutory nuisance under section 79(1)(g) of that Act caused by noise emanating from the premises known as: **Lant Street Wine Company, 61 Lant Street, London, SE1 1QN**

within the district of the said Council arising from : **The playing of excessive amplified music**

HEREBY PROHIBIT the **Reoccurrence** of the same and for that purpose, require you as the person responsible for the said nuisance to take all reasonable steps to ensure that:-

At any time of the day or night any live music or amplified sound is only played at the above premises at such a level that it is not likely to give rise to a nuisance in adjoining premises or in the neighbourhood.

THIS is NOT a notice under regulation 3 (Suspension of Notices), para 2(a)(ii) of the Statutory Nuisances (Appeals) Regulations 1995, to which regulation 3 applies. In consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court. "This is due to the nuisance witnessed, being of a limited duration, as such that a suspension of the notice would render it of no practical effect."

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine together with a further fine of an amount equal to one-tenth of the greater of £20,000 or level 4 on the standard scale for each day on which the offence continues after conviction. The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to comply with the conditions in accordance with this notice, the Council may seize all the sound equipment from your premises and recover from you the necessary expenditure incurred.

ADVICE: If you do not understand the contents of this Notice or would like to know more about it, please contact the Noise & Nuisance Team at Southwark Council. If you would like to receive independent advice about the contents of this Notice, your rights and obligations then please contact The Citizens Advice Bureau, Housing Aid Centre, Law Centre or solicitor.

Signed [REDACTED]

Noise Officer

Please address any correspondence to: Noise & Nuisance Team, Southwark Council
132 Queens Road, London SE15 2HP
Tel: 020 7525 2450 Fax: 020 7525 2378

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days (21), beginning with the date of service of the notice, under section 80(3) of The Environmental Protection Act 1990. See the Statutory Nuisances (Appeals) Regulations 1995 on the reverse of this notice.

Dated: 10 November 2019
 Time: 11/11/19 @ 11:08am
CERTIFY THAT THIS IS A TRUE COPY OF THE NOTICE THAT I SERVED ON:
 DATE: SE15 2HP TIME: HOURS
BY THE FOLLOWING METHOD:-
 head delivered to B. Wilcock
 SIGNED [REDACTED]
 PRINTED NAME [REDACTED]

The Statutory Nuisance (Appeals) Regulations 1995
Appeals under Section 80(3) of the Environmental Protection Act 1990 ("the 1990 Act")

2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in connection with any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) of the 1990 Act, the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act, or
 - (iii) any determination made under section 67 of the 1974 Act;
- (g) that in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the schedule relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in the streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance,
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises,
 and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in connection with any copy of the abatement notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of an appeal the court may-

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit-

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court-

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

3. (1) Where -

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
- (b) either-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

- (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance,

(3) Where paragraph (2) applies the abatement notice -

- (a) shall include a statement that paragraph (2) applies; and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

NOTICE REF. NO.: 914062/B

ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80

Abatement Notice in Respect of Statutory Nuisance

To: [Redacted]

Of: Lant Street Wine Company, 61 Lant Street, London, SE1 1QN

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the London Borough of Southwark being satisfied of the Occurrence of a statutory nuisance under section 79(1)(g) of that Act caused by noise emanating from the premises known as: Lant Street Wine Company, 61 Lant Street, London, SE1 1QN.

within the district of the said Council arising from : The playing of excessive amplified music

HEREBY PROHIBIT the Reoccurrence of the same and for that purpose, require you as the person responsible for the said nuisance to take all reasonable steps to ensure that:-

At any time of the day or night any live music or amplified sound is only played at the above premises at such a level that it is not likely to give rise to a nuisance in adjoining premises or in the neighbourhood.

THIS is NOT a notice under regulation 3 (Suspension of Notices), para 2(a)(ii) of the Statutory Nuisances (Appeals) Regulations 1995, to which regulation 3 applies. In consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court. "This is due to the nuisance witnessed, being of a limited duration, as such that a suspension of the notice would render it of no practical effect."

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine together with a further fine of an amount equal to one-tenth of the greater of £20,000 or level 4 on the standard scale for each day on which the offence continues after conviction. The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to comply with the conditions in accordance with this notice, the Council may seize all the sound equipment from your premises and recover from you the necessary expenditure incurred.

ADVICE: If you do not understand the contents of this Notice or would like to know more about it, please contact the Noise & Nuisance Team at Southwark Council. If you would like to receive independent advice about the contents of this Notice, your rights and obligations then please contact The Citizens Advice Bureau, Housing Aid Centre, Law Centre or solicitor.

Signed [Redacted]

Noise Officer

Dated: 10 November 2019

Please address any correspondence to: Noise & Nuisance Team, Southwark Council, 132 Queens Road, London SE15 2HP, Tel: 020 7525 2450

Stamp: I CERTIFY THAT THIS IS A TRUE COPY OF THE NOTICE THAT I SERVED ON: [Redacted] Council. DATE: 11/11/19 @ 11:08 hrs. TIME: 11:08 HOURS BY THE FOLLOWING METHOD: Hand delivered to M. B. Wilcock. SIGNED [Redacted] PRINTED NAME [Redacted]

N.B. The person served with this notice may appeal against the notice to a Magistrate's Court within twenty-one days (21), beginning with the date of service of the notice, under section 80(3) of The Environmental Protection Act 1990. See the Statutory Nuisances (Appeals) Regulations 1995 on the reverse of this notice.

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Appeals under Section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

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(3) Where paragraph (2) applies the abatement notice -

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(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



Noise & Nuisance Team
Phone - 020 7525 3171
Our reference: 914052

[REDACTED]
Lant Street Wine Company
61 Lant Street
London
SE1 1QN

10 November 2019

Dear [REDACTED]

RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
NOISE NUISANCE FROM – Lant Street Wine Company, 61 Lant Street, London, SE1 1QN

On 8 November 2019 at 20.45 hours the Council received a complaint alleging that music coming from your premises was causing a noise nuisance.

I visited in response to the complaint on 8 November 2019 at 21.33 hours and was satisfied that the music was at a level that was causing a statutory nuisance to your neighbours.

As the owner/premises licence holder of this premises, you are the person responsible for any noise nuisance being caused. Please find attached, a Notice issued under the provisions of Section 80 of the Environmental Protection Act 1990. If the Notice is contravened, legal action may be initiated and for every proven contravention, an unlimited fine may be imposed. The Environmental Protection Act also empowers the Council to obtain a warrant to seize all sound equipment from a premises that is the source of recurring noise nuisance.

I ask you to ensure that music from your premises is at all times kept below a level that could be a nuisance to your neighbours. As a guide to you, music from your premises should not be audible at any time outside your entrance door(s).

Yours sincerely,

[REDACTED]

[REDACTED]
Noise Enforcement Officer
Noise & Nuisance Team

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: THE LONDON BOROUGH OF SOUTHWARK

To:

Company Secretary – South of the Border Holdings Ltd of 60 Doughty Street, London, WC1N 2JW
Company Secretary – Lant Street Wine Company Ltd - 4th Floor 4 Tabernacle Street, London, EC2A 4LU
B.W Wilcock, D.R Wilcock, 171-173 Grey's Inn Road, London, WC1X 8UE
Jermain Gallacher Showroom, 59 Lant Street, London, Southwark, SE1 1QN
Lant Street Wine of 59-61 Lant Street, London, Southwark, SE1 1QN
The Owner, 59 Lant Street, London, Southwark, SE1 1QN
The Occupier, 59 Lant Street, London, Southwark, SE1 1QN
The Owner, 61 Lant Street, London, Southwark, SE1 1QN
The Occupier, 61 Lant Street, London, Southwark, SE1 1QN

- THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of this Notice and the enclosures to which it refers contain important additional information.
- THE LAND TO WHICH THE NOTICE RELATES**

Ground Floor and Basement, 59-61 Lant Street, London, Southwark, SE1 1QN shown edged blue on the attached plan ("the Land")

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the Land to a mixed bar / shop / warehouse use ('the Unauthorised Use').

Without planning permission, the erection of an illuminated projecting sign on the front elevation of the Land ('the Unauthorised Works').

4. REASONS FOR ISSUING THIS NOTICE

4.1. It appears to the Council that the Unauthorised Use has commenced within the last ten years and the Unauthorised Works were undertaken within the last four years.

4.2. It is expedient to take enforcement action because:

4.1.1 The Unauthorised Use causes significant harm to neighbouring residents amenity through disturbance and noise spill which has not been properly assessed or mitigated against. The use is considered to be contrary to Chapter 8 [Promoting healthy and safe communities] of the NPPF 2019; Policy 7.15 [Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes] of the London Plan 2016; Strategic Policy 13 [High Environmental Standards] of the Core Strategy 2011; Saved Policy 3.2 [Protection of amenity] of the Southwark Plan 2007; P54: Protection of amenity and P67: Reducing noise pollution and enhancing soundscapes of the emerging New Southwark Plan.

4.1.2 The Unauthorised Works are incongruous and cause harm to the character and appearance of the Land and surrounding area and its appropriateness in the context of the Land being in the Liberty of the Mint Conservation Area. The sign is considered to be contrary to Chapter 16 [Conserving and enhancing the historic environment] of the NPPF 2019; Policy 3.23 [Outdoor Advertisements and Signage] of the Southwark Plan 2007 and P40: Outdoor advertisements and signage of the emerging New Southwark Plan.

5 WHAT YOU ARE REQUIRED TO DO

5.1 Cease bar use at the Land.

- 5.2 Remove from the Land all advertising associated with use of the Land as a bar.
- 5.3 Remove from the Land all speakers / stereo / musical instruments and any other amplified music equipment associated with the unauthorised use.
- 5.4 Remove from the Land the illuminated projecting sign at the front of the building and remove all fixtures and fittings associated with this sign and repair any damage to the front of the building caused by this removal.

6 TIME FOR COMPLIANCE

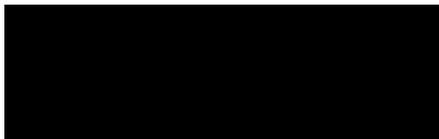
One (1) week after this Notice takes effect in respect of the requirement at 5.1 above.

One (1) month after this Notice takes effect in respect of the requirements at 5.2 to 5.4 above.

7 WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 24 December 2020 unless an appeal is made against it beforehand.

Dated: 19 November 2020



Director of Law & Democracy
Legal Services | Finance & Governance
PO BOX 64529
London
SE1P 5LX

EXPLANATORY NOTE

YOUR RIGHT OF APPEAL

You can appeal against this notice but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the Notice.

The enclosed Planning Inspectorate Information Sheet provides further information about your right of appeal against this Enforcement Notice.

If you are appealing under Ground (a), that you believe planning permission should be granted for what is alleged in the enforcement notice, you are required to pay a fee of **£924.00**. This should be paid to the London Borough of Southwark by way of a cheque sent to the Planning Department at PO BOX 64529 London SE1P 5LX (160 Tooley Street, London SE1 2TZ), or by credit card by telephoning 0207 525 5403 . You must also provide a copy of your appeal form.

You must submit with your Appeal Form, or within 14 days from the date the Planning Inspectorate notifies you, a statement in writing specifying the grounds of the appeal and state briefly the facts on which you are relying in support of those grounds.

WHAT HAPPENS IF YOU DO NOT APPEAL

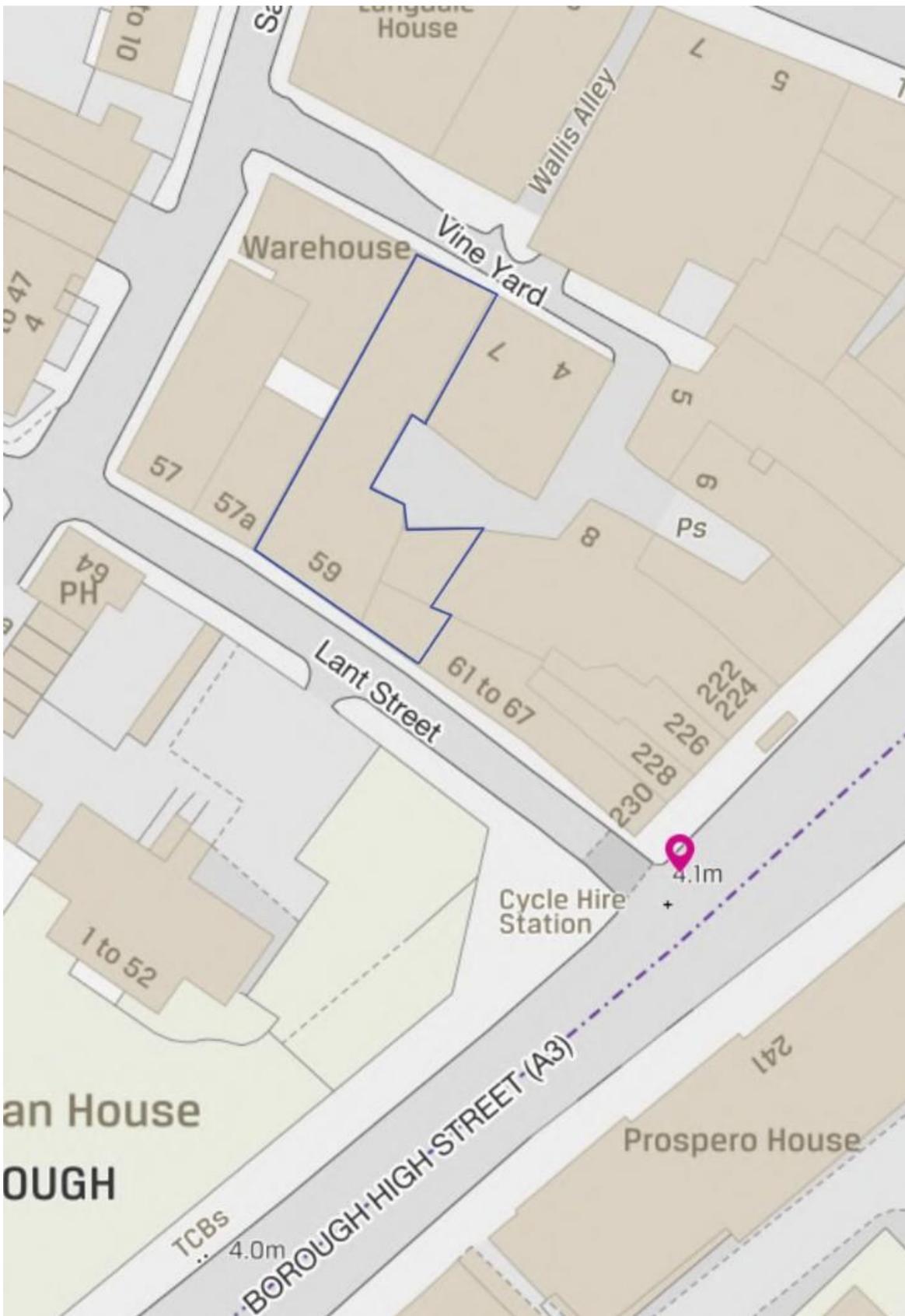
If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Enclosures:

Plan

Covering letter

Planning Inspectorate Information Sheet



3 February 2021

Mr [REDACTED]
[REDACTED]
[REDACTED]

Our ref: [REDACTED] 0

(Please quote our reference when contacting us and, if using email, please put the number in the email subject line)

If telephoning please contact: [REDACTED]
email address: C.Mead@coinweb.lgo.org.uk

Dear Mr [REDACTED]

Complaint against London Borough of Southwark

Why we are writing to you

I have assessed your complaint against the Council to see whether it is about a matter the Ombudsman can or should investigate. I have decided to pass it to our Investigation Team to consider it further.

What you should do now

Following a pause to our investigations at the start of the COVID-19 pandemic, we are now working as near to normal as possible. However the impact of continuing local and national lockdowns and restrictions on some councils and care providers, along with a large number of complaints waiting to be considered, means we cannot deal with complaints as quickly as we would like. We will be in touch in eight weeks to update you on progress.

Our staff are mainly working in their homes. Many are having to cope with different working and caring arrangements because of COVID-19, so please bear this in mind when you communicate with us.

Reasonable adjustments

We are committed to making sure the way we work does not put disabled people at a disadvantage and to meeting our legal obligations under the Equality Act 2010.

If you need any help or support to use our service, please let us know and we will consider what changes we can make.

Page 2

Yours sincerely



Claire Mead
Investigator

Eleanor Kelly
Chief Executive
London Borough of Southwark
160 Tooley Street
London SE1 2QH



By email to:

complaints@southwark.gov.uk

eleanor.kelly@southwark.gov.uk

2nd July 2020



Dear Ms Kelly,

**Premises (Licensing Act) 2003
Town and Country Planning Act 1990
Environmental Protection Act 1990
Stage 1 Complaint of maladministration in the grant of Premises Licence 866850
Lant Street Wine Company, 59 Lant Street, SE1 1QN**

Background

On 8th April 2019, the Council granted the above Premises Licence to the Lant Street Wine Company. Without the necessary planning permission an unlawful drinking establishment was subsequently established in the warehouse at 59 Lant Street directly beneath my home.

Publicity of the Premises Licence application failed in this case. I received no notification either from the applicant or the Council. Whilst I understand the applicant may have posted a notice on Lant Street, the entrance to the residential accommodation in the building (including my home) is in Vine Yard accessed from Marshalsea Road or Sanctuary Street not Lant Street. No notice was displayed in Vine Yard. I was consequently not made aware of the application and unable to make a representation.

The drinking establishment caused severe noise and disturbance to my residential amenity typically two days a week. The drinking establishment closed temporarily on 27th January 2020 following complaints and Council intervention.

From October 2019 there was considerable correspondence between myself and Southwark's Planning Enforcement, the Council's Noise and Nuisance Team, Southwark Regulatory Services, the Council's Senior Information Systems Officer (following an FOI request) and ward councillors Adele Morris, Victor Chamberlain and David Noakes. Councillor Morris (Chair of the Licencing Committee) helpfully visited the drinking establishment and my home, witnessed the noise and disturbance and provided the assistance she could.

On 12th November 2019, the Council's Noise and Nuisance Team served an Abatement Notice (Ref. SWK-1171961-B3Q3) on the Lant Street Wine Company due to statutory nuisance under the Environmental Protection Act. I believe the Abatement Notice was criminally breached on at least 4 occasions. An anti-social behaviour complaint was also made to the Council on 8th December 2019 during an un-notified temporary event. The complaint went unanswered.

There have been two incidents of threatening behaviour towards me by the Lant Street Wine Company. The first was a threat of physical violence, the second of future intimidation. As

instructed by the Council's Regulatory Services, the first of these was reported to the Metropolitan Police on Tuesday 17th December 2019 and categorized as an offence under section 54 of the Public Order Act - Crime No. 3042016/19.

Letters of complaint to Southwark Regulatory Services dated 1st October 2019 and subsequently dated 20th October, 29th October, 5th November and 8th December 2019 alleged maladministration in the grant of the Premises Licence and requested that the Licence be reviewed and revoked. My complaint was passed to Justin Williams, Licensing Enforcement Officer.

I understand Mr Williams' remit is the enforcement of the terms of premises licences **not** whether the Premises Licence should have been granted in the first place, or whether a licence should be reviewed. My complaint was not referred to an appropriate officer.

Whilst Mr. Williams endeavored to enforce compliance with conditions attached to the Licence (that were persistently breached), and secured the cessation of temporary events (attended by up to 80 people in the warehouse) held without the necessary Temporary Event Notices having been made; the Council failed to review the Premises Licence as requested on five occasions.

The Planning Enforcement Ref is 19/EN/0482. The case is outstanding and contrary to officer recommendation planning enforcement notices were not served.

Current application for Planning Permission Ref. 20/AP/1372

The Council has now received an application from the Lant Street Wine Company for planning permission to change the use of the warehouse at 59 to: *"to Hold Public Wine Tastings (Use Class A4)."* Use Class A4 is a *'drinking establishment'*.

Whilst the company is entitled to make a planning application, the application must be lawful and valid. The Application Form wrongly certifies that notice has been given to six owners of the building. No such notice has been served on me as an owner in conflict with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO). The company's covering letter also makes a false statement.

I have received no consultation from the Council on the application. No site notice appears to have been posted. Two requests for confirmation of the extent of Council's statutory publicity exercise required under the DMPO (Article 15) have gone unanswered.

Southwark's Local List of Requirements ¹ requires a Noise Impact Assessment to support planning applications where:

"the proposed development involves the installation of any plant or equipment or the carrying out of any operations, activity or use that may adversely affect adjoining or nearby noise sensitive properties".

The application is invalid due to the absence of a Noise Impact Assessment. Neither is it demonstrated within the application how the Noise Standards within Council's Technical Guidance for Noise could be achieved. ²

¹ VALIDATION CHECKLIST: APPLICATION FOR FULL PLANNING PERMISSION – MINOR & SMALL-SCALE (1-9 dwellings, commercial up to 999sqm and other minor developments)

² London Borough of Southwark Technical Guidance for Noise Amended November 2019

Importantly, a Planning and Design and Access Statement supporting the application places significant weight on the Premises Licence granted by the Council. This puts the cart before the horse and should not be treated as a material consideration justifying planning permission.

Maladministration in the grant of Premises Licence 866850

I complain that the Premises Licence was granted contrary to the Premises (Licensing Act) 2003 and the Council's published Statement of Licencing Policy.

The Council issued the Licence to premises that did not have planning permission for use as a Class A4 (Drinking establishment). This amounted to maladministration by the Council. Further, despite five requests to Southwark's Regulatory Services the Council has failed to review the Licence.

Premises (Licensing Act) 2003

Section 4 of the Act '*General duties of licensing authorities*' states:

"(1) A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives.

(2) The licensing objectives are—

(a) the prevention of crime and disorder;

(b) public safety;

(c) the prevention of public nuisance; and

(d) the protection of children from harm.

(3) In carrying out its licensing functions, a licensing authority must also have regard to—its licensing statement published under section 5." (Emphasis added)

The grant of the Premises Licence has resulted in crime, caused a public nuisance due to noise and the Council failed in its duty under section 4(3) of the Act – see further below.

Section 5 of the 2003 Act requires each licensing authority to prepare and publish a statement of licensing policy every five years. The policy statement is expected to set out, for the benefit of applicants, responsible authorities **and members of the local community**, how the authority intends to approach its licensing responsibilities under the Act.

Southwark Statement of Licencing Policy

The Southwark Statement of Licencing Policy (for 2019–2021) was adopted at council assembly on 27th March 2019 prior to the grant of the Premises Licence at 59 Lant Street.

Paragraph 105 of the Statement of Licencing Policy states:

"this Authority will look to ensure proper integration with the planning regime. While it is understood that there is no legal basis for a licensing authority to refuse a license application solely because it does not have planning permission, it would be inconsistent for the authority to give a licence for an activity when planning permission for the same activity has been refused. Therefore, it is expected that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This

applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the council would expect the applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be.”

The Lant Street Wine Company’s application was silent on the absence of planning permission.

Additionally, the grant of the Premises Licence conflicted with Southwark Statement of Licencing Policy paragraph 121 - ‘*Location and other relevant considerations*’ that states the following will be taken into account:

- *The location of the premises and their character*
- *The physical suitability of the premises for the proposed licensable activities i.e. in terms of safety, access, noise control etc.”*

The location immediately beneath my home, the construction of the building with inadequate soundproofing, servicing arrangements and cumulative impact with the Gladstone Public House diagonally opposite make the ground floor of the premises wholly inappropriate for a public drinking establishment. The Council’s Abatement Notice under the Environmental Protection Act evidences this.

Summary of complaint

In granting the Premises Licence at 59 Lant Street the Council failed to act in accordance with its Statement of Licencing Policy thereby contravening section 4(3) of the Premises Licencing Act 2003. The drinking establishment failed to promote the licensing objectives.

The borough’s residents have an expectation that the Council will act in accordance with the law and its published policy.

Section 51 of the Licensing Act 2003 provides that at any stage, following the grant of a premises license a responsible authority, or any other person, may ask the licensing authority to review the license because of a matter arising at the premises in connection with any of the four licensing objectives.

I would be pleased for confirmation that my complaint is upheld and how the authority intends to remedy this situation.

Please let me know whether you require any further information or copies of any documents.

Yours sincerely,

Signed



cc.

Shanali Counsell - Planning Officer

Councillors Adele Morris, Victor Chamberlain and David Noakes.

Your Ref. ICW

Eleanor Kelly
 Chief Executive
 London Borough of Southwark
 160 Tooley Street
 London SE1 2QH

[REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]

By email to:

CCU@southwark.gov.uk,
eleanor.kelly@southwark.gov.uk

5th October 2020

Dear Ms Kelly,

**Lant Street Wine Company, 59-61 Lant Street, SE1 1QN
 Review Stage Complaint of Maladministration in the Grant of Premises Licence 866850**

1. On 2nd July 2020, I made a Stage 1 Complaint about the grant of the above Premises Licence on 8th April 2019 that resulted in an unlawful drinking establishment being established at 59 Lant Street [REDACTED] my home.
2. On 17th July 2020, David Franklin Team Leader Licensing Unit contended my complaint is "*unfounded*". I am disappointed that the letter comes from the department of which I complain not Corporate Complaints to whom it was addressed. I am not satisfied with the response and wish to refer my complaint to the Review Stage.
3. In summary, I complain the Council:
 1. Failed to ensure the application for the Premises Licence had been advertised in accordance with regulations made by the Secretary of State;
 2. Breached the Premises (Licensing Act) 2003 failing to assess the application against Southwark's Statement of Licencing Policy & Technical Guidance for Noise, the Southwark Local Plan and government guidelines resulting in failure to promote the Act's licencing objectives;
 3. Has failed to accept responsibility to review the Premises Licence;
 4. Has failed to enforce against unlawful changes of use at 59 and associated advertising;
 5. Has failed to provide environmental information;
 6. An objection to planning application 20/AP/1372 remains on the Council's web site despite requests for its removal.
4. I append extracts from the Southwark Local Plan. I also attach a Monitoring Log of activity at 59 Lant Street following my complaint to Southwark Regulatory Services on 1st October 2019 and noise measurements recorded within my home on Friday 18th October 2019. Please note my response is hampered due to complaint 5 – absence of environmental information – please see my unanswered letter of 18th August 2020 to the Information Governance Team attached.

FAILURE TO ENSURE STATUTORY ADVERTISING OF THE PREMISES LICENCE APPLICATION

5. My letter of 2nd July 2020 explained publicity of the licence application failed in this case. I received no notification from the Council or the applicant. The entrance to the residential accommodation in the building 59 Lant Street / 6 Vine Yard is in Vine Yard where no advertisement was displayed by the applicant. I was not made aware of the application and unable to make a representation.

The Council's response

"The regulations state that the application has to be advertised on a blue notice at the premises where it can be read and in a local newspaper, there is no requirement to display more than one notice for premises less than 50 square metres. The applicant complied with this regulation."

Comment and complaint

6. The requirement for advertising at section 17 of the Act is that regulations made by the Secretary of State should ensure that an application is advertised ***"in a manner which is prescribed and is likely to bring the application to the attention of the interested parties likely to be affected by it."***
7. The Council's response misquotes the publicity requirements of Regulation 25 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 that require:

(a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,

(i) which is—

(aa) of a size equal or larger than A4,

(bb) of a pale blue colour,

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

*(ii) in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises **and in the case of a premises covering an area of more than 50 metres square, a further notice** in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and*

(b) by publishing a notice—

(i) in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;

8. The application premises comprised 59-61 Lant Street. Floorspace within No. 59 is 87 metres square & within No. 61 75 metres square both exceeding the 50 square metres stated in the Council's letter and the regulations (total 162 metres square). 59-61 Lant Street has a frontage to two highways – Lant Street and Vine Yard. **The advertisement required under Regulation 25 was not displayed in Vine Yard.**
9. When a licensing authority receives an application for a premises licence or an application to vary an existing premises licence, it must determine whether the

application has been made in accordance with section 17 of the Act and the regulations. This means that the licensing authority must consider whether the application has been properly advertised in accordance with the regulations.

10. The Home Office advises:¹

*“It is the responsibility of the applicant for putting the notice up, however **licensing authorities should consider where the signs should be placed and advise the applicant where appropriate, to ensure people will see them, in particular if an application is likely to be of interest to the public**”.* (paragraph 81)

11. I complain the Council failed to ensure the necessary publicity had been undertaken and granted the licence without an advertisement having displayed in Vine Yard. I contend the application was neither lawfully made nor determined, the licence is null and void and should be revoked.

BREACH OF THE PREMISES (LICENSING ACT) 2003

12. Section 4 of the Act ‘General duties of licensing authorities’ provides:

“(1) A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.

(2) The licensing objectives are—

- (a) the prevention of crime and disorder;*
- (b) public safety;*
- (c) the prevention of public nuisance; and*
- (d) the protection of children from harm.*

(3) In carrying out its licensing functions, a licensing authority must also have regard to—its licensing statement published under section 5.”

13. Section 5 requires each licensing authority to publish a licensing statement setting out how the authority intends to approach its licensing responsibilities. The Southwark Statement of Licencing Policy (for 2019–2021) was adopted at council assembly on 27th March 2019.
14. My letter of 2nd July 2020 complained that the licence was not granted in accordance with section 4 of the Act, being in conflict with the Southwark Statement of Licencing Policy and also the Council’s Technical Guidance for Noise without proper consideration given to the location and physical suitability of the premises for the licensed activities resulting in crime and public nuisance.

The Council’s response

“You further wrote on the 29th October concerning this matter and you were duly advised that that there is no requirement under the Licensing Act 2003 for premises to obtain planning permission prior to the obtaining of a premises licence. This is confirmed in paragraph 14.64 of the Home Office Revised Guidance issued under s.182 of the Licensing Act 2003 (April 2018) which provides “The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not

¹ Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 April 2018

bound by decisions made by a planning committee, and vice versa". It is good practice for premises to obtain planning consent first but this is not a mandatory requirement."

"The Council officer acting as the Responsible Authority for Licensing considered the application with regards to the Statement of Licensing Policy and the premises location and did make representation within the consultation period on policy issues. These concerns were addressed by the applicant and the representation was withdrawn."

"Planning was consulted on the application and made no representation; however there is no legal basis to refuse a premises licence based solely because it does not have planning permission and planning consent for the proposed use had not previously been refused. "

"Applicants do have a choice in what order they apply for a premises licence and planning consent, our Policy recommends that the planning consent is obtained first".

"The Council's Environmental Protection Team were consulted on the application, they assessed the application in February 2019 and made no representation based on the hours of operation, the proposed operating schedule and no previous complaints."

Comment and complaint

15. My complaint under Head 2 may be sub-divided into three overlapping issues:
- Issue 1 - Grant of the licence in the absence of planning permission,
 - Issue 2 - Failure to assess the suitability of the premises for the licensed activities, resulting in
 - Issue 3 - Failure to promote the licencing objectives.

Issue 1 – Grant of the licence in the absence of planning permission

16. The requirement to obtain planning permission whilst not expressed in the Act falls within section 4 (3) that a licensing authority "**must**" have regard to its licensing statement published under Section 5. The intention is to properly integrate the licencing and planning regimes.
17. The Council's duty is explained at '*Integrating strategies*' (paragraph 14.63) of the Home Office Revised Guidance:
- "It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, **planning**, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. **Co-ordination and integration of such policies, strategies and initiatives are therefore important.**"*
18. I complain Home Office guidance was ignored when the licence was granted in the absence of planning permission.
19. Southwark's Statement of Licencing Policy confirms:

General information

20. Paragraph 50. *“licensing law will always be a part of the **holistic approach** to the management of the evening and night-time economy in town and city centres.”*

Other regimes

21. Paragraph 102. *“This Authority will look to ensure consistency, as far as is possible within law, with other licensing and consent regimes.”*

22. Paragraph 105 then explicitly states:

- *“This Authority will look to ensure proper integration with the planning regime”.*
- *“It is expected that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned”.*
- *“This applies equally to applications seeking a licence intended to facilitate a change of use”.*
- *“Where this is not the case, the council would expect the applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be”.*

23. In addition, the Southwark Local Plan provides statutory policy for assessing applications for drinking establishments. (Appendix 1).

24. The Council should act as a corporate body. It is unacceptable for the Licensing Unit to say: *“Planning was consulted on the application and made no representation.”* It is also irrelevant that *“planning consent for the proposed use had not previously been refused.”* In conflict with the Statement of Licencing Policy, there is no evidence that the authority required the applicant to explain why planning permission had not been firstly sought and why licensing consent should be.

25. I complain there was no integration of the licencing and planning regimes. The licence was granted in the absence of planning permission contrary to the Statement of Licencing Policy (and by implication the Act), in the face of Home Office guidance and the Southwark Local Plan.

Issue 2 - Failure to assess the suitability of the premises for the licensed activities

26. The Statement of Licencing Policy (paragraph 121) requires the following matters to be taken into account:

- *“The location of the premises and their character*
- *The physical suitability of the premises for the proposed licensable activities i.e. in terms of safety, access, noise control etc.”*

27. The Licencing Policy then sets out considerations that **“must”** be taken into account in determining an application for a premises licence or an application to vary an existing premises licence:

- Paragraph 123: Prevention of public nuisance.
- Paragraph 236: Preventing noise and vibration escaping from the premises, including from music played and customer noise.
- Paragraph 244: Consideration of whether physical works may be necessary to

prevent nuisance being caused to local residents the likelihood of which increases where residents live adjacent to, **above** or close by. Where physical measures are likely to be necessary expert advice should be sought on appropriate measures.

- Paragraph 245: Provision of sound insulation to party walls, floor and ceiling appropriate to the level of risk of nuisance.
 - Paragraph 248: Confirmation that the environmental protection team will assess all licence applications for their impact on public nuisance.
28. The Council's Technical Guidance for Noise sets criteria for noise adopting British Standard 8233:2014 *"Guidance on sound insulation and noise reduction for buildings"* and World Health Organisation (W.H.O) guidelines.
29. No acoustic report or noise impact assessment was submitted with the application and the Council did not request such information to be provided.² I complain this was a fundamental failure given the location of the premises immediately beneath residential accommodation.
30. The physical unsuitability of the premises is demonstrated by the attached noise measurements taken within my flat on Friday 18th October 2019 that far exceed W.H.O. guidelines, Southwark's *"Technical Guidance for Noise 2019"* and BS 8233:2014.
31. The Council's letter of 17th July 2020 confirms that the Environmental Protection Team made no representation only considering the hours of operation, the proposed operating schedule and no previous complaints. It is clear that no assessment of the physical suitability of the premises was made. The absence of previous complaints is irrelevant as the drinking establishment at 59 only commenced following the grant of the licence not beforehand. Cumulative assessment with the Gladstone Arms public house diagonally opposite has also not been demonstrated contravening paragraph 127 of the Statement of Licencing Policy:
- "The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider within its licensing policy and is now included in the Licensing Act 2003 under section 5a"*.
32. The Council's Noise Abatement Notice served on 11th November 2019 demonstrates the inadequate construction of the premises for the licenced activities. Even a cursory inspection would have identified its physical unsuitability but there is no evidence of any such assessment.
33. In May 2020, thirteen months after the grant of the licence, the Lant Street Wine Company submitted a retrospective application (20/AP/1372) for planning permission to change the use of 59 from a warehouse to uses including a drinking establishment. The application was invalidated due to the absence of a Noise Assessment. An Acoustic Technical Note by RBA Acoustics dated 21st July 2020 was subsequently submitted. RBA's base calculation confirms that with the existing separating floor/ceiling construction of 59 the recommended noise criteria set for my flat would be exceeded and recommends that a *'second ceiling'* be provided.

² Email from Vanessa Bascoe, Senior Information Systems Officer, 24th December 2019

34. It is also apparent that in granting the licence the Council gave no consideration to Policy 3.1 'Environmental Effects' or Policy 3.2 'Protection of Amenity' of the Southwark Local Plan. (Appendix 1).
35. The borough's residents have an expectation that their local authority should act in accordance with the law, its adopted policies and government guidance. The Council's letter of 17th July 2020 demonstrates that the licencing authority failed to give proper consideration to the location of the application premises, its physical suitability for the licenced activities, ignoring Southwark's Licencing Policy, the Technical Guidance for Noise and the Southwark Local Plan.

Issue 3 - Failure to promote the licensing objectives

36. In granting the licence the Council failed to promote licensing objectives (a) & (c) and breached paragraphs 40 & 42 of its Licensing Policy:
- *"In carrying out its licensing functions the council will promote the four licensing objectives set out in the Licensing Act 2003" (paragraph 40)*
 - *"The legislation supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include: Protecting the public and local residents from **crime, anti-social behaviour and noise nuisance.**" (paragraph 42).*

The Council's response

37. The Council's letter of 17th July 2020 is silent on the licencing objectives but states:

"The Licensing Act requires under section 18(2) that all uncontested applications are granted as applied for and no hearing is required."

Comments and complaint

38. Section 18(2) of the Act only applies when the publicity requirements of section 17 (5) are met, not when an application is unlawful due to failure to comply with publicity requirements. The Home Office guidance states: *"A hearing is not required where an application has been **properly made**...."* (paragraph 9.2)
39. Southwark's Licencing Policy states:
- "If an application for a premises licence or club premises certificate **has been made lawfully** and there have been no representations from responsible authorities or other persons, this authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions".* (paragraph 45)
40. I complain the licence has resulted in crime, anti-social behaviour and public nuisance. The Council's response fails to demonstrate that these matters were properly considered when the application was determined. The attached Monitoring Log demonstrates persistent failure to achieve the licencing objectives that include:
- 26th October 2019 and 31st March 2020: Threats against me by the Lant Street Wine Company recorded by the Metropolitan Police as section 54A Public Order Offences – Crime Nos. 3042016/19 & 3022425/20.

- The Noise Abatement Notice served on 11th November 2019 due to “*statutory nuisance*” caused by the premises being unsuitable for the licenced activities.
 - Breaches of the Noise Abatement Notice on Thursday 14th November 2019, Sunday 8th December 2019, Saturday 14th December 2019, Thursday 27th January 2020, Tuesday 18th August 2020 and Monday 31st August 2020. Please note that the un-actioned on-line complaint on 8th December 2019 was made to the Noise Team not Mr. Williams of the Licensing Unit as asserted in the Council’s letter. Other events were not reported as the Noise Team declined to provide a copy of the Abatement Notice instructing a Freedom of Information request.
 - Persistent large-scale temporary events held in unsuitable premises. The Metropolitan Police attended the event on Tuesday 18th August 2020 due to public nuisance and anti social behaviour (Police Report 7963 18/08/2020).
 - Sunday 6th September 2020. Excessive noise from the constant playing of a piano from 11.30am onwards. Reported to Southwark Noise Team Ref. SWK-1239179.
 - Thursday 10th September 2020. Southwark’s Noise Team was unable to deal with public nuisance due to COVID restrictions. (Ref. SWK1240297).
41. At the very least, breach of objective (c) ‘*the prevention of public nuisance* should have been identified at application stage but was not.

FAILURE TO REVIEW THE PREMISES LICENCE

42. Five requests for the Council to review the licence have been declined. Given the circumstances of this case I maintain the licencing authority has a responsibility to review the licence.

The Council’s response

“Mr Williams informed you a number of times on how to apply for a review of the premises licence and provided you with a link to the Southwark website where the review application form and guidance can be found.

As you have failed to submit an application to review the premises licence the Council is unable to hold a review hearing before the Licensing Sub-Committee.”

“The Act states in s51(1) ‘Where a premises licence has effect, a responsible authority or any other person may apply to the relevant licensing authority for a review of the licence’. There is a statutory process and application form to apply for a review of a premises licence.”

“Additionally the revised guidance issued under section 182 of Licensing Act 2003 (April 2018) states in section 11.5 “it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so.”

Comments and complaint

- 50 The Council’s letter misquotes Section 51 of the Act that provides: “*Where a premises licence has effect a responsible authority, or any other person, may ask the licensing*

authority to review the license because of a matter arising at the premises in connection with any of the four licensing objectives”.

51 My previous letters constituted such a request.

52 The Council’s letter omits relevant parts of the Home Office Revised Guidance:

“Licensing authorities acting as responsible authorities

Licensing authorities are included in the list of responsible authorities”. (paragraph 9.13).

*“Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) **although there are occasions where the authority may decide to do so.** Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. **However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority”.***
(paragraph 9.14)

52. Southwark’s Statement of Licencing Policy confirms:

*“The licensing authority is included within the list of responsible authorities. This role will be undertaken within the authority’s licensing service. **This authority will determine when it considers it appropriate to act in its capacity as a responsible authority in accordance with its duties under section 4 of the 2003 Act.”*** (paragraph 89).

53. Paragraph 95 reiterates Section 51 of the Act:

“Licence reviews

At any stage following the grant of a premises licence, a responsible authority or other persons, may apply for a review of that licence because of a matter arising at the premises in connection with any of the four licensing objectives”. (paragraph 95)

54. I maintain the Council has failed to use its powers under the Act, ignored Home Office guidance and its own Licencing Policy failing to review the licence as requested. Given the application was unlawfully made due to non-compliance with statutory publicity requirements, and the failure to promote the licencing objectives; I contend the licence should now be unilaterally reviewed.

FAILURE TO ENFORCE AGAINST THE UNLAWFUL CHANGE OF USE

55. It is over 15 months since the drinking establishment first opened without planning permission and a year since my first letter of complaint on 30th September 2019 to Planning Enforcement about the unlawful use and the installation of an illuminated advertisement.

56. In representations on the retrospective planning application, I complained that 59 is also being used as an unauthorized shop / showroom operating seven days a week causing noise and disturbance frequently until midnight with no control over hours of

operation. I have also complained about unlawful advertising that remains in situ.

57. Southwark's Statement of Licencing Policy "**SECTION TWELVE – ENFORCEMENT**" provides:

Paragraph 295: *"It is essential that licensed premises operate in accordance with the Act and comply in full with licence terms, conditions and restrictions at all times."*

Paragraph 296: *"Part of the licensing authority's role is to monitor premises operation and take appropriate enforcement action to promote the licensing objectives; support good management practice; and protect the local community. This authority recognizes the importance of the enforcement role and will work in partnership with all relevant agencies to promote the licensing objectives, taking effective enforcement actions where appropriate."*

58. Southwark has also published a Planning Enforcement Plan January 2017. The Executive Summary confirms:

"...sometimes development goes ahead without planning permission and this can have a harmful impact on the environment. In these circumstances, the Council will take planning enforcement action to rectify the breach of planning control."

"Enforcement action will be taken when it is expedient to do so. The assessment of expediency is based on the Council's planning policies, the merits of the development and any other material considerations."

59. Priorities include: *"Unauthorised development that directly impacts on living conditions"*.

The Council's response

"The active planning enforcement investigation 19/EN/0482 was created on the 1st October 2019 following reports of the unauthorised use of the premises. The site was visited on the 22nd October 2019."

"The council then issued the owners with a Planning Contravention Notice on 8 November 2019 to establish the day to day use of the premises. The owner responded to this notice and it was subsequently concluded that a breach of planning control had occurred."

"A report was drafted recommending that formal enforcement action be taken. This report was agreed in late December 2019. Action at that time was delayed as the premises was closed over the new year. The owners also confirmed a planning application was to be submitted to rectify the breach. Action was then deferred following the commencement of COVID lockdown restrictions."

The enforcement case remains active. Currently the application 20/AP/1372 is deemed invalid as they haven't submitted a Noise Impact Assessment. On receipt of this assessment the application would be validated and it would then go through the planning process including neighbour notifications."

Comments and complaint

60. Two enforcement matters arise.
61. Firstly, Southwark's Statement of Licencing policy confirms: *"a premises licence or temporary event notice **cannot be used unless all other relevant consents are in place.*** (Paragraph 111).
62. Whilst Mr. Williams endeavored to enforce compliance with conditions attached to the licence and warned the Lant Street Wine Company that large scale temporary events should not be held; there is no evidence that the company was instructed to cease the use of 59 as a drinking establishment given the licence should not have been used in the absence of planning permission.
63. Secondly, regarding the Planning Act, in a meeting with Councillor Adele Morris (Chair of the Licencing Committee) on 8th November 2019, I requested that an Enforcement Notice and a Stop Notice (including a Temporary Stop Notice) be served.
64. On 12th December 2019, Lisa Jordan, Planning Enforcement officer informed me she was recommending an Enforcement Notice and would discuss a Stop Notice within the Department. On 13th December, I emailed her manager, Alison Brittan, attaching notes of Councillor Morris' visit to my home.
65. On 19th December, I received a message from Gavin Blackburn of the Planning Department who made the following points:
- *"When issuing a stop notice (temporary or otherwise) the Council has to be absolutely sure that they have the breach of planning control precisely and accurately described. It is open to the recipient to seek compensation of the breach complained of has not occurred."*
 - *"Lisa has made an assessment that an unauthorised use as a bar has occurred and should be enforced against. I agree with that assessment and will recommend that course of action to the Director of Planning."*
 - *"I understand that Lant Street Wines have arranged particular events in the run up to Christmas, which they aren't prepared to stop voluntarily. They have indicated that they maybe willing to review matters in the New Year."*
 - *"I don't doubt the use of the premises as a bar is disruptive to you. Possibly the impact effects your flat more than any other. In the past the Council have served stop notices in instances where there has been more than one complainant."*
 - *"I'm not prepared to recommend service of a stop notice. This is because the use is somewhat sporadic and not definitive. There also seems to be some scope for the use to scale down after Christmas."*
 - *"To issue a notice of any sort a process of approval by the Director of Planning has to be gone through and the matter reviewed by the Council's legal department. In practice that will mean a notice is issued in the new year."*
 - *"I am going to keep the question of a stop notice open, so that it can be reconsidered in the new year, but today it is not something I'm willing to recommend."*
66. I replied to Mr. Blackburn by letter on 20th December explaining:
- The use of 59 clearly amounts to a material change of use requiring planning permission.

- The nuisance caused.
 - Why I considered the Premises License was granted unlawfully.
 - Given there is no doubt that that an unlawful change of use has occurred there can be no ground for compensation following a Stop Notice.
 - It is incorrect to speculate on conditions after Christmas. The nuisance has subsisted generally twice a week since the summer; the bar has been licensed for 7 days a week and the Lant Street Wine Company tell me that is their intention.
 - It is immaterial that I am the sole resident directly affected.
 - It is expedient and proportionate to serve both an Enforcement Notice and a Stop Notice.
67. My letter to Mr. Blackburn went unanswered.
68. Contrary to officer recommendations no planning enforcement notices have been served despite the use conflicting with amenity policies in the Southwark Local Plan.
69. The application for planning permission 20/AP/1372 remains invalid including due to the Lant Street Wine Company's false declaration on the application form (and also in their covering letter) that notice was served on six owners of the building (please see my representations of 25th June and 1st September 2020). The Council has not required the applicant to correct this. Neither has the authority publicised the application. On 7th July, Dennis Sangweme (Group Manager – Validation & Fast Track) confirmed to Councillor David Noakes that a "new round of letters" would be sent. I have received no such notification and the owners of Flats 2 & 7, 6 Vine Yard and 57 Lant Street have confirmed they have not been notified.
70. On 20th August and 11th September, I emailed Mr. Franklin asking whether the company gave a Temporary Events Notice for the event held on 18th August 2020 (see Monitoring Log) and the steps the Council intends to stop such events, warnings by Justin Williams, Licencing Enforcement, being ignored. I received no reply.
71. The drinking establishment should not have commenced without planning permission. The six months between my first complaint and the Covid 19 directions commencing 23rd March 2020 provided ample time but no enforcement (other than a Planning Contravention Notice) was instigated. During much of this period I was driven out of my home typically twice weekly. Subsequently, neither the Licencing Unit nor Planning has taken enforcement action to secure the cessation of the unlawful A4 use, the showroom at 59 or the holding of temporary events. Unlawful advertisements also remain.

FAILURE TO PROVIDE ENVIRONMENTAL INFORMATION

72. The Council's Noise Team declined to provide a copy of the Abatement Notice dated 11th November 2019 instructing a FOI request.
73. On 7th November 2019, I requested information from the Information Governance Team about the grant of the premises licence. On 15th November, as instructed by Justin Williams and Martin Talbot (Noise Team Leader), I requested additional information on the Licencing Unit's attempts to enforce conditions on the license and a copy of the Noise Abatement Notice.

74. Vanessa Bascoe, Senior Information Systems Officer replied on 24th December 2019 but withheld some of the requested information including a copy of the Abatement Notice. The reason given was: *“under regulation 12(5)(b) of the Environmental Information Regulations including - The course of justice, fair trial or inquiry of a criminal or disciplinary nature.”*
75. On 2nd January 2020, I wrote further to Vanessa requesting a copy of the plans that accompanied the premises licence application, the Council’s Delegated Report on the licence application and asked how the Abatement Notice could be accessed. I received no reply.
76. On 18th August 2020, given the Council’s letter of 17th July 2020 and the Acoustic Technical Note by RBA Acoustics raise matters relevant to my both complaint and the application for planning permission; I made a further request to the Information Governance Team under the Environmental Information Regulations 2004 (copy attached). I sent a reminder on 8th September. To date, the requested information has not been supplied.
77. I complain the Council has failed to respond to my request with the statutory timescale. I do not accept that any of the information requested is exempt from disclosure

PUBLICITY OF OBJECTIONS TO PLANNING APPLICATION ON SOUTHWARK’S WEB SITE

78. There is no statutory requirement that representations on planning applications are published. Due to threats against me by the Lant Street Wine Company, I have asked that my representations be not published. Contrary to my request, my letter of 1st September 2020 objecting to planning application 20/AP/1372 appears on the Council’s web site. Despite four requests it has not been removed.

SUMMARY OF REVIEW STAGE COMPLAINT

79. I do not accept my Stage 1 complaint was *“unfounded”*. I contend the Council’s response is factually incorrect, legally flawed and fails to address my complaint of maladministration in the processing of the premises licence application:
- The Lant Street Wine Company failed to comply with the Secretary of State’s publicity requirements that went uncorrected by the authority.
 - The authority contravened section 4(3) of the Act, failing to determine the application in accordance with the Southwark Statement of Licencing Policy with no assessment made of the suitability of the premises for the licenced activities. No regard was paid to the Council’s Technical Guidance for Noise. The licence was granted for premises without planning permission involving a change of use that conflicts with the Southwark Local Plan.
 - The licence has resulted in premises that have failed to promote the Act’s licencing objectives.
80. The licence should not have been used in the absence of other relevant consents but other than warnings, neither the Licencing Unit nor Planning Enforcement have taken any action in a period now exceeding 12 months to secure the cessation of the unlawful

use of 59 including temporary events or the showroom use. The application for planning permission remains invalid.

81. Despite five requests, the authority has failed to accept its responsibilities and use its powers to review the premises licence.
82. Requested environmental information has not been supplied.
83. I would be pleased hear that my complaint is upheld and how the authority intends to remedy this situation. Please let me know if you require any further information or copies of any documents.

Yours sincerely,

Signed

[REDACTED]

- cc. Councillors Adele Morris and David Noakes
David Franklin, Licencing Unit
Michael Wood, Planning Enforcement

- Appendix 1 Extracts from the Southwark Local Plan
Attachments Monitoring Log - Activity at 59 Lant Street
Noise measurements within [REDACTED] Vine Yard Friday 18th October 2019
Letter 18th August 2020 to the Information Governance Team

Appendix 1 – Planning Policy**Southwark Local Plan 2007 'saved' policies:**

Policy 3.1 - Environmental Effects - *"Planning permission for the establishment of uses that would cause material adverse effects on the environment will not be granted, and proposals for activities that will have a material adverse impact on the environment and quality of life will be refused."*

Policy 3.2 – Protection of Amenity - *"Planning permission for development will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site."*

New Southwark Plan Submission Version:

Policy P55 - Protection of amenity - *"Development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users."*

Your Ref. 2235759

Customer Resolution Team
PO Box 64529
London SE1P 5LX

By email to:

Anita.Makwana@southwark.gov.uk.

23rd November 2020

Dear Ms Makwana,

**Lant Street Wine Company, 59-61 Lant Street, SE1 1QN
Review Stage Complaint**

1. I refer to your findings of 13 November 2020. You ask that I elaborate on my request for environmental information and invite any questions.
2. It is 14 months since I first complained about the unlawful use of 59 Lant Street. Since then the authority has failed to stop activities that have repeatedly driven me from my home, necessitated involvement by ward members, my MP, the Metropolitan Police and the Council's Noise Team.
3. Your findings fail to acknowledge regulatory failures and do not resolve a situation that cannot persist indefinitely.

Absence of Site Notice in Vine Yard

4. Officers now accept that the premises licence application was not advertised in accordance with the Secretary of State's Regulations as no site notice was displayed in Vine Yard but dismisses this as being entirely the applicant's responsibility.
5. Paragraphs 10 & 11 of my Review Stage Complaint rehearsed Home Office's guidance that licencing authorities should check that applications are lawfully made and ensure the necessary publicity has been undertaken. I repeat this failure was fundamental maladministration that caused these on-going problems.
6. The Licensing Unit's reference to the "Funky Mojoe" case is irrelevant. I have not complained about "minor errors" in the blue site notice having never seen it. My complaint is that no notice at all was displayed in Vine Yard and went uncorrected by the authority.
7. The Lant Street Wine Company failed to comply with the Regulations and has caused significant prejudice that is "fatal" to the application and should result in the revocation of the licence on the ground that it was unlawfully made.
8. The "Corporation of the Hall of Arts and Sciences v The Albert Court Residents' Association" case is also irrelevant. I agree there is no duty on a licensing authority to advertise applications or to take steps to notify anyone affected by them. My complaint is that the authority failed to ensure that the Lant Street Wine Company had advertised the application in accordance with statutory requirements. My ward councillor informed me that the application was supported by plans.

These would have shown the premises has a frontage to two highways but the officer who inspected the site failed to ensure a notice was displayed in Vine Yard where the entrance to the residential accommodation in the building is located. The Lant Street Wine Company employed the same tactic of non-compliance with statutory publicity requirements including false declarations in their application for planning permission deliberately attempting to prevent representations.

9. Your findings claim: *"Because the relevant representations were conciliated with the ward member and Licensing Responsible Authority, there would have been a statutory duty to issue the premises licence."* When Councilor Morris, ward member and Chair of Licensing, visited my home on Friday 8th November 2019 she informed me that she had not appreciated the application premises was the warehouse 59 Lant Street beneath my home, not the room at the rear of the wine shop 61 Lant Street (see the top of page 2 of my meeting notes dated 9th November 2019 – attached). I fail to see how relevant representations could have been conciliated with the ward member who was unclear about the location of premises and was unaware that the application had not been lawfully advertised.
10. Had the required statutory notice been displayed in Vine Yard, I would have seen it and objected in the strongest terms. The absence of a display has necessitated:
 - Persistent Noise Team call outs,
 - Ward member visit to my home,
 - Continual involvement by Metropolitan Police,
 - Physical threats against me and *"common assault"*,
 - Volumes of unnecessary correspondence with much time and expense wasted by all parties.

And, this will continue until the matter is resolved and my residential amenity restored.

11. Given the circumstances that have persisted for 18 months, it is clearly proportionate that the licencing authority should withdraw the premises licence on the ground that it was unlawfully made. Please explain why the Lant Street Wine Company cannot be told to submit a lawful application to enable its full and proper consideration as required by law.

Breach of the Premises (Licensing Act) 2003 failing to assess the application against Southwark's Statement of Licencing Policy & Technical Guidance for Noise, the Southwark Local Plan and government guidelines resulting in failure to promote the Act's licensing objectives

12. Your findings fail to address paragraphs 12-41 of my Review Stage Complaint being entirely concerned with the lack of objection to the application. I have explained this was caused by non-compliance with statutory publicity requirements that went uncorrected.
13. Whether objections are received or not, the licencing authority **MUST** consider applications against the Act including the licencing objectives and its Statement of Licencing Policy. You fail to provide evidence of any such assessment. The Council must act as a corporate body and no or inadequate response by the Planning Department and the Environmental Protection Team is no excuse. There was no integration of the licencing, environmental protection and planning regimes.

Failure to review the Premises Licence

14. Your findings do not address paragraphs 42-54 of my Review Stage Complaint merely reiterating Home Office Guidance paragraph 11.5. The findings fail to address my assertion that Mr. Franklin's reply to my Stage 1 Complaint omitted relevant parts of the Guidance and fail to acknowledge that a licensing authority may choose to act as a responsible authority if it is aware of relevant grounds (paragraph 9.14).
15. Your findings also ignore Southwark's Statement of Licencing Policy that says the authority will determine when it considers it appropriate to act in its capacity as a responsible authority (paragraph 89). Contrary to your findings, a review of the premises licence is not dependent on an application from myself and I fail to see why this should be necessary.
16. I maintain the Council has failed to use its powers under the Act, ignored Home Office guidance and its own licencing policy failing to review or revoke the licence as requested. Please explain why the authority has not used its powers to act unilaterally given the application was unlawful and the problems that have ensued.

Failure to enforce against unlawful changes of use at 59 and associated advertising

17. Thank you for confirming that the final preparation of a planning enforcement notice is being processed. I first requested enforcement to secure compliance with planning control on 30th September 2019. Southwark says a "priority" is enforcement against unauthorised development that directly impacts on living conditions which is the case here. Please explain why there has been a failure to enforce against a priority case for 14 months, confirm when the enforcement notice will be served and that this will include a stop notice.
18. Neither do the findings address my complaint that the Licensing Unit failed to stop the use of 59 as a drinking establishment that has persisted for 18 months without planning permission. Southwark's Statement of Licencing policy unequivocally confirms: "*a premises licence or temporary event notice **cannot be used unless all other relevant consents are in place*** (paragraph 111).
19. Please confirm how long after a premises licence is granted does the Licencing Unit allow a drinking establishment to operate in the absence of other relevant consents?
20. You fail to confirm whether any steps that have been taken to secure the removal of illegal advertising.

Failure to provide environmental information

21. You say: "*There is no environmental information to provide*" but ask me to elaborate if I would like particular information.
22. I have explained my complaint is hampered by the failure to provide requested information. This is detailed at paragraphs 72-77 of my Review Stage Complaint. I now attach my request of 18th August 2020 to the Information Governance Team that may not have been passed to you.

Request

23. This matter can be resolved if the Council:
- Withdraws the premises licence on the ground that it was unlawfully made, and
 - Serves a planning enforcement notice and stop notice against the unauthorised uses at 59.
24. The Lant Street Wine Company could then submit a properly made application for a premises licence that could be given full consideration by the licencing authority. The company will also have a right of appeal against the planning enforcement notice to the Planning Inspectorate.
25. Please can you urgently confirm the Council's intentions. I trust this matter can be resolved without necessitating referrals to the Local Government Ombudsman and the Information Commissioner.
26. Please can you acknowledge receipt of this letter.

Yours sincerely,

Signed



cc:

Eleanor Kelly Chief Executive
 Councillors Adele Morris and David Noakes
 Neil Coyle MP
 Simon Bevan Director of Planning
 Alison Brittan Head of Planning Enforcement
 Michael Wood, Planning Enforcement
 David Franklin – Team Leader Licensing Unit

Attachments:

Notes of meeting with Councilor Morris dated 9th November 2019
 Letter 18th August 2020 to the Information Governance Team

Complaint - Noise, Town Planning & Licensing, 59 Lant Street, SE1 1QN

Notes of meeting and site visit with Councilor Adele Morris Friday 8th November 2019

Breach of town planning control (Town and Country Planning Act 1990)

We discussed my request that an Enforcement Notice and a Stop Notice are served.

C’lIr Morris advised a planning officer has visited the premises and a Planning Contravention Notice (PCN) issued. I explained I do not want the Council to invite an application for planning permission because of the time involved including any appeal to the Government’s Planning Inspectorate. A PCN is a precursor to planning enforcement and without an enforcement notice there would be no requirement for the unlawful use to cease. Should the Lant Street Wine Company wish unilaterally to make a retrospective application for planning permission that is their right but it should not delay enforcement.

My request is that initially there should be a **Temporary Stop Notice** (under section 171E of the Planning Act) requiring the unlawful use to stop immediately. The prohibition lasts for 28 days and can be served if there has been a breach of planning control and it is expedient that the activity is stopped immediately.

This should be followed by an **Enforcement Notice** (under section 172) requiring the use to cease. An Enforcement Notice comes into effect usually after 28 days. There is a right of appeal to the Planning Inspectorate, including on the ground that planning permission should be granted. The Enforcement Notice should be accompanied by a **Stop Notice** (under section 183) extending the prohibition of the Temporary Stop Notice.

Noise Nuisance - Control of Pollution Act 1990

I explained my opinion that a statutory nuisance (defined in section 79 of the Act) is being caused. I explained the Noise Team visited my flat on 11th October and said I would be advised in writing of intended remedial measures. I had then provided the Noise Team Leader with Noise Measurements recorded in my flat demonstrating decibel readings far exceeding the Council’s published “*Technical Guidance for Noise January 2017*”. I promised to resend those letters to C’lIr Morris for assistance.

I explained that the requested **Abatement Notice** (under section 80) has not been served. I was asked to re-contact the Noise Team should I be affected by noise again, and been informed that if the noise is witnessed and constitutes a Statutory Nuisance appropriate action would be taken. As my complaint does not involve a one off occurrence, C’lIr Morris agreed I could not be expected to contact the Noise Team weekly.

C’lIr Morris said if necessary the Council’s Environmental Protection Department could install noise monitoring equipment in my flat.

Premises (Licensing) Act 2003

I explained my concerns about the grant of the License to unlawful premises lacking planning permission, persistent breaches of the conditions, intimidation and my request that the License is revoked.

C’Ilr Morris indicated that as Chair of Licensing she had not appreciated the application premises was the warehouse 59 Lant Street beneath my home, not the room at the rear of the wine shop 61 Lant Street. We agreed that the use of that room would not be problematical given the location beneath office accommodation and having been used for ‘tastings’ for many years.

I explained that publicity of the application had failed. I had not been informed by the applicant, nor consulted, no notice had been placed in Vine Yard and I had been unable to make representations against the license application.

C’Ilr Morris assured me the “responsible bodies” would have been consulted but I questioned whether this included the Council’s Environmental Protection and Planning Departments. I have asked for confirmation by a FOI request.

My complaint about the grant of the Premises Licence has been assigned to Mr Williams, a License Enforcement Officer. It appears it is not his role to explain why the License was granted.

We disagreed on whether there has been maladministration. C’Ilr Morris advised that it was not possible to refuse a premises license due to the absence of planning permission and referred to attempts to amend the 2003 Act. Whilst agreeing the legislation is separate, in considering the application the Council **must** have regard to its statutory Statement of Licensing Policy (sections 4 & 5 of the Act). Paragraphs 50, 51 and 105 of Southwark’s published Statement of Licensing Policy 2019–2021 commit the Council to act “holistically” and not grant licenses to premises lacking the necessary planning permission without adequate explanation.

C’Ilr Morris confirmed that for the Council to review the Premises License there must be a formal application (section 51). She advised this should be framed around the four licensing objectives and that I should keep a monitoring record of activity at the bar including visits by the Noise Team. I confirmed I have kept records since 11th October but this was now difficult given a threat of physical violence from the son of the Premises License holder and I no longer wished to enter the bar.


9th November 2019

From [REDACTED]

Sent: Friday, February 19, 2021 10:55 AM

To: Mills, Dorcas <Dorcas.Mills@SOUTHWARK.GOV.UK>

Subject: Re: Review of Premises Licence 866850 Ref.1592457 - 59 Lant Street SE1 1 QN

Dear Dorcas,

In our telephone conversation you indicated the licencing and planning regimes are two separate functions. Whilst subject to separate legislation the law requires that the two functions must be integrated by licencing authorities. Please see my Review Stage letter 6th October 2020 to the Chief Executive:

Paragraphs 12 & 16 - THE PREMISES (LICENSING ACT) 2003 section 4 provides at (3) *"In carrying out its licensing functions, a licensing authority **must** also have regard to—its licensing statement published under section 5."*

Paragraph 22- Southwark's Statement of Licencing Policy (para 105) explicitly refers to the need for planning permission.

Paragraph 24 - The Council should act as a corporate body.

Paragraph 26 - Southwark's Statement of Licencing Policy (paragraph 121) requires the following to be taken into account:

- *"The location of the premises and their character*
- *The physical suitability of the premises for the proposed licensable activities i.e. in terms of safety, access, noise control etc."*

Paragraph 27 - Considerations that **"must"** be taken into account in determining an application for a premises licence.

Paragraph 31 – Cumulative impact.

Para 32. The Noise Abatement Notice demonstrates the inadequate construction of the premises for the licenced activities.

Paragraph 34. In determining a premises licence application Southwark's Local Plan is a material consideration.

Paragraph 61 - Southwark's Statement of Licencing policy states: "a premises licence or temporary event notice cannot be used unless all other relevant consents are in place.

Paragraph 71. The drinking establishment should not have commenced without planning permission.

The disturbance caused to my residential amenity by the bar since mid 2019 constitutes anti-social behaviour that falls within Licening objective c)

the prevention of public nuisance. Further, the Council's Enforcement Notice requires the cessation of the bar use as it causes significant harm to neighbouring residents amenity through disturbance and noise spill which has not been properly assessed or mitigated against and also falls within Licencing objective c).

I hope this is helpful.

Kind regards,

A solid black rectangular redaction box covering the signature area.

Licensing Act 2003 Premises Licence



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

Premises licence number

866850

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Lant Street Wine Company 59-61 Lant Street London SE1 1QN	
Ordnance survey map reference (if applicable), 532351179751	
Post town London	Post code SE1 1QN
Telephone number 02073577788	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Films - Indoors Recorded Music - Indoors Sale by retail of alcohol to be consumed on premises Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 08:00 - 23:00
Tuesday 08:00 - 23:00
Wednesday 08:00 - 23:00
Thursday 08:00 - 23:00
Friday 08:00 - 23:00
Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

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 Sale by retail of alcohol to be consumed off 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

Films - Indoors

Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

Recorded Music - Indoors

Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

Sale by retail of alcohol to be consumed on premises

Monday	08:00 - 22:30
Tuesday	08:00 - 22:30
Wednesday	08:00 - 22:30
Thursday	08:00 - 22:30
Friday	08:00 - 22:30
Saturday	08:00 - 22:30
Sunday	10:00 - 22:00

Sale by retail of alcohol to be consumed off premises

Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

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

Lant Street Wine Company Limited
171-173 Gray's Inn Road
London, WC1X 8UE
0207 357 7788
[REDACTED]

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

08980025

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

David Wilcock
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Licence [REDACTED]
Authority L.B Barnet

Licence Issue date 08/04/2019

[REDACTED]
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.

102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

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.

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,

Annex 2 - Conditions consistent with the operating Schedule

124 Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

- a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m.
- c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- d. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club;
- iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces .

125 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

127 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

4AF Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises.

305 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.

307 The accommodation limit for the premises shall not exceed 32 patrons.

340 The written dispersal policy shall be kept at the premises and made available for inspection by authorised officers of the council or the police. All relevant staff shall be trained in the implementation of the policy.

4AJ That there shall be no more than four smokers outside at any time and this shall be monitored by staff

316 That waste collection be restricted to 08:00 till 17:00 to mitigate nuisance to neighbours.

310 Doors and windows to be kept closed during operation to minimise noise nuisance.

4AA That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

4AB That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

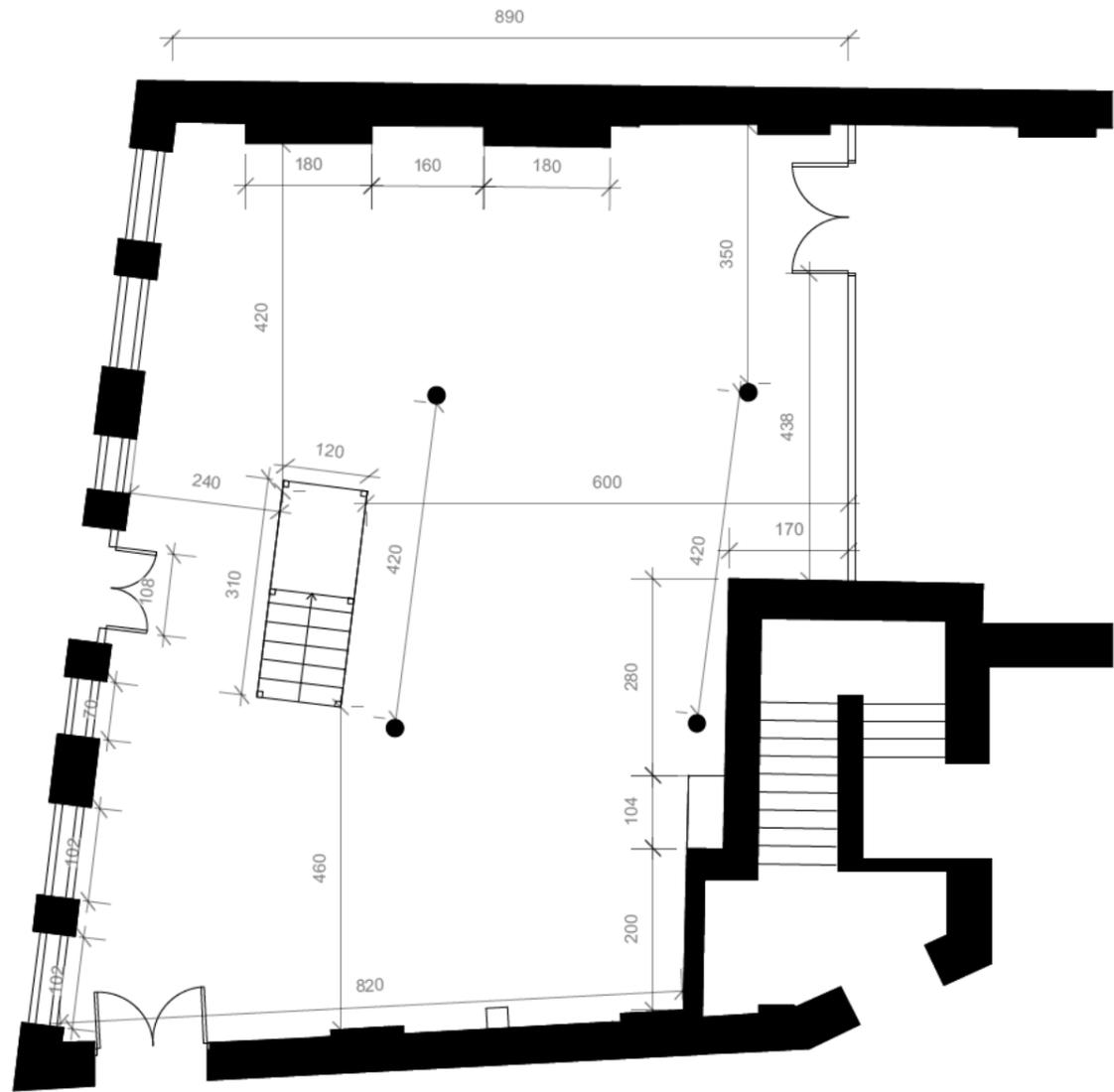
Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

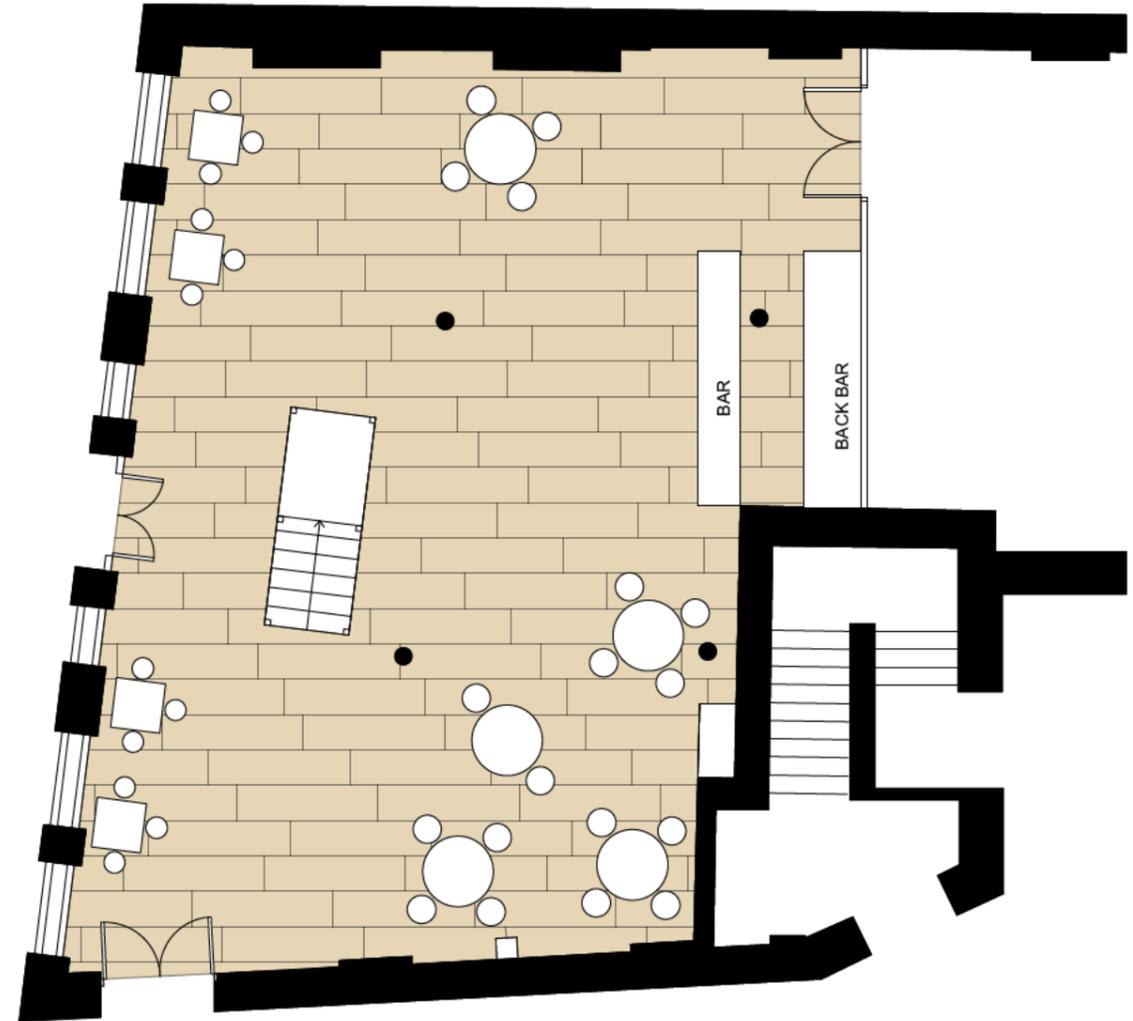
Licence No. 866850

Plan No. Lant St Bar - GF Plan
Lant St Bar - Furniture Plan

Plan Date 08/02/2019



3 LANT ST BAR - GF PLAN
Scale 1:100, 117 sqm



2 LANT ST BAR - FURNITURE PLAN
Scale: 1:100

1



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: [REDACTED]
Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/029/21

Date: 4th February 2021

Re:- Lant Street Wine Company, 59-61 Lant Street, London

Dear Sir/Madam

Police are in receipt of an application from a local resident to review the licence of the above premises. The police licensing unit have considered the review application and have the following comment to make.

A number of the points made within the application relate to planning, noise and procedural matters for an application made by the premises for a variation to the licence. We would not be able to make any comment on this.

Further to the above the applicant also mentions a number of incidents reported to the police. I have made extensive searches of the police systems going back to the 8th April 2019 when the variation was granted according to the application and I wish to make the following comments.

A search of the crime recording system does not produce any further crime reports other than that mentioned in the application

3042016/19 – Recorded as public order offence, this was closed due to lack of evidence by the investigating officer.

3022425/20 – Recorded as public order offence, this was closed as the victim was unwilling to continue with prosecution and was not further investigated.

3030859/20 – Recorded as common assault, no mention was made when reported that it was linked to a dispute with the premises. Only later when investigating officer called was it mentioned. Victim only wanted suspect to leave him alone and no further action. This was not flagged for licensing and the venue for the offence was not shown as a licenced premises so we were unaware of this report.

A search of other systems including the CAD system used to record calls to police only showed four incidents on two different days the 18th August 2020 and the 31st August 2020. The searches we carried out included 59 Lant Street, 61 Lant Street, the applicant's home and mobile phone numbers.

Cad 4471 & 4814 of the 31st August 2020 at 15.39hrs & 16.24hrs respectively.

CAD 4471- The informant phoned and complained about a party causing a noise nuisance and was resulted in a seasonal issue.

Cad 4814- Informant called to inform police party had stopped. No action required.

CAD 7963 & 8457 of the 31st August 2020 at 21.41hrs & 22.45hrs respectively

CAD 7963 – informant reported a party at location. Officers attended and resulted it as good natured and stopping in 30 minutes.

CAD 8457 – Informant reported party still going on. No officer attended as good natured first time.

Officers from the licensing and Night time economy team attended the premises for a licensing visit on or just before the 22nd August 2020 after a complaint was made to Southwark Council Licensing.

Officers found an event taking place but no money was changing hands and the wine was being given away free for tasting only.

No other information has been found on the police records.

I have reviewed the premises licence and found a number of conditions I would normally recommend for a premises of this type are not on the licence. If the licensing subcommittee do not revoke the licence as the applicant has requested then I would suggest the following could assist in stopping any further issues.

The removal of recorded music from the licence and the exemption given before 23.00hrs to premises with an on licence. This would only allow back ground music which I believe is all that is required for wine tasting.

The following conditions

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. A Signs shall be displayed on the outside with the telephone number of the manager on duty, allowing local residents to call and complain without entering the premises.
6. A personal licence holder will be on the premises at all times when intoxicating liquor is being offered for on sales.

The customer limit is only 32 patrons but the committee may also wish considering the provision for SIA security as below

7. At least one SIA registered Door Supervisor shall be employed at all times when on sales are being served.

Submitted for your consideration

Yours Sincerely

PC Graham White 288MD
Licensing Officer
Southwark Police Licensing Unit

From: Prickett, Mark <Mark.Prickett@southwark.gov.uk>
Sent: Thursday, February 4, 2021 4:12 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: Mills, Dorcas <Dorcas.Mills@SOUTHWARK.GOV.UK>
Subject: EPT supporting comments - review of premises licence - 59-61 Lant Street

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed the licence review application (ref number: 1592457, dated: 07/01/2021) concerning the premises Lant Street Wine, 59-61 Lant Street, SE1 1QN. With regards to the prevention of public nuisance licensing objective, EPT supports the review.

STATUTORY NOISE NUISANCE

The variation of the premises licence was granted on 8th April 2019, licence number: 866850, which included the new use for a wine bar at the front of 59 Lant Street.

Found here:

<http://app.southwark.gov.uk/licensing/LicPremisesGrantedDetails.asp?systemkey=866850>

The first complaint was received to the Licensing Team on 1st October 2019 and the Noise & Nuisance Team on 11th October 2019 alleging public nuisance from the undertaking of licensable activities under the new premises licence. Correspondence to both the Licensing Team and Noise and Nuisance Teams continued which led to a Noise Team officer visiting the complainants property on 8th November 2019 and witnessing a statutory noise nuisance from activities associated with the Lant Street Wine premises.

The Noise Team officer, within the complainants property on the 8th November 2019, noted "*The level of the music witnessed would affect the quiet enjoyment or use of the complainant's property*" and that the volume of the music "*felt as if the song was being played from within the complainant's property*" which resulted in the level of noise being deemed a statutory noise nuisance, as per section 79 of the Environmental Protection Act 1990.

A statutory noise nuisance abatement notice, as per section 80 of the Environmental Protection Act 1990, was served on Lant Street Wine on 11th November 2019.

The complainant alleges breaches of the abatement notice within the review application.

PLANNING

The premises currently does not have planning permission for 59 Lant Street to be a drinking establishment, moreover a planning enforcement notice has been served, dated 19 Nov 2020 requiring any use of a bar to cease. Please see attached.

A summary of the planning status regarding applications associated with Lant Street Wine is as follows:

In May 2020, planning permission was applied for “Temporary Change of Use to Premises at the Front of no 59 to Hold Public Wine Tastings (Use Class A4) for a Three -Year Period subject to hours of operation conditions and other conditions.” Under Reference 20/AP/1372. The planning team declined to determine this. The owners have recently appealed this decision and it is currently under consideration.

An enforcement notice was issued in November 2020 (attached) this notice was also appealed by the owners in December 2020.

A further application (21/AP/0148) has also very recently been submitted. This application is described as “Change of Use of ground floor from Use Class B8 (warehouse) to Sui Generis (mixed B8 warehouse and A4 drinking establishment) to allow public wine tasting events”. The consultation process is now in progress.

Whilst there are appeals currently in progress, and a new application for permanent change of use submitted, it is important to note that 59 Lant Street has not previously, and does not currently, have permission for A4 (drinking establishment use).

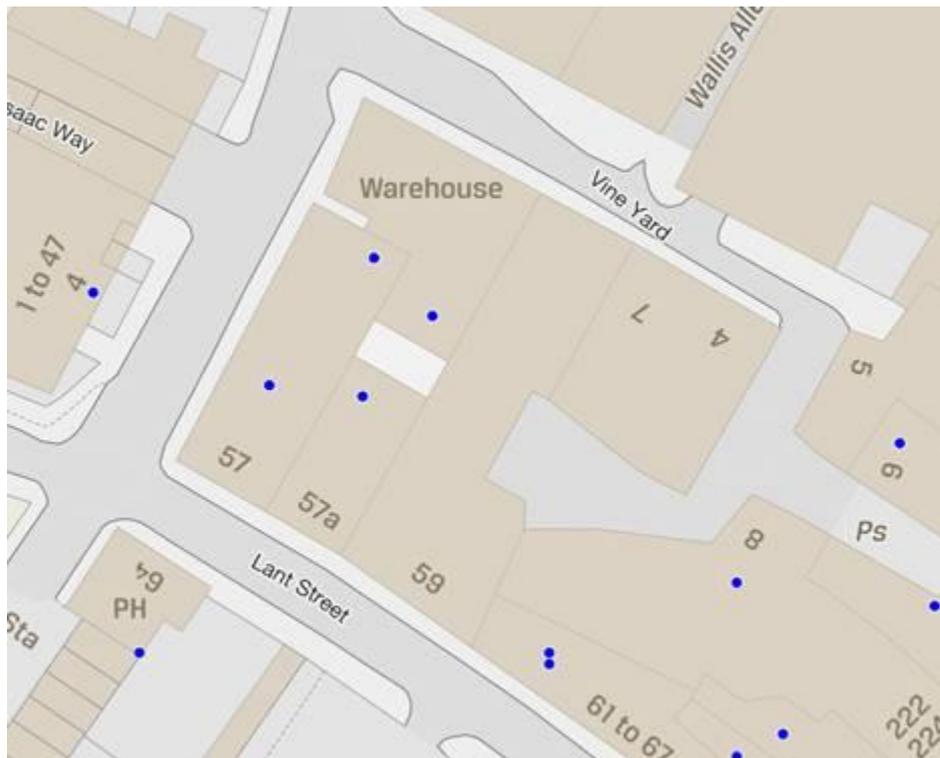
Southwark’s Statement of Licensing Policy (2021-26), section 101 advises that *“this Authority will look to ensure proper integration with the planning regime. While it is understood that there is no legal basis for a Licensing Authority to refuse a licence application solely because it does not have planning permission, to allow clarity and consistency both for Applicants; and in response of enforcement action, it is strongly recommended that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the Council may expect the Applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be”*.

Section 107 adds *“Other consents such as planning permission are separate regimes and a premises licence...cannot be used unless all other relevant consents are in place”*.

It is the case that the undertaking of licensable activities in 59 Lant Street, in the current circumstances, has caused noise nuisance. At present there is no planning permission in place for the use of the premises as a drinking establishment.

PUBLIC NUISANCE

The 59-61 Lant Street premises has numerous residents in close proximity, as per the map below showing blue dots as surrounding residential neighbours. There is concern public nuisance could be caused to numerous residents in close proximity to 59 Lant Street if the premises licence is permitted to continue operate as it is currently granted.



EPT summary

The undertaking of licensable activities within the new drinking establishment part of the premises (front of 59 Lant Street, previously a warehouse) has caused statutory noise nuisance, witnessed by a Southwark Council Noise & Nuisance Team officer.

It is clear there is insufficient noise insulation between the commercial space and adjoining residential properties.

Section 272 of Southwark's Licensing Policy states "*Nuisance may often be caused by sound escaping from the premises or transmitted through the structure of the building. While some simple management steps may be taken to reduce the problem, it should be understood that in some premises physical works may be necessary to prevent nuisance being caused to local residents...Where physical measures are likely to be necessary expert advice should be sought on appropriate measures*". Section 273 lists possible measures for improvement.

The use of the old warehouse as a drinking establishment may be considered acceptable if adequate noise insulation was installed. However at present there is inadequate insulation to protect adjoining residents from public nuisance from the use of the licensable activities currently permitted.

EPT support the review in that current permitted licensable activities have caused a statutory noise nuisance, the use of the premises as a drinking establishment does not currently have relevant planning permission and there is insufficient noise insulation between the commercial premises and adjoining residential units to prevent public nuisance in the future.

Kind regards,

Mark Prickett
Principal Enforcement Officer
Environmental Protection Team
Tel: 020 7525 0023

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: THE LONDON BOROUGH OF SOUTHWARK

To:

Company Secretary – South of the Border Holdings Ltd of 60 Doughty Street, London, WC1N 2JW
Company Secretary – Lant Street Wine Company Ltd - 4th Floor 4 Tabernacle Street, London, EC2A 4LU
B.W Wilcock, D.R Wilcock, 171-173 Grey's Inn Road, London, WC1X 8UE
Jermain Gallacher Showroom, 59 Lant Street, London, Southwark, SE1 1QN
Lant Street Wine of 59-61 Lant Street, London, Southwark, SE1 1QN
The Owner, 59 Lant Street, London, Southwark, SE1 1QN
The Occupier, 59 Lant Street, London, Southwark, SE1 1QN
The Owner, 61 Lant Street, London, Southwark, SE1 1QN
The Occupier, 61 Lant Street, London, Southwark, SE1 1QN

- THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of this Notice and the enclosures to which it refers contain important additional information.
- THE LAND TO WHICH THE NOTICE RELATES**

Ground Floor and Basement, 59-61 Lant Street, London, Southwark, SE1 1QN shown edged blue on the attached plan ("the Land")

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the Land to a mixed bar / shop / warehouse use ('the Unauthorised Use').

Without planning permission, the erection of an illuminated projecting sign on the front elevation of the Land ('the Unauthorised Works').

4. REASONS FOR ISSUING THIS NOTICE

4.1. It appears to the Council that the Unauthorised Use has commenced within the last ten years and the Unauthorised Works were undertaken within the last four years.

4.2. It is expedient to take enforcement action because:

4.1.1 The Unauthorised Use causes significant harm to neighbouring residents amenity through disturbance and noise spill which has not been properly assessed or mitigated against. The use is considered to be contrary to Chapter 8 [Promoting healthy and safe communities] of the NPPF 2019; Policy 7.15 [Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes] of the London Plan 2016; Strategic Policy 13 [High Environmental Standards] of the Core Strategy 2011; Saved Policy 3.2 [Protection of amenity] of the Southwark Plan 2007; P54: Protection of amenity and P67: Reducing noise pollution and enhancing soundscapes of the emerging New Southwark Plan.

4.1.2 The Unauthorised Works are incongruous and cause harm to the character and appearance of the Land and surrounding area and its appropriateness in the context of the Land being in the Liberty of the Mint Conservation Area. The sign is considered to be contrary to Chapter 16 [Conserving and enhancing the historic environment] of the NPPF 2019; Policy 3.23 [Outdoor Advertisements and Signage] of the Southwark Plan 2007 and P40: Outdoor advertisements and signage of the emerging New Southwark Plan.

5 WHAT YOU ARE REQUIRED TO DO

5.1 Cease bar use at the Land.

- 5.2 Remove from the Land all advertising associated with use of the Land as a bar.
- 5.3 Remove from the Land all speakers / stereo / musical instruments and any other amplified music equipment associated with the unauthorised use.
- 5.4 Remove from the Land the illuminated projecting sign at the front of the building and remove all fixtures and fittings associated with this sign and repair any damage to the front of the building caused by this removal.

6 TIME FOR COMPLIANCE

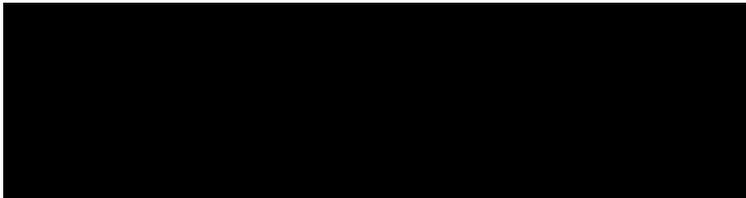
One (1) week after this Notice takes effect in respect of the requirement at 5.1 above.

One (1) month after this Notice takes effect in respect of the requirements at 5.2 to 5.4 above.

7 WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 24 December 2020 unless an appeal is made against it beforehand.

Dated: 19 November 2020



Director of Law & Democracy
Legal Services | Finance & Governance
PO BOX 64529
London
SE1P 5LX

EXPLANATORY NOTE

YOUR RIGHT OF APPEAL

You can appeal against this notice but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the Notice.

The enclosed Planning Inspectorate Information Sheet provides further information about your right of appeal against this Enforcement Notice.

If you are appealing under Ground (a), that you believe planning permission should be granted for what is alleged in the enforcement notice, you are required to pay a fee of **£924.00**. This should be paid to the London Borough of Southwark by way of a cheque sent to the Planning Department at PO BOX 64529 London SE1P 5LX (160 Tooley Street, London SE1 2TZ), or by credit card by telephoning 0207 525 5403 . You must also provide a copy of your appeal form.

You must submit with your Appeal Form, or within 14 days from the date the Planning Inspectorate notifies you, a statement in writing specifying the grounds of the appeal and state briefly the facts on which you are relying in support of those grounds.

WHAT HAPPENS IF YOU DO NOT APPEAL

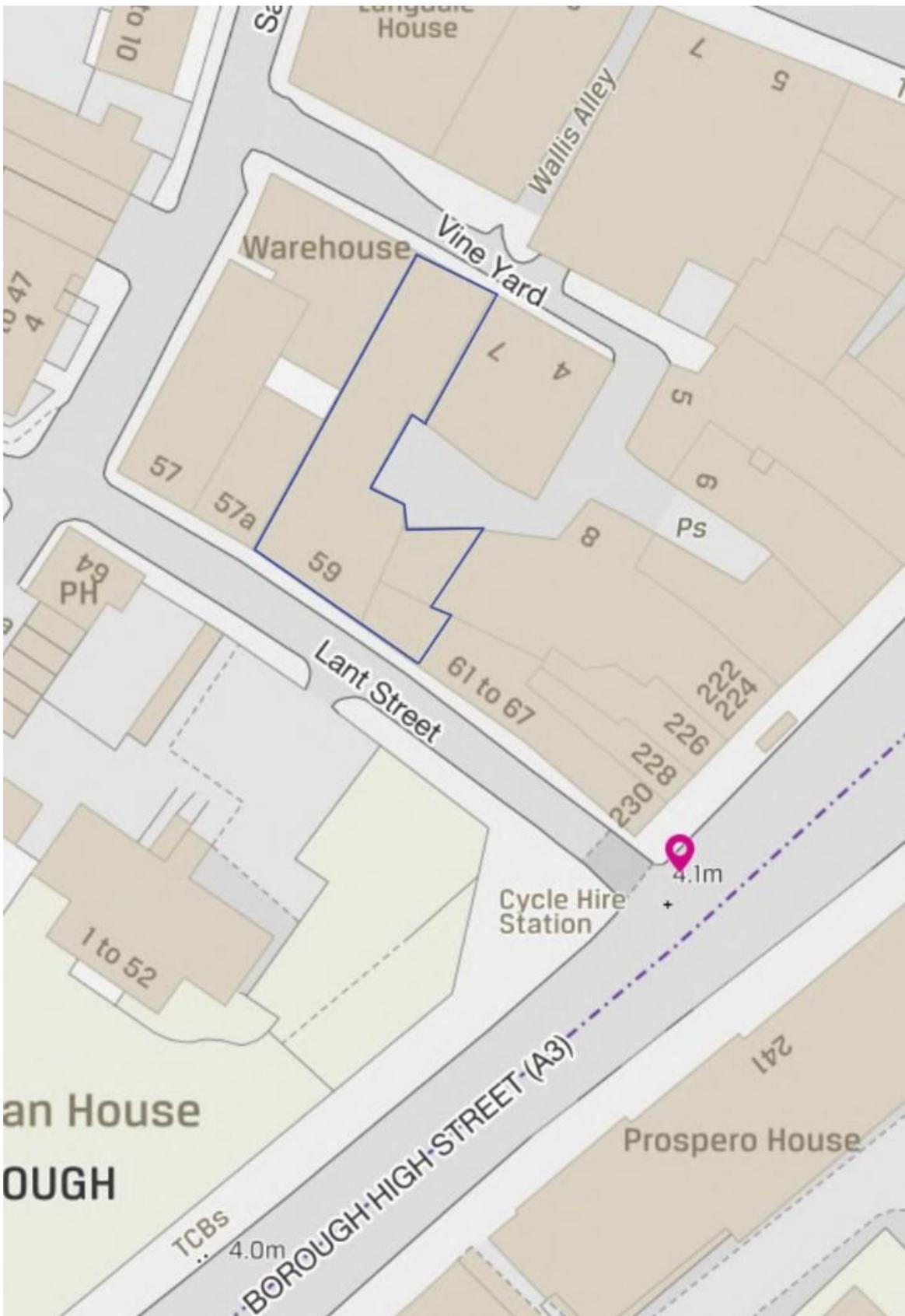
If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Enclosures:

Plan

Covering letter

Planning Inspectorate Information Sheet



MEMO: Licensing Unit

To Licensing Unit **Date** 4 February 2021

From Jayne Tear

Email jayne.tear@southwark.gov.uk

Subject Lant Street Wine Company, 59-61 Lant Street, London, SE1 1QN
Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by an Other Person under the Licensing Act 2003.

The application is submitted is concerned with:

'The grounds relating to the Licensing objectives for prevention of crime and disorder and prevention of public nuisance; - Conditions on the premises licence have been persistently breached with non-compliance of the licenced hours, the licenced number of patrons and outside smokers, unsupervised access and entrance door left open. Large-scale temporary events have been held without the necessary Temporary Event Notices given to the licencing authority that have further breached conditions of the licence. Capacity of 80 persons in the warehouse at 59 has been advertised on the company's web site. The drinking establishment has caused or necessitated persistent Southwark Noise Team call outs and on-going involvement by the Metropolitan Police due to anti-social behaviour'.

The premises is situated in the Borough and Bankside CIP Area.

My representation is submitted with regards to promoting the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2021 – 2026.

The licensing unit have received complaints regarding this premises regarding noise issues, breaches of the licensed conditions and unlicensed activities taking place. Licensing officers have visited the premises and warnings letters have been sent to the licensee regarding a breach of following condition:

307 - The accommodation limit for the premises shall not exceed 32 patrons.

A licensing officer carried out a further visit on 22/11/2019 and witnessed 2 further breaches of the following conditions:

340 The written dispersal policy shall be kept at the premises and made available for inspection by authorised officers of the council or the police. All relevant staff shall be trained in the implementation of the policy.

4AB That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

I attached to this representation the NTET Log of visits and actions; I also include copies of the warning letters sent.

Further to this I can confirm that the council Noise Team have also received complaints and a noise abatement notice has been served to the premises.

I may submit further evidence supporting this representation at a later stage.

Southwark's Statement of Licensing Policy 2021 – 2026 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

ATTACHMENTS INCLUDED:

- NTET Log
- 2 warning letters

Mr David Wilcock
Lant Street Wine Company
Basement And Ground Floor
61-63 Lant Street
London
SE1 1QN

Licensing Unit
Direct Dial - 0207 525 2436
Facsimile - 020 7525 5705

13 November 2019

Location ID F20P**61LA/1

Dear Mr Wilcock,

RE: THE LICENSING ACT 2003 – Lant Street Wine Company, Basement And Ground Floor, 61-63 Lant Street, London, SE1 1QN

I write to inform you that it has been brought to my attention that you have allegedly breached a condition on your premises licence. The condition I refer to is:

307 The accommodation limit for the premises shall not exceed 32 patrons.

This potentially constitutes a contravention of the licence issued under the Licensing Act 2003 by this Council in respect of the premises.

In particular, I would advise you that Section 136 (1)(a) of the Licensing Act 2003 states that:

A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or
- (a) Knowingly allows a licensable activity to be so carried on.

A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine or to both.

This Service warns you that should any further breach be reported to us we will give consideration to the appropriate legal action to be taken. You should understand that this could lead to legal proceedings being taken.

Southwark Council - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director of Environment and Leisure - Caroline Bruce

I would make clear that it is the practice of the Council's Licensing Unit to send officers to visit premises to check to see if unauthorised activities are being provided. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to the staff or the licence holder at the time of the visit.

You should also understand that where other Services have interest in the matters noted we will be notifying them of this recent visit. You may receive follow-up visits from them.

Information and online applications can be found using the following link:

<http://www.southwark.gov.uk/business/licences>

Please ensure you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact us on the telephone number given above.

Yours sincerely,

Justin Williams
Licensing Enforcement Officer
justin.williams@southwark.gov.uk

licensing@southwark.gov.uk

David Wilcock
WATERLOO WINE CO
59-61 Lant Street
London
SE1 1QN

Licensing Unit
Direct Dial -
Facsimile - 020 7525 5705

23 December 2019

Location ID F20P**61LA/1

Dear Mr Wilcock,

RE: THE LICENSING ACT 2003 – WATERLOO WINE CO, 59-61 Lant Street, London, SE1 1QN

I write to inform you that it has been brought to my attention that licensable activities are being provided at the above premises without the necessary authorisation having firstly been obtained from this Council.

It is alleged that on the 12th October and 27th November 2019 that you breached your premises licence condition **307**. I would like to draw your attention to condition **307**, which stipulates: **The accommodation limit for the premises shall not exceed 32 patrons.**

This potentially constitutes a contravention of either the licences issued under the Licensing Act 2003 by this Council in respect of the premises operation; or of other related legislation.

In particular, I would advise you that Section 136 (1)(a) of the Licensing Act 2003 states that:

A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or
- (a) Knowingly allows a licensable activity to be so carried on.

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This Service warns you that should any further breach be reported to us we will give consideration to the appropriate legal action to be taken. You should understand that this could lead to legal proceedings being taken.

I would make clear that it is the practice of the Council's Licensing Unit to send officers to visit premises to check to see if unauthorised activities are being provided. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to the staff or the licence holder at the time of the visit.

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<http://www.southwark.gov.uk/business/licences>

Please ensure you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact us on the telephone number given above.

Yours sincerely,

Justin Williams

Justin Williams
Licensing Enforcement Officer
justin.williams@southwark.gov.uk

licensing@southwark.gov.uk

adate	desc	aofficer	name	address	adtext
14/10/2019	Visit To Premises	Justin Williams	Lant Street Wine Company	Basement And Ground Floor, 61-63 Lant Street, London, SE1 1QN	<p>Attended premises I met with Mr Ben Wilcock the licence holder and son of the DPS informed him of recent complaints received from a local resident. Mr Wilcock appeared to know who the complainant was stating XXXX XX XXXXX XXXXXXXX I did not confirm this. Mr Wilcock explained that the complainant XXX X XXXXXXXX XXXXXXXX XXX XXXXXXX XXX XXXXXXX XXXXXXXX Mr Wilcock explained that the NANT attended over the weekend and the officer stated that he can't stop his patrons from talking. Mr Wilcock also explained that a licensing officer also attended and carried out a full inspection. Mr Wilcock did accept that on a few occasions that he had breached condition: 307 and had more than 32 patrons in the premises. Mr Wilcock queried if a personal licence holder needs to be on site at all times, I advised Mr Wilcock that this is not a condition on his licence; however, it is good practice to have one on site at all times. I warned Mr Wilcock about breaching his licence conditions and advised him on applying for a minor variation to remove or change his licence conditions. Mr Wilcock said he would put in for a minor variation as at times he has wine tasting sessions and that he usually has a large amount of people who would want to attend. Mr Wilcock stated that he would like to increase the capacity to 80 but was concerned that the complainant would object. I advised Mr Wilcock that any objections would have to be based on the four licensing objectives and could not be vexatious. Inspection not carried out due to recent visit, observed licence summary on display.</p>
08/11/2019	23:28 NTE Visit	Richard Kalu	Lant Street Wine Company	Basement And Ground Floor, 61-63 Lant Street, London, SE1 1QN	<p>Compliance Visit to premises with Farhad Chowdhury (Principal Health & Safety Officer) following resident complaints of ASB and unlicensed activity at the premises beyond the hours of the premises licence. Premises closed ATOV no activity taking place and no ASB witnessed taking</p>

					place in the immediate vicinity of the premises.
09/11/2019	01:50 NTE Visit	Richard Kalu	Lant Street Wine Company	Basement And Ground Floor, 61-63 Lant Street, London, SE1 1QN	Re – visit to premises with Farhad Chowdhury (Principal Health & Safety Officer) to carry out observations. Premises closed ATOV.
13/11/2019	(MM) L301 - Warning	Justin Williams	Lant Street Wine Company	Basement And Ground Floor, 61-63 Lant Street, London, SE1 1QN	(MM) L301 - Warning Unlicensed Activity
22/11/2019	21:58 NTE Visit	Charlie Jerrom	Lant Street Wine Company	61 Lant Street, London, SE1 1QN	Visit to the premises with Clarissa O’Toole, a full licensing inspection was completed. Conditions 340 and 4AB were in breach. The premises ATOV had a number of 28 people inside. The stand in manager was aware of the amount of people allowed on the premises at one time; she also said that on regular occasions she checks the numbers. Action: Append to INU
14/12/2019	00:46 NTE Visit	Richard Kalu	Lant Street Wine Company	Basement And Ground Floor, 61-63 Lant Street, London, SE1 1QN	Compliance Visit with Kentura Dundas. Premises closed and non-operational ATOV.
20/12/2019	21:50 NTE Visit	Richard Kalu	Lant Street Wine Company	Basement And Ground Floor, 61-63 Lant Street, London, SE1 1QN	Compliance Visit with John Okeke Uzodinma. Premises closed and non-operational ATOV.

20/12/2019	Visit To Premises	Justin Williams	WATERLOO WINE CO	59-61 Lant Street, London, SE1 1QN	<p>Attended premises spoke to Ben Wilcock of recent complaint that allegedly there was a private event on the 12th October where the premises capacity was exceeded contrary to condition 307 of the premises licence .Mr Wilcock accepted that the premises held a private event and also admitted that there was another event on the 27th November 2019 where there were about 70-80 people. Mr Wilcock explained that because the events were private he was under the impression that he was not breaching his premises licence because the event was a ticketed one only. I queried whether the event involved the retail sale of alcohol which Mr Wilcock confirmed it was a wine tasting event. I explained that although the event was private it was still a licensable activity and that the premises was in breach of their licence condition 307. Mr Wilcock apologised, I informed him that I would have to send him a Warning Letter and that if there are any further breaches I may have to take enforcement action. Mr Wilcock explained that he holds private events at least once a month and that the number of patrons attending usually exceeds the capacity limit of 32 people stipulated. He explained that he may make an application for a full variation, I advised him that he could put in a TENs to hold any future events and as he is a personal licence holder he can apply for up to 50 TENs per year.I also explained to Mr Wilcock the second purpose of my visit to ascertain the furniture part of the premises plan as the warehouse is not on the plan so therefore no licensable activities should take place there. Mr Wilcock explained that the furniture area of the premises is the warehouse area which is licensable. We were shortly joined by Mr David Wilcock the DPS they both explained to me that the complainant seems to have a vendetta against them recently,</p> <p>XX XX XX XX</p>
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23/12/2019	(MM) L301 - Warning	Justin Williams	WATERLOO WINE CO	59-61 Lant Street, London, SE1 1QN	(MM) L301 - Warning Unlicensed Activity
03/01/2020	21:30 NTE Visit	Andrew Heron	Lant Street Wine Company	First Floor, 59-61 Lant Street, London, SE1 1QN	Premises closed.
05/07/2020	21:22hrs NTE Visit	Richard Kalu	Lant Street Wine Company	First Floor, 59-61 Lant Street, London, SE1 1QN	Visit to premises to carry out licensing observation of premises in light of government Covid - 19 lockdown restrictions being eased. Premises open and operational however no patrons located internally or externally.
12/07/2020	19:07 NTE Visit	Richard Kalu	WATERLOO WINE CO	59-61 Lant Street, London, SE1 1QN	Visit to premises to carry out licensing observation of premises in light of government Covid - 19 lockdown restrictions being eased. Premises open and operational no patrons located internally or externally. Observed X3 patrons enter the premises and purchase alcohol which was decanted into glass bottles. Patrons then paid and left the premises. No issues of concern noted.
01/10/2020	19:30 NTE Visit	Justin Williams	Lant Street	First Floor, 59-61 Lant Street, London, SE1 1QN	Premises close at time of visit

From: Wood, Michael
Sent: Wednesday, February 03, 2021 3:48 PM
To: Tear, Jayne
Subject: RE: Review of premises licence - 59-61 Lant Street

I am currently dealing with the planning enforcement case at the above address and I thought it might be useful for you to at least be aware of the planning status of site:

A complaint was first received in late 2019 alleging a bar use. Enforcement action was agreed initially, but they agreed to close for a short time and then Covid stopped all enforcement.

In May 2020, a planning permission was applied for "*Temporary Change of Use to Premises at the Front of no 59 to Hold Public Wine Tastings (Use Class A4) for a Three -Year Period subject to hours of operation conditions and other conditions.*" Under Reference 20/AP/1372. The planning team declined to determine this as I was told further information was requested and not submitted. The owners have recently appealed this decision and it is currently under consideration.

We did issue an enforcement notice in November 2020 (attached) this notice was also appealed by the owners in December 2020. They dispute a Bar use was occurring and that any only small scale wine tasting events occurred. As the appeal is ongoing, they can continue to operate until the appeal is determined. Appeal notification letters will be sent this month informing neighbours. The appeals have been linked and given current delays, it may be quite some time before decisions are made on these.

A further application (21/AP/0148) has also just been submitted – consultation letters have just gone out this week.

This application is described as "*Change of Use of ground floor from Use Class B8 (warehouse) to Sui Generis (mixed B8 warehouse and A4 drinking establishment) to allow public wine tasting events*" - The decision expiry date is 17 March 2021.

Please let me know the outcome of the license review as it will be useful to know the result moving forward.

Cheers,

Michael Wood
Senior Planning Officer, Enforcement Team
Development Management
Chief Executives Department
160 Tooley Street
London SE1P 5LX
Mobile: 07724 426 185
Tel: 0207 525 3189 office
michael.wood@southwark.gov.uk

From: [REDACTED]
Sent: Thursday, January 14, 2021 1:56 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Licence number 866850. Lant Street Wines.

Dear Sir,

It has come to my attention that there is a question as to whether Lant Street Wine's Licence to trade is under threat of being revoked!

I find this completely unbelievable and baffling. I have lived in the Borough for 30 years and for 30 years I have used the local shops and suppliers and have loved the fact we have independent shops that have managed to stay viable and continue trading. I know, as you must know, they are all suffering during this COVID crisis.

It beggars belief that you the council, in these extremely stressful and difficult times, would threaten the trading of what has been a thriving company by revoking it's licence.

I look forward to some explanation of this and of the ability to continuing to have Lant Street Wines as a viable local business .

Yours faithfully [REDACTED]

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

Party 2

From: [REDACTED]
Sent: Thursday, January 14, 2021 2:19 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Licence number 866850. Lant Street Wines.

Dear Sir,

I understand that there is a question as to whether Lant Street Wine's Licence to trade is under threat of being revoked!

I find this completely unbelievable and baffling. I have lived in the Borough for 20 years and for 20 years I have used the local shops and suppliers and have loved the fact we have independent shops that have managed to stay viable and continue trading. I know, as you must know, they are all suffering during this COVID crisis.

It beggars belief that you the council, in these extremely stressful and difficult times, would threaten the trading of what has been a thriving company by revoking it's licence.

I look forward to some explanation of this and of the ability to continuing to have Lant Street Wines as a viable local business .

Best wishes

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

Party3**From:****Sent:** Thursday, January 14, 2021 3:43**From:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Subject:** Licence number 866850. Lant Street Wines.

Dear Sirs,

I write in my capacity as Chair of the Trinity and Newington Residents' Association (TNRA - www.tnra.net).

TNRA represents the interests of approximately 200 households in Trinity Village. Many of our members - and indeed a significant number of non-member residents of the Trinity Village estate as well - have over many years made regular purchases from this excellent independent wine merchants. Their knowledge and stock of wines and spirits is matched by the truly responsible way in which they run the business and provide such excellent advice and service for us.

In short it is exactly the type of business that is so valuable to the local community. We can see no valid reason at all as to why Its licence should be threatened, so therefore strongly propose that the Council should do all in its power to fully support its continuing operations.

I will be grateful if you will kindly acknowledge receipt of this email.

Yours faithfully,

TNRA Chair



Party 4

From: [REDACTED]
Sent: Friday, January 15, 2021 3:18 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Lant Street Wines - Licence number 866850.

Dear Sir or Madam

I am writing in support of Lant Street Wines and against any attempt to restrict or remove their existing licence/s.

This is a thriving local business that has been on the site for over 30 years. They have a shop and space for wine storage and events. They occasionally run tastings and sometimes hire space for events. There is no regular loud noise to impinge on neighbours other than what is to be expected in London.

I do not believe Lant Street Wines to be poor neighbours on the contrary they provide a valued service and contribute to the community and have done for the 20 years I have lived here. They have been known to offer to deliver or wheel wine round to older local residents who would otherwise struggle.

Who is objecting? If a neighbour wants absolute silence they should not choose to live next to a commercial premise or opposite a local pub.

Both businesses are currently struggling to survive and could do without having to deal with this threat to their businesses.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

Party 5

From: [REDACTED]
Sent: Wednesday, January 20, 2021 2:20 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: PREMISES LICENCE REVIEW _Lant Street Wine Company, 59-61 Lant Street , SE1 1QN

Dear Licensing Committee,

We are an elderly married couple living on the [REDACTED] – above the ground floor premises occupied by Lant Street Wine Company. We are surprised at this objection as during the limited time the bar was open, it appeared to be well run and certainly did not cause us any problems regarding noise or nuisance. The only late night noise disturbance we can hear was from the Gladstone Public House but not at a level where a complaint would be justified.

The spacious and relaxed environment of the bar area is a pleasant change from the more frenetic pubs in this area of SE1 and judging from discussions with other local people its existence can only enhance our neighbourhood

Please therefore ensure that this objection is dismissed and the licence continued

Your are welcome to contact me if you require any further information

[REDACTED]

Party 6

From: [REDACTED]
Sent: Thursday, January 21, 2021 12:51 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Last Street Wines

Hello

I am writing in support of Last Street Wines which has been an important part of the local community for many years.

I'm told it is under threat, so I would like to express my support for it to continue.

best wishes

[REDACTED]

[REDACTED]

[REDACTED]

Party 7

From: [REDACTED]
Sent: Thursday, January 21, 2021 9:34 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Lant Street Wines - Licence number 866850

Dear Southwark Planning Dept

We understand that there has been a request from a resident in Lant Street to remove Lant Street Wines' licence. We are writing to oppose the removal of its licence.

We have lived in Trinity Street, Southwark, since March 1999 and have always tried to shop local whenever we can. Our regular Saturday circuit included Suffolk Meats (the butcher in Great Suffolk Street, now closed) and Eric's Greengrocer in Great Suffolk Street (also now closed) as well as Waterloo Wines / Lant Street Wines. For the last 20+ years, therefore, we have been customers of Lant Street Wines and can vouch for the professional, friendly approach shown by the staff, whether advising on wines for everyday or a special occasion, or delivering cases when they were too heavy to carry on foot or by bicycle.

It would be a great pity to lose yet another independent shop, and instead to have to use one of the major supermarket chains. What makes our bit of London so special is the village atmosphere of Borough High Street and nearby streets. We need more independent shops, not fewer. Lant Street Wines has served the community well for decades and needs to survive for decades more.

We do hope that you will reject the application to remove Lant Street Wine's trading licence.

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

Party 8

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

From: [REDACTED]
Sent: Thursday, January 21, 2021 9:35 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Last Street Wine Business

19th January 1921

I am writing to support Lant Street Wine Business of 59-61 Lant Street SE1 1QN in their application for the renewal of their premises licence number 874038.

Like all small family businesses Lant Street Wine has had a difficult year and needs encouragement and support at this time not threatened with closure. They are providing a useful and much appreciated service to their local community which is evident from the support for their events as well as supporting Southwark council as a successful business. They may have inadvertently committed minor infringements of the licensing requirements in the past but they have learnt from their mistakes. So I urge you to renew their license so they can continue to serve the community.

[REDACTED]

[REDACTED]

Party 9

From: [REDACTED]
Sent: Thursday, January 21, 2021 10:28 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Licence No. 866850

Dear Licensing Team,

I've never had to write something like this before, so I hope this is helpful. I'm writing in relation to the news that Lant Street Wine has had an objection to its licence raised by a resident. (Licence No. 866850).

I am someone who is an occasional customer, and lives quite close by to the shop itself. I honestly cannot imagine how or why this has happened. For a start, there are other similar wine shops in the area. Indeed a new wine shop, St John has opened on Borough High St not more than 300 or 400 yards from Lant St wine. These are fairly high-end premises, where the cost of wine is really quite high compared to a supermarket. It's not the kind of shop where you might buy a few tins and sit on a park bench outside (that sounds incredibly snobby but I just cannot see how any antisocial behaviour can come from the shop)

Not wishing to put on a tin foil hat, but I am so surprised at this objection, that it should be researched to ensure that there is no commercial connection to a competitor from the complainant.

Instead I suppose this resident's objections be related to the warehouse event space? At present this is highly unlikely to cause any disturbance because of coronavirus. And even when coronavirus isn't a problem and events can take place there, the location is practically on Borough High St in Zone 1 London. If it's a noise complaint, perhaps the central London life isn't for the resident. And frankly, wine tasting events cannot exactly be all that loud.

There are not a huge number of licenced event spaces right in the vicinity of Borough, but a fair few further away. It would be a shame to see this one disappear.

I really do object to a business, that is particularly loved by the community here, having added pressure at a time when businesses are struggling. It's mean spirited more than anything.

The fact that in such a short space of time over 700 people have signed a petition on the matter (https://www.change.org/p/southwark-council-licensing-team-petition-to-object-to-the-revocation-of-lant-street-wine-co-premise-license?utm_content=cl_sharecopy_26830436_en_GB%3A6&recruiter=793999678&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition%C2%A0) is really quite significant.

I would like to register my support for this premises and its licence. And I do hope the objection is rejected.

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



Petition to object to the revocation of Lant Street Wine Co premises license



792 have signed. Let's get to 1,000!

██████████ signed this petition



Lant Street Wine started this petition to Southwark Council Licensing Team

As you may be aware a member of our local community has appealed to the licensing department to have our licence reviewed and ultimately revoked. If successful, this application would mean that Lant Street Wine is no longer able to operate as a viable business.

We are creating this petition in the hope that you will offer your support for our business. As many of you know the wine shop and warehouse has been operating on Lant Street for 34 years and we are extremely proud of the professional and personable service we provide.

Whilst it has been necessary for us to adjust our service to ensure we can continue to compete in an ever-changing market (and world) we hope you agree that these changes have been of benefit to both the business and the local community.

Thank you for taking the time to read this letter and hopefully sign this petition; we very much hope that we will be continuing to provide our local community with a beneficial service for many years to come.

Party 10

From: [REDACTED]
Sent: Thursday, January 21, 2021 1:31 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Lant Street Wines

Hello,

I have recently been made aware that a new resident in my locality has raised objections to Lant Street Wines (Licence No. 866850). I am writing to convey my profound opposition to any change in their licence. A revocation of their licence would be entirely unjust. As a resident of this area for 8 years, I can say with total conviction that the business is run with utmost professionalism and consideration and is a true lynchpin of the local community. I would thus urge you to continue to support their operations in ensuring the licensing authorities allow them to continue operating as they are, and to reject what is an entirely spurious and unwarranted complaint.

I am of course available to discuss this further should you require [REDACTED]

Kind regards,

[REDACTED]

Party 11

From: [REDACTED]
Sent: Thursday, January 21, 2021 4:12 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Licence No. 866850

I am writing as a resident of Trinity Church Square in SE1 to fully support the continued operations of Lant Street Wines. They run a business that is very valuable to the local community, and one I appreciate having nearby. They are also very responsible business owners. I would like to make my view known to the licencing authorities as I would be disappointed to lose this local business.

Kind Regards,

[REDACTED]

Party 12

From: [REDACTED]
Sent: Friday, January 22, 2021 8:37 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Regarding Licence No. 866850

To whom it may concern,

I have been made aware that above licensee, Lant Street Wines, is having its licence reviewed.

Please add me to the list of people who are very concerned about this. I have lived in the area since 2004, first on Tabard Street and now in Trinity Church Square, and this great local shop has always been a gem. I have been a customer since it used to be called Waterloo Wines. It is quiet, and the staff are very friendly and kind, and it's just a fantastic local business. I can't believe it's being threatened in this way. What is the basis for this objection?

My name is [REDACTED]

Yours with concern,
[REDACTED]

Party 13

Dear Sirs,

I write in relation to a notice of complaint purporting that Lant Street Wine on Lant Street SE1 has disturbed residents because of noise.

I was very surprised to see this as I live immediately above Lant Street Wine at Flat 1, 61-63 Lant Street SE1 1QN and have never experienced any noise issues whatsoever. They have at all times been very quiet; I have never heard any music or loud sounds from them in the day or evening. (The *only* noise I hear sometimes is their door when they lock up but I mention this is to highlight how quiet they are).

If you would like to come and inspect the noise from our flat you are welcome to.

Kinds regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Party 14

From: [REDACTED]
Sent: Wednesday, February 3, 2021 2:01 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: ran holst <[REDACTED]>
Subject: RE: 59-61 Lant Street Wine Company

RE: 59-61 Lant Street Wine Company Licence

To whom it may concern.

Having tried several times to get online via the address given on the notice, without much luck I might add, I am writing directly to yourselves.

I understand that a complaint has been made against the license held by 59-61 by the person who lives above this address. Living in the warehouse next door I totally appreciate how sound can travel through buildings like this. However I also know the importance of community and how venues like this and the Gladstone pub across the road from me bring locals together - something that is hugely important to the area and society. Indeed as probably the closest neighbour to the Gladstone Arms I would be lying if I didn't say that I often hear faint voices and live music from the venue. But I have a relationship where if it ever gets out of hand I know I can call the owners and they will do something about it. Having a community asset is far more important to me than a bit of noise.

With regards to 59-61 Lant Street I believe that it is only open on one or two nights a week and the clientele are less rowdy than the pub as it is a sit down wine bar. I recently held a friend's 50th party at the location and our children who sleep in the building next door were not disturbed in the slightest.

I would suggest that the tenants of Lant Street Wine, who by the way have worked on Lant Street for many years and are wonderful people, be asked to try and put some sound cladding into the ceiling space to see if this makes a difference.

Kind regards

[REDACTED]
[REDACTED]

Party 15

██████
 ██████████
 ██████████████

3 February 2021

**Application under Section 51 of the Licensing Act 2003 – Lant Street Wine Company
 59-61 Lant Street London SE1 1QN (the "Premises")**

Dear Sirs

We are writing in respect of the above application.

We are the owners and residents of ██████████) which is located in the same building as the Premises. ████████ is situated on the second floor of the building. The Premises is located on the ground floor.

We have lived in our Flat for 12 years and are regular customers of the Premises. We purchase wine from the shop and we also bought wine to drink on the Premises when that was possible before the various lockdowns. Prior to COVID we also picked up our post from the Premises. We were therefore regular visitors for one reason or another.

In summary, we have not experienced any of the negative issues referred to in the Application and are surprised that these issues should have been raised given our proximity to the Premises. We can only report on the positive attributes of the Premises. It is an excellent wine shop with knowledgeable and helpful owners and staff. The ability to taste and drink wines on the Premises only added to the experience of the shop. The vibe of the area where we could buy drinks was an artisan tasting place amidst a collection of contemporary furniture and art. It therefore brought a different kind of experience to the pubs and other drinking places which are in the area and added to the diversity.

We fully support the continued operation of the Premises in a way which enables them to continue to operate as a wine shop and to sell drinks which people can enjoy on the Premises.

We make the following specific points in respect of the matters raised in the Application :

- We have never experienced any untoward or unacceptable noise from the Premises. By comparison, we have experienced much more regular and intrusive noise from The Galdstone pub opposite the premises which hosts live music. This is not something we make any complaint about but we do mention it to make clear the comparative noise intrusion from these two establishments which are on the same street and both of which our flat overlooks.
- We note that reference is made to "outside smokers" and presumably to noise which may arise from that. We make the same point as above - there are always a number of people drinking and smoking outside The Gladstone pub. In any event, we have personally seen only a very small people smoking outside the Premises at any one time.
- We have not witnessed any "anti-social" behaviour on the Premises. The Premises for sitting and drinking wine was a place to enjoy good wine in an artistic setting - in fact the

place became table service only to comply with COVID restrictions. It was also a place full of items for sale so the atmosphere was anything but raucous and rowdy.

- We note the reference in the Application to non-compliance with the licenced hours. We can only say that from our experience there was strict adherence to the licensing hours. This meant that on a number of occasions we (and others) continued our evening at The Gladstone which had longer licensing hours.

We trust that these points will be taken into account in any review of the licence of the Premises.

Please contact [REDACTED] on the email addresses on the attached email if you require any further information.

Yours faithfully

[REDACTED]

[REDACTED]



Thursday, 4 February 2021

ATTN:
Licensing Team/Licensing Unit
Southwark Council
3rd floor, Hub 1
PO Box 64529
SE1P 5LX
UK

**RE: Application under section 51 of the Licensing Act 2003
- Lant Street Wine 59 -61 Lant Street London SE1 1QN**

Dear Sirs/Madam,

Hope this letter finds you well. I am writing as a resident of the Vine Yard having resided there for nearly 10 years. Our flat is in the building that sits 2 floors directly above part of Lant Street Wine 59 -61 Lant Street London SE1 1QN. I also work at Southwark Council but am not involved in the licensing area. I hope this will not prevent you considering this letter.

Firstly, this wine shop and gallery space has been present for over 30 years and is a part of Southwark's heritage. It also operates next to the Gladstone Pub that was not long ago designated by the Council as an Asset of Community Value to protect it from development. Together, these businesses form a small community of local retail that helps welcome our community and nurture our social wellbeing. It also provides a place of culture – with strong links to the musical heritage of the area including Stock Aitken and Waterman who had recording studios in the annex of the building complex.

Secondly, I have regular contact with the shop as a customer and also, prior to COVID-19, observed their evening wine tasting events and have on some occasions attended. These were well managed professional and civilised affairs and usually over by around 9pm latest. There was no drinking outside and water was readily provided. I have never heard or observed any evidence of loud music or any other excessive activity of a nuisance nature.

During the last 12 months, the owners commenced an indoor evening on 2 or 3 nights a week incorporating a small wine bar. This operated like an art gallery space with various pleasant objects on display for purchase - as I believe it is used as a furniture showroom during the day. I attended on the main opening night as well as one or two evenings in between lockdowns. Whenever I attended, the attendees seemed well behaved patrons and well supervised. I also have passed by regularly on evenings it was open. Again, there was no loud music or noise other than as would be normally expected of a gathering in such a quality space. There was also procedures being followed during COVID-19 in line with Government guidelines such as recording and restricting the total numbers present.

Thirdly, in relation to this Licence Review, please note I have not observed any breaches of the premises licence by the wine shop as claimed in the Section 51 notice as follows:

- non-compliance of the licensed hours
- exceeding the licensed number of patrons and outside smokers
- unsupervised access and entrance door left open
- large-scale temporary events (I would not consider their events to be 'large-scale')

Fourthly, I have found the owners operating the Wine Shop premises to be professional, courteous and genuinely concerned for fostering good relations with residents in the area. In passing, the same must also be said of the owners of the Gladstone. Both operate socially responsible businesses.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In summary, I have never experienced what would be considered nuisance from this venue. We infrequently have disturbances late at night from rough sleepers but unrelated to these venues. There is also more noise from the regular Southwark Council residential and commercial office rubbish collections than this venue. The pub pre COVID-19 had regular live music performances to encourage local bands but these are certainly well within reasonable noise limits and never had any nuisance that I know of. As is normal for a pub, it often has people in the outside area of the street. The Lant Street Wine premises operates entirely within an indoor space. Together, both foster a community and social gathering area to meet with local friends and neighbours.

I also feel this shop and their space must be nurtured and supported to avoid destruction of the retail presence in this area of the borough. Such nurturing is an objective priority of Southwark Council to protect and grow the local economy. In my personally opinion, it would be an act of social harm to the community if either of these two retail spaces were lost. I hence strongly support the licence for the Lant Street Wine premises being allowed to continue - and any extensions if needed to properly include their shop and wine bar (should the current licence be considered in any way deficient by the Council).

Lastly, should the Council uncover that the Wine Shop is being falsely and unfairly accused, I encourage the Council to use its powers to defend the business and protect it from such malicious actions.

I am happy to be contacted further on the email address above or mobile should you wish to speak to me.

Thank you and yours sincerely,

[REDACTED]

[REDACTED]

Dear Licencing Committee,

I am a resident at [REDACTED] in the same block that Lant Street Wine has run its business for the last 35 years.

In this time, I have attended their tasting events and sat in the warehouse and enjoyed the quiet and relaxed environment they have created.

To have a space like this on site for local residents and the community in general is most welcome .

I have never experienced the objections that have been sighted on the Premises Review, namely Crime and Nuisance nor Antisocial Behaviour.

I trust this review will be dismissed, as I am amazed it has been raised in the first place against a company that has served the community for such a long time.

[REDACTED]

Lant Street Wine Company, 59-61 Lant Street
London SE1 1QN



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17-Feb-2021

Item No. 6	Classification: Open	Date: 4 March 2021	Meeting Name: Licensing Sub-Committee
Report title:		London Local Authorities Act 1991: 157 Camberwell Road, London SE5 0HQ	
Ward(s) or groups affected:		Camberwell Green	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Xue Mei Phung for the grant of a renewal of their special treatment licence in respect of the premises known as 888, 157 Camberwell Road, London SE5 0HQ.
2. Notes:
 - a) This application for a Special Treatment Licence is made in accordance with Part II of the London Local Authorities Act 1991 and the Regulations made by Southwark Council under section 10(1) of the London Local Authorities Act 1991. A copy of the application is attached in Appendix A.
 - b) The premises previously provided nail treatments like nail extension, manicure and pedicure at 888, 157 Camberwell Road, London SE5 0HQ.
 - c) The application is subject to one objection from the Metropolitan Police. The objection is attached in Appendix B.

BACKGROUND INFORMATION

London Local Authorities Act 1991

3. Part II of the London Local Authorities Act 1991 states that no premises shall be used in the borough as an establishment for special treatment except under and in accordance with a special treatment licence granted under this section by the borough council.
4. The council may grant to an applicant and from time to time renew or transfer a licence on such terms and conditions and subject to such restrictions as may be specified and can relate to:
 - a) The maintenance of public order and safety.
 - b) The number of persons who may be allowed to be on the premises at any time.

- c) The qualifications of the persons giving the special treatment.
 - d) The taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, means for fighting fire and means of lighting, sanitation and ventilation of the premises.
 - e) The maintenance in safe condition of means of heating the premises.
 - f) The hours of opening and closing the establishment for special treatment.
 - g) The safety of any equipment used in connection with the special treatment and the way in which the treatment is given.
 - h) The cleanliness and hygiene of the premises and equipment.
 - i) The manner in which the establishment is operated and the way it is advertised.
5. The licence can remain in force for 18 months or such shorter period specified in the licence as the borough council may think fit. Southwark licenses premises to 31 January annually, a six month extension has been given due to the global pandemic. The licence can continue if a renewal application is received and has not been determined by that date.
6. Section 8 of the Act allows the council to refuse a licence under one or more stated categories, these categories are highlighted in the legal section of this report.

MATTERS FOR CONSIDERATION

The application under consideration

7. On 17 January 2021 Xue Mei Phung made an application to renew their special treatment licence to provide nail extensions at the premises a copy of the application is attached as Appendix A. When the premises was trading their operating hours were Monday to Saturday 10:00 to 19:30pm. Xue Mei Phung applied for these hours in her original application to transfer the special treatment licence to herself on the 8 April 2015. A copy of this application is attached as Appendix B.

Objection

8. An objection to the grant of a special treatments licence was received from the police. The reasons for the police's objections can be found in para 2- 5 of Appendix C.
9. A copy of the objection is attached as Appendix C.

History of the premises

10. On 8 April 2015 the licensing unit received an application to transfer the special treatment licence to the current licence holder Xue Mei Phung. A copy of this application is attached as Appendix B. A special treatment licence was issued on the 30 April 2015 to Xue Mei Phung to provide manicure and pedicure treatment. The licence has one operative permitted to provide manicure and pedicure treatments. A copy of this special treatment licence and their most recent special treatment licence are attached as Appendices D and E.
11. On 17 July 2019 a joint enforcement visit to the premises was made by the licensing unit, trading standards, the police night time economy team, immigration officers and GLA gang masters. During the course of the visit the premises was operating, four unlicensed Vietnamese nationals were arrested and taken into immigration custody and two Vietnamese nationals who were minors were referred to social services. It is unclear what the outcome was of this investigation or if it is still ongoing.
12. A warning letter has been sent to the licence holder from the licensing unit for the above immigration offences. A copy of this warning letter is attached as Appendix F.
13. On 17 January 2021 a further application was received from the licence holder to vary their special treatment licence to add another operative to provide manicure and pedicure treatments. This application is currently on hold pending the outcome of the licensing sub-committee hearing. A copy of this application is attached with this report as Appendix G.

Conditions

14. The Act allows the council to set standard conditions and conditions relating to the specific treatments. The standard conditions are listed in Appendix H.
15. The specific conditions for the activities in the application relate to artificial nails, manicure and pedicure:
 - The condition of the client's nails should be examined prior to any treatment and if there is any presence or suspicion of any infection etc. they should be referred for medical treatment.
 - All operatives shall be qualified to a minimum requirement of S/NVQ VRQ and BTEC, Level 2 and/or 3 standard or an acceptable equivalent which is approved by the council. Copies of qualifications shall be available for inspection at the premises.
 - An assessment shall be carried out of all products used in connection with the treatment e.g. acetone, ethyl methacrylate etc. under the Control of Substances Hazardous to Health Regulations 2002. Copies

of safety data sheets for all products used shall be available on the premises.

Briefing from public health

16. Public health has provided information on the health risks from special treatment premises. A copy of this is attached as Appendix I.

The local area

17. A map of the area is attached to this report as Appendix J. The premise is identified by a rectangle at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius. There are two other special treatment premises located within the 100 metre radius.

Consultation

18. Consultations arrangements are set down for such applications under s.7 of the London Local Authorities Act 1991 - Part II.

Resource implications

19. A fee of £372.00 has been paid by the applicant in respect of this application, being the statutory fee payable for restricted special treatment licence. This fee contributes toward the administration of the process and any related enforcement activities.

Community impact statement

20. 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 Governance

21. The sub-committee is asked to determine the application for a renewal special treatment licence under Part II of the London Local Authorities Act 1991.

Principles for making the determination

22. The general principle is that applications for special treatment 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.

Grounds for refusal

23. The council may refuse to grant, renew or transfer a licence on any of the following grounds:
- a) The premises are not structurally suitable for the purpose.
 - b) There is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put.
 - c) The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence.
 - d) The persons giving the special treatment are not suitably qualified.
 - e) The premises have been or are being improperly conducted.
 - f) The premises are not provided with satisfactory means of lighting, sanitation and ventilation.
 - g) The means of heating the premises are not safe.
 - h) Proper precautions against fire on the premises are not being taken.
 - i) They are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given.
 - j) They are not satisfied as to the safety of the special treatment to be given.
 - k) Satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises.
 - l) The applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act.
 - m) The applicant has failed to comply with the requirements of subsection (4) or (6) of section 7 (Applications under Part II) of this Act.

Conditions

24. Power to prescribe standard terms, conditions and restrictions:
- The council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms,

conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.

- Where the council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.

Reasons

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

Appeals

26. The following parties may appeal a decision of the sub-committee:
- An applicant for the grant, renewal or transfer of a licence whose application is refused.
 - An applicant for the grant, renewal or transfer of a licence who is aggrieved by any term, condition or restriction on or subject to which the licence is granted, renewed or transferred.
 - An applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held whose application is refused.
 - An applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held who is aggrieved by any term, condition or restriction contained in a further variation made consequent on the variation applied for.
 - The holder of a licence which is revoked under section 9 (Transmission and cancellation of licence) or section 14 (Enforcement of Part II) of this Act.
27. The parties may, at any time before the expiration of the period of 21 days beginning with the relevant date, appeal to the Magistrates' Court acting for the area in which the premises are situated, by way of complaint for an order.
28. In this section "the relevant date" means the date on which the person in question is notified in writing of the refusal of his application, the imposition of the terms, conditions or restrictions by which he is aggrieved or the revocation of his licence, as the case may be.
29. An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.

30. On an appeal to the magistrates' court or to the Crown Court under this section the court may make such order as it thinks fit and it shall be the duty of the borough council to give effect to such order.
31. Where any licence is revoked under Section 14 (Enforcement of Part II) of this Act or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force:
 - Until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
 - Where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the council.
32. Where any licence is renewed under section 6 (Licensing under Part II) of this Act and the council specifies any term, condition or restriction which was not previously specified in relation to that licence, the licence shall be deemed to be free of it until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
33. Where the holder of a licence makes an application under section 12 (Variation of licences) of this Act and the council makes the variation applied for together with a further variation, then the licence shall continue as it was before the application:
 - Until the time for bringing an appeal under this section against any term, condition or restriction contained in the further variation has expired.
 - Where any such appeal is brought, until the determination or abandonment of the appeal.

Hearing procedures

34. Subject to the licensing hearing regulations, the licensing sub-committee may determine its own procedures. Key elements of the regulations are that
 - Hearings will normally be held in public. 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 public.
 - In this context a party and a person representing the party may be treated as a member of the public.
 - The committee will hold its deliberations in private accompanied by the clerk and legal officer.

35. This matter relates to the determination of an application for a special treatment licence under Part II of the London Local Authorities Act 1991 and 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

36. 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.
37. 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.
38. 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.
39. 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.

Strategic Director of Finance and Governance

40. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
London Local Authorities Act 1991	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748
Conditions document	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Application to Renew special treatment licence
Appendix B	Application to transfer special treatment licence
Appendix C	Police objection
Appendix D	2015 Special treatment licence
Appendix E	2019 Special treatment licence
Appendix F	Warning letter
Appendix G	Application to vary special treatment licence
Appendix H	Standard conditions
Appendix I	Briefing from public health
Appendix J	Map of local area

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Social Regeneration	
Report Author	Justin Williams, Licensing Enforcement Officer	
Version	Final	
Dated	18 February 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 February 2021	

17/01/2021

Application for renewal of an existing special treatments establishment licence

Ref No. 1602284

Select fee

	£372 for 3 or more operatives which consists of application fee of £260 and compliance fee of £112
--	--

Please state your full name(s)

Full individual or company name	xue mei phung
Trading name	888 nails
Premises contact number	
Alternative contact number	
E -mail address	888nailsLtd@gmail.com

SECTION 1 – THE LICENCE TO BE RENEWED

Current licence number	859684
Name of licence holder	xue mei phung
Licensed premises trading name	888 nails

Address of licensed trading premises

Address Line 1	157 CAMBERWELL ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE5 0HB

Please confirm the appropriate statement below

I confirm that there has no change to my licence	Yes
I confirm that there has been no change in my licence, except that the treatments listed here are no longer	Yes

required and / or the operatives listed have left our employment	
Have any operatives left within the last 12 months?	No
Please list treatments / operatives to be removed from the licence	n/a
I confirm that there has been a change in licensee and a transfer application is Enclosed with this application	No
I confirm that I wish to provide additional licensable treatments at the premises and/ or employ new operatives to provide application is provided together with this application.	Yes

Checklist

Application form completed in full?	Yes
Where appropriate, transfer form completed	No
Where appropriate, variation form completed	Yes
Upload valid electrical certificate	_____
If applicable, upload valid emergency lighting certificate	_____

I agree to the above statement

	I agree
PaymentDescription	Application for renewal of an existing special treatments establishment licence
PaymentAmountInMinorUnits	
AuthCode	
LicenceReference	
Name	xue mei phung
Position held	director
Date	17/01/2021

London Borough of Southwark

RECEIVED
08 APR 2015**(PART II) LONDON LOCAL AUTHORITIES
ACT 1991 - SPECIAL TREATMENTS
LICENSING**

 Southwark
Council
Application to transfer a special treatments establishment licence

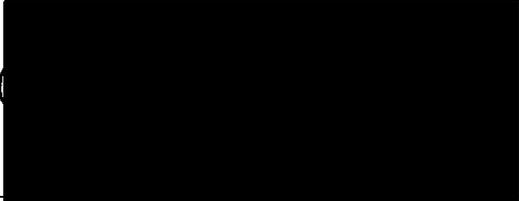
Please complete all sections of this form using black ink. Please ensure that your answers are clear and legible. Please refer to the guidance notes provided at the end of this form to help you.

I / We XUE MEI PHUNG (state name) hereby apply to Southwark Council, under Section 6 of Part II of the London Local Authorities Act 1991, to transfer the current special treatments establishment licence issued in respect of the following premises into my / our name.

SECTION 1 – THE PREMISES

Trading name	888 NAILS
Address of trading premises	157 CAMBERWELL ROAD LONDON SE5 0HB
Parts of the premises to be licensed	FRONT SHOP - ONLY
Please state type of premises	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential
Contact telephone number	
Email address	
Web site	

SECTION 2 – THE APPLICANT**INDIVIDUAL APPLICANT**

Full name	XUE MGI PHUNG
Home address	
Contact telephone number	
Email address	

PARTNERSHIP

Full name (1 st partner)	
Home address	
Contact telephone number	
Email address	
Full name (2 nd partner)	
Home address	
Contact telephone number	
Email address	

COMPANY

Full company name	888 NAILS
Registered office address	187 CAMBERWELL ROAD LONDON SE5 0HB
Registered number	
Contact telephone number	
Company email address	
Name of Company Secretary	N/A
Home address of Company Secretary	N/A
Name of 1 st Director	XU-E MAI PHUNG
Home address of 1 st Director	
Name of 2 nd Director	
Home address of 2 nd Director	
Name of 3 rd Director	
Home address of 3 rd Director	

SECTION 3 – TREATMENTS TO BE OFFERED / OPERATIVES LICENSED TO PROVIDE TREATMENTS

Please confirm, by indicating in the appropriate box, whether

I / we are applying to transfer the licence with all existing licensed treatments and operatives remaining on the licence

or

I / we wish to transfer the licence and remove the existing licensed treatments and / or operatives indicated below

Please remove the following licensed treatments from my / our licence when issued to me / us.

Please remove the following licensed operatives from my / our licence when issued to me / us.

and / or

I / we wish to transfer the licence and add new licensed treatments and / or operatives and shall be submitting a separate variation application.

SECTION 4 – OTHER INFORMATION

What is the interest of the applicant in the property to be licensed?	Freehold / <u>Leasehold</u> / Other (please state
If the applicant does not possess the freehold or leasehold of the property, please provide the name and contact address of the	

owner.	FRANK MANNING [REDACTED]
Will the applicant be the person in charge of the premises on a day to day basis?	Yes No
If no, please provide the name of the person who will hold this responsibility?	
Please state	
Please state the proposed operating hours of the premises	Monday 10..... to 7.30.. Tuesday 10..... to 7.30.. Wednesday 10..... to 7.30.. Thursday 10..... to 7.30.. Friday 10..... to 7.30.. Saturday 10..... to 7.30.. Sunday to
Please state whether it is intended to provide treatments to both sexes or to men or women only?	WOMEN
Please state preferred means of contact	TELEPHONE

SECTION 5 – CHECKLIST

Please confirm that the following steps have been taken

Application form completed in full?	Yes / No
Relevant fee enclosed?	Yes / No
Copy of application provided to the police?	Yes / No
Copy of application provided to the fire officer?	Yes / No

SECTION 6 – DECLARATION

I / we hereby declare that the particulars given below are true to the best of my / our knowledge and belief.	
Signed 	Date 06/04/2015
Name (please print) XUE MEI PHUNG	

Please submit the completed form to

- The Health Safety Licensing & Environmental Protection Unit, C/O Southwark Council, Environment & Leisure Department, PO Box 64529, London, SE1 5LX
- Email – licensing@southwark.gov.uk

Office Use only	
Date received	
Amount fee	
Officer	

Guidance Notes

Please read these notes carefully before completing your application form.

General

1. The application should be made by the occupier of the premises.

Section 1 – The premises

2. Please provide full details of the premises intended to be used to provide the special treatments. Where asked for 'the parts of the premises to be licensed' please indicate which floors of the property and which rooms the treatments will be provided from. If you have a plan of the premises this is helpful.

Section 2 – The applicant

3. This section of the form requests full details of the applicant. Alternative sections are provided for individual and company applications. Please complete the relevant section.

Section 3 – Treatments to be offered / Operatives providing treatments

4. In this section you are asked to indicate whether it is intended to transfer the existing premises licence without any amendment made or whether it is intended to remove or add any treatments and / or operatives. If it is intended to add any new treatment or operative a separate variation application will be necessary in order that we are able to check that all necessary safeguards are taken and that operatives are properly qualified to provide the treatment.

Section 4 – Other information

5. Asks further questions about the business operation.

Section 6 - Checklist

6. This is provided to help you ensure that you are properly submitting a completed application. Failure to provide all the requested information is likely to delay the processing of your application.
7. Please note you must copy your application to the local police and fire officer at the same time you make the application. Their contact addresses are given below.

Police – Licensing Office, Southwark Police Station, 323 Borough High Street, SE1 2ER

Fire Officer – Fire Safety Regulation, 249-259 Lewisham High Street, SW13 6NH

Section 7 - Declaration

8. The application must be signed by the applicant or authorised representative. In the case of an application made on behalf of a partnership or company the application must be signed by the company secretary or an authorised representative.



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: AS/21/24/21
Date: 1st February 2021

Re:- 888 Nails, 157 Camberwell Road, London SE5 0HG

Dear Sir/Madam

Police are in possession of an application from the above for a renewal of a special treatments licence under the London Local Authorities Act 1991.

On the 17th July 2019 officers from the police Night Time Economy Team and the council licensing team attended as the premises was trading as a nail bar carrying out special treatments. Six people working at the venue were detained for immigration offences two were juveniles and taken into the care of social services. All but one were Vietnamese the other was Chinese and had no authority to work and entered the country illegally.

None of the workers were listed on the licence as required.

We believe that workers have and will be exploited, and the management have failed to comply with a various legislation relating to working practice, employment law and immigration law.

Under Section 8 of the Local Authorities Act 1991, a licence can be refused for a number of reasons specified in the act.

- Part C specifies, "The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence"
- Part E Specifies "The premises have been or are being improperly conducted"

Police Object under Section 8 subsection C & E as the management have shown a disregard to the welfare of workers and the correct procedures for obtaining authorisation to carry out special treatments. They have also conducted improperly

at the location by allowing unqualified people to carry out special treatments on members of the public possibly putting them at risk of harm.

Yours Sincerely

Graham White PC288MD
Police Licensing Officer



ESTABLISHMENTS FOR SPECIAL TREATMENTS

Licence No: 848016

THE LONDON BOROUGH OF SOUTHWARK under the provisions of Part II of the London Local Authorities Act 1991 **hereby licenses**

Xue Mei Phung

to use the premises

***888 Nails
157 Camberwell Road
London
SE5 0HB***

as an **Establishment for Special Treatments**.

Other Consents and lease agreement.

A business or other activity requires a number of lawful consents to have been granted before that activity may legitimately take place. Until each consent is in place that activity is not fully authorised, even where one or more consents may be necessary from the same body. Consent under this licensing regime does not constitute consent under any other regime. It remains the position that all necessary consents must be individually obtained before the business activity is lawful.

This licence is in force up to , or during the time that the licensee is the occupier of the premises, whichever is the shorter period, and is granted subject to the rules of the Council annexed hereto relating to the management of Establishments for Special Treatments as well as additional conditions attached.

Treatments may only be administered by the person(s) listed below and these persons may only administer the treatments for which they are licensed.

Anh Duong Le

Manicure, pedicure

Conditions

Artificial Nails, Manicure and Pedicure

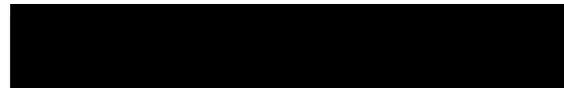
- a) The condition of the client's nails should be examined prior to any treatment and if there is any presence or suspicion of any infection etc they should be referred for medical treatment.
- b) All operatives shall be qualified to a minimum requirement of S/NVQ VRQ and BTEC, Level 2 and/or 3 standard or an acceptable equivalent which is approved by the Council. Copies of qualifications shall be available for inspection at the premises. Also see j).
- c) An assessment shall be carried out of all products used in connection with the treatment e.g. Acetone, Ethyl Methacrylate etc under the Control of Substances Hazardous to Health Regulations 2002. Copies of safety data sheets for all products used shall be available on the premises.
- d) Products containing Methyl Methacrylate (MMA) shall not be used. Methyl Methacrylate (MMA) is subject to an occupational exposure limit and research has shown that regular exposure to them can cause respiratory etc sensitisation. The use of a suitable alternative product should be considered e.g. Ethyl Methacrylate (EMA).
- e) All products used in the premises should be stored in suitably labelled containers, specifying details of contents, supplier etc.
- f) The premises should be suitably ventilated to minimise the exposure of chemicals by the operative and public. Suitably ventilated treatment tables or other local exhaust ventilation which removes the fumes from the source are the best way of achieving this. The local exhaust ventilation should be fitted with a filter which will trap the dust or alternatively if there is a very strong smell of monomer or solvent then a carbon filter could be used for dust and smell.
- g) Floor coverings shall be made of impervious material which can be easily cleaned.
- h) Any cotton wool etc which has come into contact with nail liquids should be disposed of in suitably covered receptacles
- i) Dispensed nail liquids shall be kept in covered containers at all times when not in use.
- j) Electric drills may only be used by suitably trained operatives, written evidence of training should be available on site. Electric drills should only be used on the artificial nail and not on the clients nail. Drill bits etc shall be cleaned between use on each client.

k) All equipment capable of being effectively disinfected shall be cleaned and disinfected between each client. Equipment that cannot be effectively cleaned and disinfected should be single use and disposed of after each client e.g. emery boards. Alternatively they can be kept in labelled clean container and reused on the same client.

General

Disposable paper towel shall be used on any couches used in the treatment room which shall be changed between clients.

Issue Date: 30 April 2015



Anti-Social Behaviour, Noise Nuisance &
Licensing Manager



Xue Mei Phung
 888 Nails
 157 Camberwell Road
 London
 SE5 0HB

Licensing Unit
Direct Dial - 020 7525 5748
Facsimile - 020 7525 5705
Email - licensing@southwark.gov.uk

30 April 2015

Dear Sir/Madam

LONDON LOCAL AUTHORITIES ACT 1991 (PART II) - SPECIAL TREATMENTS LICENCE -

Please find enclosed the Special Treatments annual licence in respect of the above named premises. The following advice is offered as regards to the use of the premises for Special Treatment.

The Council expects the terms, conditions and restrictions of the licence to be observed whenever the licensed area is used for Special Treatment. Any evidence of failure to observe the terms, conditions and restrictions of the licence when the premises are in use for Special Treatment would be a matter to which the Council could have regard in considering any application made for renewal.

Please note that a business or other activity may require a number of lawful consents to have been granted before that activity may legitimately take place. Until such time as all necessary consents are in place, that activity is not fully authorised, even where one or more consents may be necessary from the same body. Consent under this licensing regime does not constitute consent under any other regime. It remains the position that all necessary consents must be individually obtained before the business activity is lawful.

The Council should be advised immediately if there is any change in Management, persons giving treatment or the actual treatments themselves. Additionally the Council should be advised and approval given before any alteration to the premises is undertaken.

The licence, or a copy of it, is to be exhibited at all times on the premises and in such a position that all persons can easily see it. The licence shall be adequately protected against theft, vandalism, or defacement.

A notice showing the name of the person in charge of the premises at the time they are open under the licence should be exhibited in such a position that it can be easily seen.

The council should be advised immediately, if there is any intended change in either the management, operatives providing the treatments at the premises or to the treatments themselves. In each case a variation of the licence will be necessary. New operatives should not commence work nor new treatments be offered at the premises, until approved by the council. Additionally the Council should be advised and approval given before any alteration to the premises is undertaken.

The enclosed licence and list of treatment operatives must be prominently displayed in the premises.

On a different matter I would inform you that the test certificates in respect of the premises are valid to the dates below;

Electrical Installation Certificate
Emergency Lighting Certificate

You should diary note this date, as it is your responsibility to ensure that replacement certificate are provided to this office on the due dates.

Yours faithfully

KKRead

Kirty Read
Processing Manager
licensing@southwark.gov.uk

Special Treatment: - 848016 Appendix

REGULATIONS MADE BY SOUTHWARK COUNCIL UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991

STANDARD LICENSING CONDITIONS IN FORCE FOR PREMISES OFFERING SPECIAL TREATMENT BY LONDON BOROUGH OF SOUTHWARK

NOTES :

(i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.

(ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all statutory requirements.

(iii) These rules are divided into six parts as follows :

Part I - Definitions and General.

Part II - Rules which apply to all premises.

Part III - Rules which apply to all treatments.

Part IV - Rules which apply to safety and maintenance.

PART V - Rules applying to larger premises only where the Council so prescribes.

PART VI - Appendix A - Certification required to be available at the licensed premises.

(iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

People with Disabilities

It is the policy of the Council that access for people with disabilities should be provided at business premises licensed for special treatment. Licensees are, therefore strongly encouraged to provide such facilities so as to enable the admission of people with disabilities and are reminded of the duties imposed by the Equalities Act 2010.

Part I Definitions and General

Definitions

In these rules, unless the context otherwise requires:-

Act means Part II of the London Local Authorities Act 1991 (as amended).

Approval of the Council or Consent of the Council means the written approval or consent of the Council as Licensing Authority in writing.

Approved, Accepted or Permitted means approved, accepted or permitted by the Council in writing.

Council means the London Borough of Southwark.

Special Treatment means massage, electric treatments, light treatments, water treatments, skin piercing and other treatments of a like kind.

Establishment for Special Treatment has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).

Fire Authority means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority (LFEPA).

Licence Holder/Authorised Person means a person who is responsible for compliance with the standard conditions at all times that the premises are open for business.

Licence means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).

Premises means any premises within the Council's area licensed for special treatments and includes all installations, fittings etc.

Operative – the person carrying out the special treatment and, for tattooing and body piercing premises, is an approved operative as named on the licence.

Authorised Officer means an Officer appointed by the Community Safety and Enforcement Department. (This may include officers of the London Fire and Civil Defence Authority.)

British Standard (BS) shall be deemed to refer to the current British Standard.

Public means any person other than a member of staff admitted to the licensed premises.

'Premises' means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therewith

Dispensation or Modification of Rules

(a) These rules may be dispensed with or modified by the Council in any special case.

(b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.

(c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

PART II - RULES WHICH APPLY TO ALL PREMISES

Type of Business

1. Unless consent is given by the council the establishment shall be carried on only for the treatment or business and in the trade name of style specified in the licence and at the address mentioned. Only the special treatments listed on a special treatment licence in respect of a premises shall be undertaken at that premises.

The Licence

2. The licence, including the list of operatives and treatments, or a clear copy, shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism and defacement.

Identification of Staff

3. All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown shall correspond with that shown on any certificate displayed. The name badge shall be provided to staff by the premises.

Responsibility of Licence Holder/Authorised Person

The licence holder may authorise a responsible person to be in charge of the premises during opening hours.

The licence holder/authorised person shall take all reasonable precautions for the safety of all persons using the premises and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974, and other associated legislation.

The licence holder/authorised person shall be in charge of the premises at all times.

4. The licence holder shall take out employer's liability (where applicable) and public liability insurance cover.

5. The licence holder/authorised person shall ensure that all operatives carrying out 'special

treatments' are suitably trained/qualified and evidence of such shall be submitted to the Council for approval.

6. The licence holder/authorised person shall ensure that no nuisance arises from the business, e.g. odours, noise etc.

Conduct of the Premises

7. No poster, photograph, sketch, painting, advertisement or display shall be displayed which the council regards as unsuitable for general exhibition. If the licensee is notified that the council objects to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed.

8. The licence holder/authorised person shall ensure that no part of the premises is used by persons, for soliciting, any act of indecency or other immoral purposes.

9. The licensee shall ensure that all persons in his employ engaged in the establishment to be properly and decently attired.

Display of Tariff

10. All licensable treatment provided at the premises shall be clearly listed in a priced tariff and prominently displayed. This tariff shall also clearly show the cost of any additional service provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

Authorised Officers

11. Authorised officers, on presentation of their written authorisations and proof of identity shall be admitted at all reasonable times to all parts of the premises.

Electricity

12. That the electrical installation for the premises, including fixed appliances shall be inspected, tested and maintained in accordance with the British Standard 7671 , or superseding regulations should they apply. A periodic inspection report shall be obtained from a 'competent person' at the appropriate intervals and submitted to the council. A competent person would be one of the following:

- i) A professionally qualified electrical engineer
- ii) Member of the Electrical contractors Association (ECA)
- iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting (NICEIC).

Record Keeping

13. Records including name, address, age, date & type of treatment received shall be kept for all treatments, for a period of at least 3 years in regards to customers. See paragraph "Challenge 25" below for further details.

14. Any contra-indications e.g. Heart conditions, diabetes, epilepsy etc for each treatment will be discussed with the client prior to any treatment, and the client shall sign a record card to say that they have been made aware of the risks involved.

15. A record of the operative providing the treatment for each customer is to be kept.

Challenge 25

16. Any person wishing to receive a licensable treatment will need to provide proof of their age if they look under 25.

17. Licensees must advertise this policy so that all clients are made aware that they may be challenged about their age if they look under 25. Signage shall be displayed at the entrance to the premise where the treatment is to be carried out to inform customers that an agecheck "Challenge 25" applies and proof of age may be required.

Acceptable forms of ID are a photo driving licence, passport or the PASS hologram proof of age card such as the Southwark Proof of Age (SPA) card.

18. Where a challenge is made, it must be recorded in a register of refused or accepted treatments in order to demonstrate effective operation of the policy. Proof of age should also be noted on the client's record card, where appropriate. The register and client record cards shall be available for inspection at the premise by Southwark Council's authorised officers.

Maintenance

19. All systems i.e. fire safety equipment, boilers, etc provided in the premises shall be maintained regularly by competent persons, and records available on site for inspection.

20. All equipment used in connection with special treatments shall be serviced/ maintained in accordance with the manufacturers/suppliers recommendation, and records kept.

21. Bench top sterilisers shall be calibrated and maintained in accordance with the Manufacturers recommendations and records available on site.

Training

22. All persons carrying out special treatments shall have received suitable training in the treatments being undertaken and also use of any relevant equipment.

23. All persons involved with taking bookings, reception of clients or carrying out of special treatments shall be given training on the agecheck policy, "Challenge 25"

24. Written evidence of all training (including the date of that training) shall be available on the premises for inspection.

Persons who can give treatment

25. Except as provided by 26 below, treatment shall only be given by qualified persons who have been approved by the Council and in respect to whom two identical full face passport size photographs taken within the twelve month preceding the application for approval, have been submitted to the Council.

26. Treatment may also be given by other persons provided:

- (i) the person giving treatment is under the personal supervision of a person approved by the Council; and
- (ii) the Council's consent has first been obtained in writing and is current at the time of treatment.

It must be understood that before any new treatment or new operator is provided at the premises consent from the Council must be obtained. Council Enforcement Officers or the Police can inspect the premises and any if any treatments or operatives are being provided that are not on the licence they will be required to stop immediately and enforcement action may be taken against the licence holder that can include prosecution. This may also place the special treatments licence for the premises in jeopardy.

PART III - RULES WHICH APPLY TO ALL TREATMENTS

Restriction on Treatment

27. Unless otherwise expressly permitted by the Council, when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the

appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment, and persons of the opposite sex may not be present.

Personal Hygiene

28. Any person carrying out any special treatment must ensure that:

- (i) hands are kept clean and are washed immediately prior to carrying out any treatment.
- (ii) any open boil, sore, cut or other open wound is effectively covered by an impermeable dressing
- (iii) No smoking or consuming food and drink shall be undertaken during the course of the treatment.

Waste Material

29. A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises. The receptacles shall be emptied whenever this becomes necessary.

Needles and sharps

30. All needles and sharps used in treatment shall be placed after use in a separate, covered and leak proof container compliant with BS 7320 and UN 3291 and shall be disposed of when full as clinical waste, and proof shall be provided as to the method of disposal to the satisfaction of the Council.

Anaesthetic

31. Administration of local anaesthetic injections other than by medically qualified practitioners is an offence. Under the Medicines Act 1968, local anaesthetic creams, sprays, gels etc. are prescription only medicines and pharmacy medicines which may only be sold by pharmacists for medical application on the patient only. Their use prior to a body piercing is therefore an offence.

Control of Substances Hazardous to Health Regulations 2002

32. Substances which fall under the above Regulations e.g. Barbicide, bleach, nail monomers etc shall be assessed in accordance with the requirements of those Regulations and all the necessary precautions taken to ensure their safe use and storage.

Aftercare

33. Each client shall be provided with written aftercare advice for each treatment they receive, and confirmation of this should be recorded on their client record card.

PART IV - Rules which apply to safety and maintenance

Maintenance of Means of Escape

34. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and identifiable in accordance with the approved arrangements.

35. Any mirrors, pictures, advertisements or notices which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line, i.e. 2 metres above the floor.

36. Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of the premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.

Maintenance of Exits

37. All exit doors shall be available for egress during the whole time that the public are on the premises.

Fire Alarms

38. Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.

Fire Fighting Equipment

39. All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.

Non-Slippery Surfaces

40. All gangways and exitways and the treads of steps and stairways shall be maintained with non slippery and even surfaces.

Edges of Steps

41. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

Floor Coverings

42. All floor covering shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

Curtains, Hangings, Upholstery Decorations etc

43. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

Ventilation

44. The licensee shall ensure that the premises are adequately ventilated to all areas of which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720, 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.

Sanitation

45. The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and public and in particular shall :

- (i) maintain each sanitary convenience in clean and efficient order;
- (ii) ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean;
- (iii) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water at a suitably controlled temperature; together with an adequate supply of soap and suitable hand drying facilities;
- (iv) ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc. so that satisfactory sanitation can be maintained;
- (v) where appropriate the sanitary accommodation shall be adequately indicated.

Sanitary Condition of Premises

46. All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

Treatment Room

47. Each treatment room shall :

- (i) be maintained in a clean and structurally sound condition;
- (ii) be adequately illuminated and ventilated;
- (iii) be provided with suitable wash-hand basin or basins readily accessible to each treatment room with a suitable supply of hot and cold water, together with soap and either a supply of disposable towels or a clean towel at all times.
- (iv) suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained;
- (v) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

Cleanliness

48. Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.

Lighting

49. The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.

50. The general lighting shall be maintained alight and the lighting to "EXIT" or "WAY OUT" notices shall not in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installation

51. The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Heating

52. All parts of the premises regularly occupied by the public or employees shall be heated to the satisfaction of the Council.

Portable Heating Appliances

53. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

Gas Cylinders

54. Appliances utilising cylinders or containers of gas under pressure (apart from CO₂ cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

NOTE: the use of liquid petroleum gas in cylinders is unlikely to be approved.

Gas Installations

55. The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984, or superseding regulations should they apply.

Gas Meter and Electrical Intake Enclosures

Licensing Unit - EH & TS, Hub 2, 3rd Floor, PO Box 64529, London SE1P 5LX

Switchboard - 020 7525 5000 Website - www.southwark.gov.uk

Strategic Director Environment & Leisure - Deborah Collins

56. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

PART V - CONDITIONS APPLYING TO LARGER PREMISES ONLY WHERE THE COUNCIL SO PRESCRIBES

Electrical Certificates

57. Unless otherwise decided by the Council an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

NOTE: Certificates submitted under this regulation are retained by the Council.

58. The Council normally requires that any such certificate shall be signed by the Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

Escape Lighting

59. The escape lighting installation, including its load, shall not be altered without the consent of the Council.

60. Any escape lighting battery shall be fully charged before the admission of patrons.

61. If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.

62. The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.

63. In the event of the failure of the normal system of lighting, (i) where the escape lighting has a 1 hour capacity the public shall be required to leave the building within a maximum period of 30 minutes and (ii) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

Diagram of Wiring

64. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits, the position of the distribution boards and the sizes of the cables shall be provided on the premises.

Installation for Unlicensed Portions of Premises

In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

PART VI - CERTIFICATION REQUIRED TO BE AVAILABLE AT THE LICENSED PREMISES

Electricity

65. All applicants and licence holders are required to hold valid documentation confirming the safety of the fixed wiring throughout the premises. All works must be carried out by a competent electrical engineer in

accordance with the Electricity at Work Regulations 1989. e.g. NICEIC 'Periodic Inspection Report For An Electrical Installation'.

Sterilisers

66. All applicants and licence holders are required to hold valid documentation confirming the safety/calibration of all sterilisers which are used in connection with the business e.g. autoclaves, ultrasonic cleaners, ultra violet cabinets etc. All works must be carried out by a competent engineer.

Controlled Waste

67. All applicants and licence holders shall hold a copy of the licence of the contractor who is removing the controlled waste.

68. Copies of transfer documents for the removal of controlled waste should also be held.

Insurance

69. A copy of the employers liability (where applicable) and public liability certificates should be available for inspection.

Training

70. All certificates of qualification relevant to the licensed treatments shall be available for inspection.

ESTABLISHMENTS FOR SPECIAL TREATMENTS

Licence No: 868844

THE LONDON BOROUGH OF SOUTHWARK under the provisions of Part II of the London Local Authorities Act 1991 **hereby licenses**

Xue Mei Phung

to use the premises

**888 Nails
157 Camberwell Road
London
SE5 0HB**

as an **Establishment for Special Treatments**.

Other consents and lease agreement.

A business or other activity requires a number of lawful consents to have been granted before that activity may legitimately take place. Until each consent is in place that activity is not fully authorised, even where one or more consents may be necessary from the same body. Consent under this licensing regime does not constitute consent under any other regime. It remains the position that all necessary consents must be individually obtained before the business activity is lawful.

This licence is in force up to **31/07/2020**, or during the time that the licensee is the occupier of the premises, whichever is the shorter period, and is granted subject to the rules of the Council annexed hereto relating to the management of Establishments for Special Treatments as well as additional conditions attached.

Treatments may only be administered by the person(s) listed below and these persons may only administer the treatments for which they are licensed.

Anh Duong Le

Manicure, pedicure

Conditions

Artificial Nails, Manicure and Pedicure

a) The condition of the client's nails should be examined prior to any treatment and if there is any presence or suspicion of any infection etc they should be referred for medical treatment.

b) All operatives shall be qualified to a minimum requirement of S/NVQ VRQ and BTEC, Level 2 and/or 3 standard or an acceptable equivalent which is approved by the Council. Copies of qualifications shall be available for inspection at the premises. Also see j).

c) An assessment shall be carried out of all products used in connection with the treatment e.g. Acetone, Ethyl Methacrylate etc under the Control of Substances Hazardous to Health Regulations 2002. Copies of safety data sheets for all products used shall be available on the premises.

d) Products containing Methyl Methacrylate (MMA) shall not be used. Methyl Methacrylate (MMA) is subject to an occupational exposure limit and research has shown that regular exposure to them can

cause respiratory etc sensitisation. The use of a suitable alternative product should be considered e.g. Ethyl Methacrylate (EMA).

- e) All products used in the premises should be stored in suitably labelled containers, specifying details of contents, supplier etc.
- f) The premises should be suitably ventilated to minimise the exposure of chemicals by the operative and public. Suitably ventilated treatment tables or other local exhaust ventilation which removes the fumes from the source are the best way of achieving this. The local exhaust ventilation should be fitted with a filter which will trap the dust or alternatively if there is a very strong smell of monomer or solvent then a carbon filter could be used for dust and smell.
- g) Floor coverings shall be made of impervious material which can be easily cleaned.
- h) Any cotton wool etc which has come into contact with nail liquids should be disposed of in suitably covered receptacles
- i) Dispensed nail liquids shall be kept in covered containers at all times when not in use.
- j) Electric drills may only be used by suitably trained operatives, written evidence of training should be available on site. Electric drills should only be used on the artificial nail and not on the clients nail. Drill bits etc shall be cleaned between use on each client.
- k) All equipment capable of being effectively disinfected shall be cleaned and disinfected between each client. Equipment that cannot be effectively cleaned and disinfected should be single use and disposed of after each client e.g. emery boards. Alternatively they can be kept in labelled clean container and reused on the same client.

General

Disposable paper towel shall be used on any couches used in the treatment room which shall be changed between clients.

Issue Date: 08/07/2019

Head of Regulatory Services

Xue Mei Phung
888 Nails
157 Camberwell Road
London
SE5 0HB

Licensing Unit
Direct Dial - 020 7525 5748
Facsimile - 020 7525 5705
Email - licensing@southwark.gov.uk

8 July 2019

Dear Sir/Madam

LONDON LOCAL AUTHORITIES ACT 1991 (PART II) - SPECIAL TREATMENTS LICENCE -

Please find enclosed the Special Treatments annual licence in respect of the above named premises. The following advice is offered as regards to the use of the premises for Special Treatment.

The Council expects the terms, conditions and restrictions of the licence to be observed whenever the licensed area is used for Special Treatment. Any evidence of failure to observe the terms, conditions and restrictions of the licence when the premises are in use for Special Treatment would be a matter to which the Council could have regard in considering any application made for renewal.

Please note that a business or other activity may require a number of lawful consents to have been granted before that activity may legitimately take place. Until such time as all necessary consents are in place, that activity is not fully authorised, even where one or more consents may be necessary from the same body. Consent under this licensing regime does not constitute consent under any other regime. It remains the position that all necessary consents must be individually obtained before the business activity is lawful.

The Council should be advised immediately if there is any change in Management, persons giving treatment or the actual treatments themselves. Additionally the Council should be advised and approval given before any alteration to the premises is undertaken.

The licence, or a copy of it, is to be exhibited at all times on the premises and in such a position that all persons can easily see it. The licence shall be adequately protected against theft, vandalism, or defacement.

A notice showing the name of the person in charge of the premises at the time they are open under the licence should be exhibited in such a position that it can be easily seen.

The council should be advised immediately, if there is any intended change in either the management, operatives providing the treatments at the premises or to the treatments themselves. In each case a variation of the licence will be necessary. New operatives should not commence work nor new treatments be offered at the premises, until approved by the council. Additionally the Council should be advised and approval given before any alteration to the premises is undertaken.

The enclosed licence and list of treatment operatives must be prominently displayed in the premises.

On a different matter I would inform you that the test certificates in respect of the premises are valid to the dates below;

Electrical Installation Certificate **18/08/2022**

Emergency Lighting Certificate **11/06/2020**

You should diary note this date, as it is your responsibility to ensure that replacement certificate are provided to this office on the due dates.

Yours faithfully

Pp Kirty Read

Processing Manager

licensing@southwark.gov.uk

Special Treatment: - 868844 Appendix

REGULATIONS MADE BY SOUTHWARK COUNCIL UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991

STANDARD LICENSING CONDITIONS IN FORCE FOR PREMISES OFFERING SPECIAL TREATMENT BY LONDON BOROUGH OF SOUTHWARK

NOTES :

(i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.

(ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all statutory requirements.

(iii) These rules are divided into six parts as follows :

Part I - Definitions and General.

Part II - Rules which apply to all premises.

Part III - Rules which apply to all treatments.

Part IV - Rules which apply to safety and maintenance.

PART V - Rules applying to larger premises only where the Council so prescribes.

PART VI - Appendix A - Certification required to be available at the licensed premises.

(iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

People with Disabilities

It is the policy of the Council that access for people with disabilities should be provided at business premises licensed for special treatment. Licensees are, therefore strongly encouraged to provide such facilities so as to enable the admission of people with disabilities and are reminded of the duties imposed by the Equalities Act 2010.

Part I Definitions and General

Definitions

In these rules, unless the context otherwise requires:-

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Establishment for Special Treatment has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).

Fire Authority means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority (LFEPA).

Licence Holder/Authorised Person means a person who is responsible for compliance with the standard conditions at all times that the premises are open for business.

Licence means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).

Premises means any premises within the Council's area licensed for special treatments and includes all installations, fittings etc.

Operative – the person carrying out the special treatment and, for tattooing and body piercing premises, is an approved operative as named on the licence.

Authorised Officer means an Officer appointed by the Community Safety and Enforcement Department. (This may include officers of the London Fire and Civil Defence Authority.)

British Standard (BS) shall be deemed to refer to the current British Standard.

Public means any person other than a member of staff admitted to the licensed premises.

'Premises' means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therewith

Dispensation or Modification of Rules

(a) These rules may be dispensed with or modified by the Council in any special case.

(b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.

(c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

PART II - RULES WHICH APPLY TO ALL PREMISES

Type of Business

1. Unless consent is given by the council the establishment shall be carried on only for the treatment or business and in the trade name of style specified in the licence and at the address mentioned. Only the special treatments listed on a special treatment licence in respect of a premises shall be undertaken at that premises.

The Licence

2. The licence, including the list of operatives and treatments, or a clear copy, shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism and defacement.

Identification of Staff

3. All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown shall correspond with that shown on any certificate displayed. The name badge shall be provided to staff by the premises.

Responsibility of Licence Holder/Authorised Person

The licence holder may authorise a responsible person to be in charge of the premises during opening hours.

The licence holder/authorised person shall take all reasonable precautions for the safety of all persons using the premises and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974, and other associated legislation.

The licence holder/authorised person shall be in charge of the premises at all times.

4. The licence holder shall take out employer's liability (where applicable) and public liability insurance cover.

5. The licence holder/authorised person shall ensure that all operatives carrying out 'special

treatments' are suitably trained/qualified and evidence of such shall be submitted to the Council for approval.

6. The licence holder/authorised person shall ensure that no nuisance arises from the business, e.g. odours, noise etc.

Conduct of the Premises

7. No poster, photograph, sketch, painting, advertisement or display shall be displayed which the council regards as unsuitable for general exhibition. If the licensee is notified that the council objects to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed.

8. The licence holder/authorised person shall ensure that no part of the premises is used by persons, for soliciting, any act of indecency or other immoral purposes.

9. The licensee shall ensure that all persons in his employ engaged in the establishment to be properly and decently attired.

Display of Tariff

10. All licensable treatment provided at the premises shall be clearly listed in a priced tariff and prominently displayed. This tariff shall also clearly show the cost of any additional service provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

Authorised Officers

11. Authorised officers, on presentation of their written authorisations and proof of identity shall be admitted at all reasonable times to all parts of the premises.

Electricity

12. That the electrical installation for the premises, including fixed appliances shall be inspected, tested and maintained in accordance with the British Standard 7671, or superseding regulations should they apply. A periodic inspection report shall be obtained from a 'competent person' at the appropriate intervals and submitted to the council. A competent person would be one of the following:

- i) A professionally qualified electrical engineer
- ii) Member of the Electrical Contractors Association (ECA)
- iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting (NICEIC).

Record Keeping

13. Records including name, address, age, date & type of treatment received shall be kept for all treatments, for a period of at least 3 years in regards to customers. See paragraph "Challenge 25" below for further details.

14. Any contra-indications e.g. Heart conditions, diabetes, epilepsy etc for each treatment will be discussed with the client prior to any treatment, and the client shall sign a record card to say that they have been made aware of the risks involved.

15. A record of the operative providing the treatment for each customer is to be kept.

Challenge 25

16. Any person wishing to receive a licensable treatment will need to provide proof of their age if they look under 25.

17. Licensees must advertise this policy so that all clients are made aware that they may be challenged about their age if they look under 25. Signage shall be displayed at the entrance to the premise where the treatment is to be carried out to inform customers that an agecheck "Challenge 25" applies and proof of age may be required.

Acceptable forms of ID are a photo driving licence, passport or the PASS hologram proof of age card such as the Southwark Proof of Age (SPA) card.

18. Where a challenge is made, it must be recorded in a register of refused or accepted treatments in order to demonstrate effective operation of the policy. Proof of age should also be noted on the client's record card, where appropriate. The register and client record cards shall be available for inspection at the premise by Southwark Council's authorised officers.

Maintenance

19. All systems i.e. fire safety equipment, boilers, etc provided in the premises shall be maintained regularly by competent persons, and records available on site for inspection.

20. All equipment used in connection with special treatments shall be serviced/ maintained in accordance with the manufacturers/suppliers recommendation, and records kept.

21. Bench top sterilisers shall be calibrated and maintained in accordance with the Manufacturers recommendations and records available on site.

Training

22. All persons carrying out special treatments shall have received suitable training in the treatments being undertaken and also use of any relevant equipment.

23. All persons involved with taking bookings, reception of clients or carrying out of special treatments shall be given training on the agecheck policy, "Challenge 25"

24. Written evidence of all training (including the date of that training) shall be available on the premises for inspection.

Persons who can give treatment

25. Except as provided by 26 below, treatment shall only be given by qualified persons who have been approved by the Council and in respect to whom two identical full face passport size photographs taken within the twelve month preceding the application for approval, have been submitted to the Council.

26. Treatment may also be given by other persons provided:

- (i) the person giving treatment is under the personal supervision of a person approved by the Council; and
- (ii) the Council's consent has first been obtained in writing and is current at the time of treatment.

It must be understood that before any new treatment or new operator is provided at the premises consent from the Council must be obtained. Council Enforcement Officers or the Police can inspect the premises and any if any treatments or operatives are being provided that are not on the licence they will be required to stop immediately and enforcement action may be taken against the licence holder that can include prosecution. This may also place the special treatments licence for the premises in jeopardy.

PART III - RULES WHICH APPLY TO ALL TREATMENTS

Restriction on Treatment

27. Unless otherwise expressly permitted by the Council, when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the

appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment, and persons of the opposite sex may not be present.

Personal Hygiene

28. Any person carrying out any special treatment must ensure that:

- (i) hands are kept clean and are washed immediately prior to carrying out any treatment.
- (ii) any open boil, sore, cut or other open wound is effectively covered by an impermeable dressing
- (iii) No smoking or consuming food and drink shall be undertaken during the course of the treatment.

Waste Material

29. A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises. The receptacles shall be emptied whenever this becomes necessary.

Needles and sharps

30. All needles and sharps used in treatment shall be placed after use in a separate, covered and leak proof container compliant with BS 7320 and UN 3291 and shall be disposed of when full as clinical waste, and proof shall be provided as to the method of disposal to the satisfaction of the Council.

Anaesthetic

31. Administration of local anaesthetic injections other than by medically qualified practitioners is an offence. Under the Medicines Act 1968, local anaesthetic creams, sprays, gels etc. are prescription only medicines and pharmacy medicines which may only be sold by pharmacists for medical application on the patient only. Their use prior to a body piercing is therefore an offence.

Control of Substances Hazardous to Health Regulations 2002

32. Substances which fall under the above Regulations e.g. Barbicide, bleach, nail monomers etc shall be assessed in accordance with the requirements of those Regulations and all the necessary precautions taken to ensure their safe use and storage.

Aftercare

33. Each client shall be provided with written aftercare advice for each treatment they receive, and confirmation of this should be recorded on their client record card.

PART IV - Rules which apply to safety and maintenance

Maintenance of Means of Escape

34. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and identifiable in accordance with the approved arrangements.

35. Any mirrors, pictures, advertisements or notices which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line, i.e. 2 metres above the floor.

36. Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of the premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.

Maintenance of Exits

37. All exit doors shall be available for egress during the whole time that the public are on the premises.

Fire Alarms

38. Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.

Fire Fighting Equipment

39. All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.

Non-Slippery Surfaces

40. All gangways and exitways and the treads of steps and stairways shall be maintained with non slippery and even surfaces.

Edges of Steps

41. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

Floor Coverings

42. All floor covering shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

Curtains, Hangings, Upholstery Decorations etc

43. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

Ventilation

44. The licensee shall ensure that the premises are adequately ventilated to all areas of which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720, 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.

Sanitation

45. The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and public and in particular shall :

- (i) maintain each sanitary convenience in clean and efficient order;
- (ii) ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean;
- (iii) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water at a suitably controlled temperature; together with an adequate supply of soap and suitable hand drying facilities;
- (iv) ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc. so that satisfactory sanitation can be maintained;
- (v) where appropriate the sanitary accommodation shall be adequately indicated.

Sanitary Condition of Premises

46. All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

Treatment Room

47. Each treatment room shall :

- (i) be maintained in a clean and structurally sound condition;
- (ii) be adequately illuminated and ventilated;
- (iii) be provided with suitable wash-hand basin or basins readily accessible to each treatment room with a suitable supply of hot and cold water, together with soap and either a supply of disposable towels or a clean towel at all times.
- (iv) suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained;
- (v) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

Cleanliness

48. Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.

Lighting

49. The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.

50. The general lighting shall be maintained alight and the lighting to "EXIT" or "WAY OUT" notices shall not in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installation

51. The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Heating

52. All parts of the premises regularly occupied by the public or employees shall be heated to the satisfaction of the Council.

Portable Heating Appliances

53. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

Gas Cylinders

54. Appliances utilising cylinders or containers of gas under pressure (apart from CO₂ cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

NOTE: the use of liquid petroleum gas in cylinders is unlikely to be approved.

Gas Installations

55. The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984, or superseding regulations should they apply.

Gas Meter and Electrical Intake Enclosures

Southwark Council - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director of Environment and Leisure- Caroline Bruce

56. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

PART V - CONDITIONS APPLYING TO LARGER PREMISES ONLY WHERE THE COUNCIL SO PRESCRIBES

Electrical Certificates

57. Unless otherwise decided by the Council an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

NOTE: Certificates submitted under this regulation are retained by the Council.

58. The Council normally requires that any such certificate shall be signed by the Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

Escape Lighting

59. The escape lighting installation, including its load, shall not be altered without the consent of the Council.

60. Any escape lighting battery shall be fully charged before the admission of patrons.

61. If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.

62. The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.

63. In the event of the failure of the normal system of lighting, (i) where the escape lighting has a 1 hour capacity the public shall be required to leave the building within a maximum period of 30 minutes and (ii) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

Diagram of Wiring

64. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits, the position of the distribution boards and the sizes of the cables shall be provided on the premises.

Installation for Unlicensed Portions of Premises

In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

PART VI - CERTIFICATION REQUIRED TO BE AVAILABLE AT THE LICENSED PREMISES

Electricity

65. All applicants and licence holders are required to hold valid documentation confirming the safety of the fixed wiring throughout the premises. All works must be carried out by a competent electrical engineer in

accordance with the Electricity at Work Regulations 1989. e.g. NICEIC 'Periodic Inspection Report For An Electrical Installation'.

Sterilisers

66. All applicants and licence holders are required to hold valid documentation confirming the safety/calibration of all sterilisers which are used in connection with the business e.g. autoclaves, ultrasonic cleaners, ultra violet cabinets etc. All works must be carried out by a competent engineer.

Controlled Waste

67. All applicants and licence holders shall hold a copy of the licence of the contractor who is removing the controlled waste.

68. Copies of transfer documents for the removal of controlled waste should also be held.

Insurance

69. A copy of the employers liability (where applicable) and public liability certificates should be available for inspection.

Training

70. All certificates of qualification relevant to the licensed treatments shall be available for inspection.



Occupier
157 Camberwell Road
SE5 0HB

Direct Line: 020 7525 7529
Direct Fax: 020 7525 5705
Email: Licensing@southwark.gov.uk

18 July 2019

Dear Sir/Madam,

LONDON LOCAL AUTHORITIES ACT 1991-SPECIAL TREATMENTS LICENSING

On 17 July 2019 It was witnessed by myself that your premises providing Special Treatment in the form of **Manicure/Pedicure**. This treatment is being provided at your premises without the necessary licence.

I would like to make it clear that as an Authorised Officer of the Council working under the provisions of the London Local Authorities Act 1991, I have the authorisation to gain access to your premises where licensable treatments are taking place.

Nonetheless, I would inform you that manicure treatments are classified as '**Special Treatment**' under the provision of the London Local Authorities Act 1991, and as such requires a special treatment licence from the Council.

https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1283&np=1%20

The provision of any unlicensed special treatment constitutes an offence under the Act.

Your premises will now be monitored and if it is further witnessed and reported that such treatments continue without a necessary special treatment licence then you will have committed an offence under the Act. This will leave me with no choice than to consider initiating legal proceedings against you.

It is an offence to provide or advertise special treatments without a licence, unless there is an exemption in place. Any person found guilty on conviction may be liable to pay a fine of up to £2,500.

I must also bring to your attention that we work very closely with our partners the Metropolitan Police, UK Border Control and HMRC who may take an interest in your business.

I would make clear that it is the practice of the Council's Licensing Unit to send officers to visit premises to check to see if unauthorised activities are being provided. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to the staff at the time of the visit.

The premises must cease giving these treatments until the necessary licence have been obtained. To apply, please follow the link below

https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1283&np=1%20

Please ensure you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact the licensing team.

Yours sincerely,

Charlie Jerrom

Licensing Enforcement Officer

charlie.jerrom@southwark.gov.uk

17/01/2021

Application to vary an existing special treatments establishment licence

Ref No. 1602281

Do you want to add a new treatment?

	If you wish to add a new treatment not currently on your licence, select £109
	No

How many beauticians do you want to add?

	If you wish to add a new beautician not currently on your licence, select from the options below
(+£28 per beautician)	1
PricePerBeauticians	2800

Full name(s)

	xue mei phung
--	---------------

Premises contact number

	07478955665
--	-------------

Mobile contact number

--	--

E-mail address

	888nailsLtd@gmail.com
--	-----------------------

SECTION 1 – THE LICENCE TO BE VARIED

Current licence number	859684
Name of licence holder	xue mei phung
Licensed premises trading name	888 nails

Address of licensed trading premises

Address Line 1	157 CAMBERWELL ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE5 0HB

SECTION 2 – SUMMARY OF THE VARIATION

Change in treatments being offered (see section 3)	No
Change in operatives providing treatments (see section 4)	Yes
Change in licensed area (see section 5)	No
Other (please summarise) (see Section 6)	

SECTION THREE – CHANGE IN TREATMENTS TO BE OFFERED

	Please indicate each of the additional treatments to be offered under the licence by placing a tick or cross next to the treatment
ACUNPUNCTURE	
COSMETIC PIERCING	
ELECTRIC	
LIGHT	
MANICURE / PEDICURE	
MASSAGE	
TATTOOING	
WATER / VAPOUR / BATHS	

Other treatments intended to be provided that are not included in the list on the previous page

Please list any licensable treatments currently offered at the premises that are to be removed from the licence	

Name of operative	Quang Tuan Ngo
Treatment to be provided (see list on note4)	Nail extension
Relevant qualification	VTCT - unit reference: L/600/9099 - Unit title: Apply and mantain nail enchancements to create a natural finish - level 2 VTCT (ITEC) Level 2 Award in Infection Prevention (COVID-19) for Beauty Therapy and Nail services.

Do you have a file/attachment of their qualification ?

Qualifications	_____
----------------	-------

Do you have a file/attachment of their photo ID ?

Photo ID	_____
Passport Photograph -1	_____
Passport Photograph -2	_____

If you are providing tattooing, please provide your hepatitis B certificate

Please upload	_____
---------------	-------

SECTION 5 – CHANGE IN LICENSED AREA

Please provide details of proposed new licensed area(s).	_____
--	-------

SECTION 6 – OTHER VARIATION OF TERMS, CONDITIONS AND RESTRICTIONS

Please detail in box provided below	_____
-------------------------------------	-------

SECTION 7 – UPDATE OF DETAILS

If any other details provided by you at the time of your last application have changed please update them in box provided	_____
---	-------

SECTION 8 - CHECKLIST

Copy of application provided to the police?	No
Copy of application provided to the fire officer?	No
If applicable, upload new floor plan	
If applicable, upload valid electrical certificate	
If applicable, upload valid emergency lighting certificate	

I / we hereby declare that the particulars given below are true to the best of my / our knowledge and belief.

	I agree
PaymentDescription	Application to vary an existing special treatments establishment licence
PaymentAmountInMinorUnits	
AuthCode	
LicenceReference	
Name	Xue Mei Phung
Position held	Director
Date	17/01/2021

REGULATIONS MADE BY SOUTHWARK COUNCIL UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991

STANDARD LICENSING CONDITIONS IN FORCE FOR PREMISES OFFERING SPECIAL TREATMENT BY LONDON BOROUGH OF SOUTHWARK

NOTES :

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all statutory requirements.
- (iii) These rules are divided into six parts as follows :
 - Part I - Definitions and General.
 - Part II - Rules which apply to all premises.
 - Part III - Rules which apply to all treatments.
 - Part IV - Rules which apply to safety and maintenance.
 - PART V - Rules applying to larger premises only where the Council so prescribes.
 - PART VI - Appendix A - Certification required to be available at the licensed premises.
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

People with Disabilities

It is the policy of the Council that access for people with disabilities should be provided at business premises licensed for special treatment. Licensees are, therefore strongly encouraged to provide such facilities so as to enable the admission of people with disabilities and are reminded of the duties imposed by the Equalities Act 2010.

Part I Definitions and General

Definitions

In these rules, unless the context otherwise requires:-

Act means Part II of the London Local Authorities Act 1991 (as amended).

Approval of the Council or Consent of the Council means the written approval or consent of the Council as Licensing Authority in writing.

Approved, Accepted or Permitted means approved, accepted or permitted by the Council in writing.

Council means the London Borough of Southwark.

Special Treatment means massage, electric treatments, light treatments, water treatments, skin piercing and other treatments of a like kind.

Establishment for Special Treatment has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).

Fire Authority means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority (LFEPA).

Licence Holder/Authorised Person means a person who is responsible for compliance with the standard conditions at all times that the premises are open for business.

Licence means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).

Premises means any premises within the Council's area licensed for special treatments and includes all installations, fittings etc.

Operative – the person carrying out the special treatment and, for tattooing and body piercing premises, is an approved operative as named on the licence.

Authorised Officer means an Officer appointed by the Community Safety and Enforcement Department. (This may include officers of the London Fire and Civil Defence Authority.)

British Standard (BS) shall be deemed to refer to the current British Standard.

Public' means any person other than a member of staff admitted to the licensed premises.

'Premises' means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therewith

Dispensation or Modification of Rules

- (a) These rules may dispensed with or modified by the Council in any special case.
- (b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

PART II - RULES WHICH APPLY TO ALL PREMISES

Type of Business

1. Unless consent is given by the council the establishment shall be carried on only for the treatment or business and in the trade name of style specified in the licence and at the address mentioned. Only the special treatments listed on a special treatment licence in respect of a premises shall be undertaken at that premises.

The Licence

2. The licence, including the list of operatives and treatments, or a clear copy, shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism and defacement.

Identification of Staff

3. All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown shall correspond with that shown on any certificate displayed. The name badge shall be provided to staff by the premises.

Responsibility of Licence Holder/Authorised Person

The licence holder may authorise a responsible person to be in charge of the premises during opening hours.

The licence holder/authorised person shall take all reasonable precautions for the safety of all persons using the premises and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974, and other associated legislation.

The licence holder/authorised person shall be in charge of the premises at all times.

4. The licence holder shall take out employer's liability (where applicable) and public liability insurance cover.
5. The licence holder/authorised person shall ensure that all operatives carrying out 'special treatments' are suitably trained/qualified and evidence of such shall be submitted to the Council for approval.
6. The licence holder/authorised person shall ensure that no nuisance arises from the business, e.g. odours, noise etc.

Conduct of the Premises

7. No poster, photograph, sketch, painting, advertisement or display shall be displayed which the council regards as unsuitable for general exhibition. If the licensee is notified that the council objects to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed.
8. The licence holder/authorised person shall ensure that no part of the premises is used by persons, for soliciting, any act of indecency or other immoral purposes.
9. The licensee shall ensure that all persons in his employ engaged in the establishment to be properly and decently attired.

Display of Tariff

10. All licensable treatment provided at the premises shall be clearly listed in a priced tariff and prominently displayed. This tariff shall also clearly show the cost of any additional service provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

Authorised Officers

11. Authorised officers, on presentation of their written authorisations and proof of identity shall be admitted at all reasonable times to all parts of the premises.

Electricity

12. That the electrical installation for the premises, including fixed appliances shall be inspected, tested and maintained in accordance with the British Standard 7671 , or superseding regulations should they apply. A periodic inspection report shall be obtained from a 'competent person' at the appropriate intervals and submitted to the council. A competent person would be one of the following:
- i) A professionally qualified electrical engineer
 - ii) Member of the Electrical contractors Association (ECA)
 - iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting (NICEIC).

Record Keeping

13. Records including name, address, age, date & type of treatment received shall be kept for all treatments, for a period of at least 3 years in regards to customers. See paragraph "Challenge 25" below for further details.
14. Any contra-indications e.g. Heart conditions, diabetes, epilepsy etc for each treatment will be discussed with the client prior to any treatment, and the client shall sign a record card to say that they have been made aware of the risks involved.
15. A record of the operative providing the treatment for each customer is to be kept.

Challenge 25

16. Any person wishing to receive a licensable treatment will need to provide proof of their age if they look under 25.
17. Licensees must advertise this policy so that all clients are made aware that they may be challenged about their age if they look under 25. Signage shall be displayed at the entrance to the premise where the treatment is to be carried out to inform customers that an agecheck "Challenge 25" applies and proof of age may be required.

Acceptable forms of ID are a photo driving licence, passport or the PASS hologram proof of age card such as the Southwark Proof of Age (SPA) card.

18. Where a challenge is made, it must be recorded in a register of refused or accepted treatments in order to demonstrate effective operation of the policy. Proof of age should also be noted on the client's record card, where appropriate. The register and client record cards shall be available for inspection at the premise by Southwark Council's authorised officers.

Maintenance

19. All systems i.e. fire safety equipment, boilers, etc provided in the premises shall be maintained regularly by competent persons, and records available on site for inspection.
20. All equipment used in connection with special treatments shall be serviced/ maintained in accordance with the manufacturers/suppliers recommendation, and records kept.
21. Bench top sterilisers shall be calibrated and maintained in accordance with the Manufacturers recommendations and records available on site.

Training

22. All persons carrying out special treatments shall have received suitable training in the treatments being undertaken and also use of any relevant equipment.
23. All persons involved with taking bookings, reception of clients or carrying out of special treatments shall be given training on the agecheck policy, "Challenge 25"
24. Written evidence of all training (including the date of that training) shall be available on the premises for inspection.

Persons who can give treatment

25. Except as provided by 26 below, treatment shall only be given by qualified persons who have been approved by the Council and in respect to whom two identical full face passport size photographs taken within the twelve month preceding the application for approval, have been submitted to the Council.
26. Treatment may also be given by other persons provided:
 - (i) the person giving treatment is under the personal supervision of a person approved by the Council; and
 - (ii) the Council's consent has first been obtained in writing and is current at the time of treatment.

It must be understood that before any new treatment or new operator is provided at the premises consent from the Council must be obtained. Council Enforcement Officers or the Police can inspect the premises and any if any treatments or operatives are being provided that are not on the licence they will be required to stop immediately and enforcement action may be taken against the licence holder that can include prosecution. This may also place the special treatments licence for the premises in jeopardy.

PART III - RULES WHICH APPLY TO ALL TREATMENTS

Restriction on Treatment

27. Unless otherwise expressly permitted by the Council, when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment, and persons of the opposite sex may not be present.

Personal Hygiene

28. Any person carrying out any special treatment must ensure that:

- (i) hands are kept clean and are washed immediately prior to carrying out any treatment.
- (ii) any open boil, sore, cut or other open wound is effectively covered by an impermeable dressing
- (iii) No smoking or consuming food and drink shall be undertaken during the course of the treatment.

Waste Material

29. A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises. The receptacles shall be emptied whenever this becomes necessary.

Needles and sharps

30. All needles and sharps used in treatment shall be placed after use in a separate, covered and leak proof container compliant with BS 7320 and UN 3291 and shall be disposed of when full as clinical waste, and proof shall be provided as to the method of disposal to the satisfaction of the Council.

Anaesthetic

31. Administration of local anaesthetic injections other than by medically qualified practitioners is an offence. Under the Medicines Act 1968, local anaesthetic creams, sprays, gels etc. are prescription only medicines and pharmacy medicines which may only be sold by pharmacists for medical application on the patient only. Their use prior to a body piercing is therefore an offence.

Control of Substances Hazardous to Health Regulations 2002

32. Substances which fall under the above Regulations e.g. Barbicide, bleach, nail monomers etc shall be assessed in accordance with the requirements of those Regulations and all the necessary precautions taken to ensure their safe use and storage.

Aftercare

33. Each client shall be provided with written aftercare advice for each treatment they receive, and confirmation of this should be recorded on their client record card.

PART IV - Rules which apply to safety and maintenance

Maintenance of Means of Escape

34. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and identifiable in accordance with the approved arrangements.
35. Any mirrors, pictures, advertisements or notices which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line, i.e. 2 metres above the floor.
36. Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of the premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.

Maintenance of Exits

37. All exit doors shall be available for egress during the whole time that the public are on the premises.

Fire Alarms

38. Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.

Fire Fighting Equipment

39. All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.

Non-Slippery Surfaces

40. All gangways and exitways and the treads of steps and stairways shall be maintained with non slippery and even surfaces.

Edges of Steps

41. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

Floor Coverings

42. All floor covering shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

Curtains, Hangings, Upholstery Decorations etc

43. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where

necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

Ventilation

44. The licensee shall ensure that the premises are adequately ventilated to all areas of which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720, 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

- *Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.*

Sanitation

45. The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and public and in particular shall :

- (i) maintain each sanitary convenience in clean and efficient order;
- (ii) ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean;
- (iii) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water at a suitably controlled temperature; together with an adequate supply of soap and suitable hand drying facilities;
- (iv) ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc. so that satisfactory sanitation can be maintained;
- (v) where appropriate the sanitary accommodation shall be adequately indicated.

Sanitary Condition of Premises

46. All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

Treatment Room

47. Each treatment room shall :

- (i) be maintained in a clean and structurally sound condition;
- (ii) be adequately illuminated and ventilated;
- (iii) be provided with suitable wash-hand basin or basins readily accessible to each treatment room with a suitable supply of hot and cold water, together with soap and either a supply of disposable towels or a clean towel at all times.
- (iv) suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained;
- (v) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

Cleanliness

48. Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.

Lighting

49. The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.
50. The general lighting shall be maintained alight and the lighting to "EXIT" or "WAY OUT" notices shall not in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installation

51. The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Heating

52. All parts of the premises regularly occupied by the public or employees shall be heated to the satisfaction of the Council.

Portable Heating Appliances

53. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

Gas Cylinders

54. Appliances utilising cylinders or containers of gas under pressure (apart from CO² cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

NOTE: the use of liquid petroleum gas in cylinders is unlikely to be approved.

Gas Installations

55. The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984, or superseding regulations should they apply.

Gas Meter and Electrical Intake Enclosures

56. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

PART V - CONDITIONS APPLYING TO LARGER PREMISES ONLY WHERE THE COUNCIL SO PRESCRIBES

Electrical Certificates

57. Unless otherwise decided by the Council an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

NOTE: Certificates submitted under this regulation are retained by the Council.

58. The Council normally requires that any such certificate shall be signed by the Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

Escape Lighting

59. The escape lighting installation, including its load, shall not be altered without the consent of the Council..
60. Any escape lighting battery shall be fully charged before the admission of patrons.
61. If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.
62. The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.
63. In the event of the failure of the normal system of lighting, (i) where the escape lighting has a 1 hour capacity the public shall be required to leave the building within a maximum period of 30 minutes and (ii) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

Diagram of Wiring

64. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits, the position of the distribution boards and the sizes of the cables shall be provided on the premises.

Installation for Unlicensed Portions of Premises

In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

PART VI - CERTIFICATION REQUIRED TO BE AVAILABLE AT THE LICENSED PREMISES**Electricity**

65. All applicants and licence holders are required to hold valid documentation confirming the safety of the fixed wiring throughout the premises. All works must be carried out by a competent electrical engineer in accordance with the Electricity at Work Regulations 1989. e.g. NICEIC 'Periodic Inspection Report For An Electrical Installation'.

Sterilisers

66. All applicants and licence holders are required to hold valid documentation confirming the safety/calibration of all sterilisers which are used in connection with the business e.g. autoclaves, ultrasonic cleaners, ultra violet cabinets etc. All works must be carried out by a competent engineer.

Controlled Waste

67. All applicants and licence holders shall hold a copy of the licence of the contractor who is removing the controlled waste.

68. Copies of transfer documents for the removal of controlled waste should also be held.

Insurance

69. A copy of the employers liability (where applicable) and public liability certificates should be available for inspection.

Training

70. All certificates of qualification relevant to the licensed treatments shall be available for inspection.



Briefing Report:

Health and Safety in UK Nail Salons

Place and Wellbeing Department: Public Health

Author: Dr Kerrie Stevenson (Registrar)

Last updated: 22 November 2019

Introduction

The beauty and cosmetics industry contributed £27.2 billion to the UK economy in 2018 (1). Between 2017 and 2018 an additional 166 nail salons opened on UK high streets (1). Across the UK, an estimated 1,000 - 1,500 people are employed as nail technicians, but the actual figure is likely to be much higher owing to a large number of seasonal workers, crossover work with other beauty services such as waxing and hairdressing, and a large number of undocumented workers (1, 2). An estimated 89.3% of employees are women, the majority of whom are reproductive age (2). To the author's knowledge, there is no data relating to the number of nail salons in Southwark, or the number of local people employed in the industry.

There are growing concerns about the health and safety of nail salon employees and their clients; and unfortunately there is a marked lack of data relating to health and safety concerns in UK nail salons. The data that does exist tends to focus on musculoskeletal disorders and chemical exposures (3-5). Concerns relating to people trafficking, exposure to noxious chemicals, musculoskeletal disorders and transmission of infectious disease mean that there is an increasing need to consider how the industry can be better regulated (3, 6). There is more data available from the US nail industry, which highlights similar concerns including poor workers' rights and concerns about people trafficking within the industry (7-9). Regulation and licencing of nail bars in the UK is largely voluntary, meaning there are few incentives to improve health and safety standards and workers' rights within the industry (6).

This briefing paper will provide a broad overview of the issues relating to health and safety in UK nail salons as well as suggestions for improved data collection and regulation.

Workers' Rights and People Trafficking

Within the UK, there are an estimated 13,000 modern slaves working in a number of industries but the exact number is unknown (10, 11). To the author's knowledge, there is no specific data relating to the number of people working in UK nail salons who have been trafficked or may be at risk of trafficking. However, there a large number of anecdotal reports citing this as a major issue across the country (6, 12, 13). There are also reports of nail salons being used as a cover for prostitution or drug dealing, as well as employing children from various countries including Vietnam and China (6, 10). Owing to high rates of illegal workers and seasonal workers within the industry, there are few rights for workers. A US study highlighted issues relating to poor engagement with and access to the healthcare system amongst immigrant nail workers in the US (8). Within the UK, it is thought that many employees are working illegally, without contracts and getting paid in cash (13). As a result, they are not protected by a union or offered paid annual or sick leave. There is an urgent need for better data relating to these practices in salons across the UK, and a need for interdisciplinary working to tackle these issues.

Musculoskeletal Disorders

Musculoskeletal (MSK) disorders are responsible for a loss of an average of 13.8 days of work per person in UK, making it the second largest cause of work-related ill health after mental illness (14). A report published by the UK Health and Safety Executive in 2008 highlighted issues relating to MSK disorders amongst nail salon workers (3). 71 nail technicians from across the UK were interviewed about their health at work, and this was compared with a group of 64 office-based controls. There is a large burden of musculoskeletal disorders in this group, with 38% (27 out of 71) of nail salon workers reporting shoulder problems compared to 3% (2 out of 64) of office workers. In addition, 21% (15 out of 71) of nail salon workers reported

lower back problems, compared with 6.3% (4 out of 64) of office workers. There is a need for further research to explore rates of MSK disorders amongst these workers, and potential workplace interventions to prevent injuries.

Chemical Exposures and Dermatological and Respiratory Illness

The nail industry uses a number of chemicals which can cause diseases of the skin and respiratory systems. One of the most dangerous is ethyl methacrylate (EMA), a compound used in artificial nail extensions (15). A similar compound, methyl methacrylate (MMA), has been banned in the US since 1974 and is linked to a number of illnesses including asthma, allergies, contact dermatitis and conjunctivitis (4). Although not banned in the UK, salons should be using EMA instead of MMA. The Health and Safety Executive's study, which was published in 2008 and referenced above, found that just 5.6% of the salons (4 out of 71) were using MMA (3). All technicians interviewed said they used personal protective equipment (PPE) when using products containing EMA or MMA; this included gloves, masks and natural ventilation, but the precautions taken were not standardised or adequate in all settings. 21% (15 out of 71) of nail technicians reported work-related nasal symptoms compared to 3.1% (2 out of 64) of office workers. 10% (7 out of 71) reported a work-related cough compared to 2% (1 out of 64) of office workers, and 11% (8 out of 70) reported work-related chest tightness compared to 2% (1 out of 63) of office workers. In addition, 7% (5 out of 71) reported work-related eczema compared to 0% (0 out of 64) of office workers. More research is needed to understand the scale of MMA and EMA use in nail salons across the UK, as well as better understanding of health conditions caused by working with commonly used chemicals. There is a need for better regulation of ventilation procedures, PPE and healthcare for these workers who may be at increased risk of a number of illnesses as a result of their occupation.

Transmission of Infectious Diseases

There are a number of potential avenues for transmission of infectious disease in the nail salon environment. These include transmission of nail and skin infections, and blood-borne infections. The Health and Safety Executive's study, which was published in 2008 and referenced above, demonstrated that 70% (49 out of 70) of

the nail salon workers interviewed had encountered a client with a nail infection (3). 78% (38 out of 49) reported that they would not treat a client if they had a nail infection on their natural nails, and 57% (28 out of 49) said they would suggest the client visited their GP for treatment. Just 24% (17 out of 71) of technicians said they would refuse to treat a client if they had a wart. 17% (12 out of 71) said they would work around the area. When dealing with clients with cuts or sores, the common response was for technicians to avoid the area (47%, 33 out of 71). 47% (33 out of 71) said they would cover the area with a dressing.

If a technician had caused a patient to bleed as a result of treatment, 86% (61 out of 71) said they would stop the bleed with pressure, clean and then cover it. Only 66% (47 out of 71) said they would then sterilise or disinfect the tool they had been using. Technicians commonly used the word 'sterilise' to mean disinfect or sanitise with a substance such as alcohol. 80% of all technicians cleaned tools with alcohol fluid or spray only. Amongst all technicians there was poor understanding of the meaning of the word 'sterilise' and most salons did not possess sterilisation equipment (such as bench-top steriliser or autoclave). It should be noted that in this study, bleeding was a rare event with less than a tenth of the study population reporting this as ever having happened. Nonetheless, there is a risk of transmission of blood-borne viruses in these settings including HIV and hepatitis B and C. Various cases have been reported across the world, including in the UK (3, 16, 17). In 2018, the Middlesex-London Health Unit asked customers using a nail bar in a shopping centre to consider getting tested for Hepatitis B, C and HIV after a client had tested positive for a blood borne infection (18). There is also growing concern about transmission of skin infections including *Staphylococcus aureus*, particularly to immunocompromised individuals such as young children and those on chemotherapy who may be particularly susceptible to infection (19). In light of these concerns, and case reports of transmission of infection, local authorities and the UK government must take action to mitigate risks of transmission of infections in the nail industry.

Recommendations

- Initiation of a study to assess the scale of health and safety concerns present in nail salons within the London Borough of Southwark.

- Contact other boroughs and national bodies to glean any unpublished data that would help to gain a better understanding of the scale of the problem on a local and national level.
- Working together with colleagues in licencing, environmental health, healthcare, national government, non-governmental organisation and occupational health, public health teams should consider the practical implications of these concerns. This includes official licencing and better training, inspections and workers' rights across nail salons in the borough. Any models for change should be widely shared with colleagues in other boroughs.
- Suggestions for potential licencing standards include health and safety equipment assessments; regulation of PPE, sterilisation techniques, products used, first aid techniques and workers' rights / immigration status standards.

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